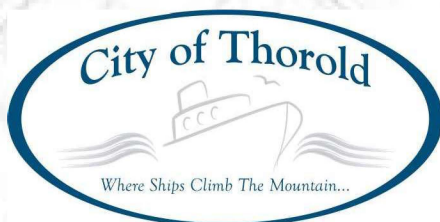


CITY OF THOROLD ZONING BY-LAW

BY-LAW NO. 60-2019

Schedule 1 of By-law No. 60-2019

ENACTED BY CITY COUNCIL: MAY 7, 2019



Part A: Preamble

1. Introduction

This preamble explains the purpose of this Zoning By-law (“By-law”) and how it should be used. While this preamble does not form part of the By-law passed by Council, it is intended to make the By-law more understandable and easier to reference.

2. Purpose of this Zoning By-law

The purpose of this By-law is to implement the policies of the City’s Official Plan.

The Official Plan contains policies that affect the *use* of land throughout the municipality. These policies specify where certain land *uses* are permitted, and in some instances, specify what regulations apply to the development of certain *lots*.

The Official Plan does not regulate the dimensions or resulting built form on a *lot*-- this is generally the role of a Zoning By-law. However, the Zoning By-law must conform to the City’s Official Plan that is in effect.

For example, if the City’s Official Plan states that lands in the vicinity of a significant *natural heritage feature* are to remain and not be disturbed, the Zoning By-law would prohibit the construction of *buildings* or *structures* on those lands.

This By-law replaces the existing City’s Zoning By-law, as amended.

The statutory authority to zone land is granted by the *Planning Act, R.S.O. 1990*, as amended. The Act specifies what a Zoning By-law can regulate. A zoning by-law can:

- prohibit the use of a *lot* or *buildings* for any *use* that is not specifically permitted by the zoning by-law;
- prohibit the construction or siting of *buildings* and *structures* on a *lot* except in locations permitted by the zoning by-law;
- regulate the type of construction and the *height*, bulk, location, size, *floor area*, spacing, and *use* of *buildings* or *structures*;
- regulate the *minimum lot frontage* and *lot depth*;
- regulate the proportion of a *lot* that any *building* or *structure* may occupy;

- regulate the *minimum* elevation of doors, windows or other openings in *buildings* or *structures*;
- require parking and loading facilities be provided and maintained for a purpose permitted by the by-law; and,
- prohibit the *use* of lands and the construction of *buildings* or *structures* on land that has environmental or archaeological constraints.

3. Description of By-law Components

This By-law contains 15 Parts.

The purpose of each part is described below.

Part 1 – Administration and Interpretation

This section of the By-law specifies:

- Where this By-law applies;
- Penalties associated with contravention of the By-law;
- How the words and abbreviations in the By-law are to interpreted;
- How to interpret the boundaries of the *zones*; and,
- Which by-law to apply to applications that were submitted prior to this By-law coming into effect.

Part 2 - Definitions

Definitions in this section provide clarity and consistency in the implementation of this By-law.

Part 3 – General Regulations

This section contains a number of regulations that apply to certain types of *uses*, *buildings* or *structures* regardless of where in the municipality or in what *zone* they are located.

For example, this section contains regulations on *second dwelling units* including where they are permitted, how much area they are allowed to occupy, as well as parking requirements.

Part 4 – Parking and Loading Requirements

This section provides regulations dealing with the number of *parking spaces* required for *uses*, *barrier-free parking spaces*, minimum *parking space* size, *short-term* and *long-term bicycling parking* requirements and *loading space* requirements.

Part 5 – Establishment of Zones

This section sets out the *zones* and a list of the *uses* permitted in each *zone*. If a *use* is not specifically listed as a permitted *use* in a *zone* then it is not permitted. In some *zones*, certain *uses* are only permitted under specific circumstances or only as *accessory* to other permitted *uses*.

Parts 6-12 – Zone Categories (Permitted Uses and Zone Regulations)

This section lists the *uses* that are permitted in each *zone* and contain a number of regulations that control the location and character of *buildings* and *structures* and includes, but is not limited to, *minimum lot* size requirements, *minimum setbacks* from the *lot line* to *buildings* or *structures* and *building height* (i.e. *minimum* and *maximums*).

Part 13 – Site Specific Exceptions, Holding Provisions, and Temporary Use Regulations

This section provides a consolidated list of *lots* that have exceptions to the normal *zone* requirements of this By-law, *lots* that have a holding (H) provision applied, and *lots* where temporary *uses* are permitted. *Lots* subject to exceptions and/or holding (H) provisions are identified on the map schedules in Appendix “A”.

Part 14 – Area Specific Regulations

This section provides a list of four area specific regulations: Source Water Protection Area, Solid Waste Disposal Assessment Area, Greenbelt Natural Heritage Area, and Natural Heritage Feature Buffer Area. Land subject to the area specific regulations are identified on the map schedules in Appendix “A”.

Part 15 – Effective Date

This section indicates the date that this By-law came into effect.

Appendix A – Map Schedules

This section contains maps of the *City* showing the zoning of each *lot*.

Appendix B – Illustrations

This section contains illustrations to assist in the interpretation of Part 2- Definitions.

Appendix C – List of Amendments to this By-law

This section contains a list of by-laws passed following the date this By-law came into effect that amend this By-law.

Part 1 | Administration and Interpretation

1.1 Title

This By-law may be cited as “the Zoning By-law” for the *City*.

1.2 Administration

This By-law shall be administered by the City’s Director of Planning and Development Services or designate.

1.3 Defined Area

This By-law applies to all lands within the City of Thorold except for those lands subject to the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended. Lands within the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended, are subject to the regulations made pursuant to the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended.

1.4 Definitions

Unless otherwise defined in Part 2 - Definitions, the words and phrases used in this By-law have their common meaning.

Italicized words throughout this By-law are defined in Part 2- Definitions with the exception of legislation references.

1.5 Schedules

The Schedules attached to this By-law form part of this By-law. Schedule “A” shows the *zones* and *zone* boundaries.

1.6 Compliance with this By-law

- a) No *person* shall *use* any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with all applicable provisions of this By-law.
- b) No *person* shall change the purpose of which any land or *building* or *structure* is *used* or *erect* any new *building*, *structure* or *addition* to any *existing building* or *structure* or sever any lands from an *existing* parcel if the effect of such action is to cause the original adjoining or remaining *buildings*, *structures* or lands to be in contravention of this By-law.
- c) Any *use* not specifically permitted by this By-law is not permitted. A *use* defined in Part 2 – Definitions but not identified as a permitted *use* in any *zone* or by a site specific exception is not permitted.

1.7 Enforcement

Any person or corporation that contravenes any regulation of this By-law is guilty of an offense and upon conviction is liable to the penalties as provided for in the *Planning Act, R.S.O. 1990*, as amended.

1.8 Severability

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other regulations or parts of the regulations of this By-law.

1.9 Clarifications and Convenience

- a) In this By-law, the following abbreviations are used:
 - i) “m” means metres;
 - ii) “ha” means hectares; and,
 - iii) “m²” means square metres.
- b) Examples, margin notes, and illustrations are for the purpose of explanation, clarification, and convenience and do not form part of this By-law.
- c) Any numbers in parentheses following any item in any table indicates that one or more additional regulations apply to the *use*, *zone*, or standard indicated. These additional regulations are listed below the applicable table.
- d) The following character styles are provided for the purpose of convenience. Their usage or omission shall not be considered an interpretive statement by the *City*:
 - i) Terms that are defined in Part 2 - Definitions of this By-law have been italicized.
 - ii) Titles of Federal or *Provincial* legislation have been italicized but not defined.
- f) Any reference to legislation or regulations or sections thereof approved by another *public authority* shall include any amendments to or successions thereof.
- g) In this By-law:
 - i) Words used in the present tense include the future and vice versa;
 - ii) Words used in the singular number include the plural and vice versa;
 - iii) The word "*used*" includes arranged, designed or intended to be *used*; and,
 - iv) The word “shall” signifies a mandatory requirement.

- h) In this By-law, illustrations are provided to assist in the reader's understanding of the term or concept and do not form part of the Zoning By-law.

1.10 Relationship to Other Laws and Regulations

- a) Nothing in this By-law shall exempt any person from any obligation to comply with the requirements of any other municipal, *regional*, *provincial* or federal law, by-law or regulation. Without limiting the generality of this section, this includes compliance with the Ontario Building Code (Ontario Regulation 350/06), and the permitting regulations of the Niagara Peninsula Conservation Authority (Ontario Regulation 155/06).
- b) In the event of conflict between this By-law and any other by-law, regulation or law, the more restrictive requirements shall apply.

1.11 Interpretation of Zone Boundaries

Where determining *zone* boundaries as shown on the Schedules forming part of this By-law, the following shall apply:

- a) A boundary indicated as following a *street*, *lane*, railway, *highway corridor*, right-of-way, *utility corridor*, *unimproved road* allowance, or *watercourse* shall be understood to be the centre-line of the applicable feature;
- c) An environmental *zone* (EP1, EP2, EP3) boundary indicated as following the limits of a *natural heritage feature* or *natural hazard lands* shall follow such limits as located through survey or other similar means. In the event of a natural change to the limits of a *natural heritage feature* or *natural hazard lands* defined more precisely through Watershed Studies, Environmental Planning Studies or Environmental Impact Studies (EIS), or mapping approved by the Niagara Peninsula Conservation Authority and other government or regulatory authority, the environmental *zone* (EP1, EP2, EP3) boundary shall move with the change to the limits as so defined.
- d) A boundary shall follow a shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- e) A boundary indicated as following the municipal boundaries of the *City* shall follow such municipal boundary;
- f) A boundary indicated as following the limit of lands regulated by the *Niagara Escarpment Planning and Development Act, R.S.O.1990*, as amended, then this limit shall be the *zone* boundary; and,
- g) Where none of the above provisions apply, the *zone* boundary shall be scaled from the mapping schedules forming part of this By-law.

1.12 Split Zoning

- a) Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be subject to the applicable *use* permissions and regulations for the applicable *zone* applying to that portion of the *lot*.
- b) *Notwithstanding* subsection (a) above, *parking spaces* and *stacking spaces* required by this By-law may be provided anywhere on a *lot* that falls into two or more *zones* except that portion of a *lot* in any environmental *zone*.
- c) A *zone* boundary dividing a *lot* into two or more *zones* is not a *lot line* for the purposes of this By-law.

1.13 Special Zone Symbols

1.13.1 Site Specific Exception Zones (-X)

Where a *zone* symbol shown on Schedule “A” is followed by a dash (-) and a number (e.g., -1), the lands shall be subject to the site specific exceptions under the relevant *zone* category. The lands shall be subject to all regulations of the relevant *zone* category and all other regulations within this By-law except as otherwise stated in the site specific exceptions.

1.13.2 Holding Symbol (H)

Where any *zone* symbol is followed by a holding (H) symbol, the lands shall be subject to a holding provision. The requirements to satisfy the removal of the holding (H) symbol shall be identified within Part 13 – Site Specific Exceptions, Holding (H) Provisions, and Temporary Uses.

1.14 Public Uses

1.14.1 Nothing in this By-law shall prevent the use of any land, nor the erection and use of any building or structure for any public use, undertaking, purpose or service, including linear walkways, recreational, athletic, social and community purposes or services by the Corporation, by a local Board thereof as defined in the Municipal Act, by the Regional Municipality of Niagara, by any Ministry or department of the governments of Ontario or Canada, by Ontario Power Generation Inc., St. Lawrence Seaway Management Corporation, or any railway company or by any telephone or gas company.

1.154 Transition Provisions

1.154.1 Nothing in this By-law shall prevent the development or *use* of a *lot*, *building(s)* or *structure(s)* for which a complete application as per the Ontario Building Code, as amended for a building permit was received by the *City* on or before the date of passing of this By-law, if the development or *use* complies with the regulations of the Zoning By-law that affected the *lot*

before ~~this By-law came into effect~~, the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law.

1.154.2 Where a complete application was received by the City prior to approval of the by-law by the Local Planning Appeal Tribunal ~~the effective date of this By-law~~ for the development or use of a lot, building(s) or structure(s), approval may be granted, if the application meets the Zoning By-law that affected the lot before ~~this By-law came into effect~~ the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law for the following applications:

- a) Minor variance pursuant to Section 45 of the *Planning Act*, R.S.O.1990, as amended;
- b) Site plan control pursuant to Section 41 of the *Planning Act*, R.S.O.1990, as amended;
- c) Consent pursuant to Section 53 of the *Planning Act*, R.S.O.1990, as amended; or,
- d) Part lot control exemption pursuant to Section 50 of the *Planning Act*, R.S.O.1990, as amended.

1.154.3 Where the development or use of a lot, building(s) or structure(s) qualifies under Section 1.153.2, a building permit may be issued after final approval is received for all required applications and if the development or use complies with the provisions of the Zoning By-law that affected the lot before ~~this By-law came into effect~~ the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law.

1.15.4 Section 1.15.1, 15.2, 15.3, 1.15.4 ~~are~~ repealed ~~in its entirety~~ three five years from the date of enactment of this By-law.

1.145.5 Section(s) of the By-law that are approved by the Local Planning Appeal Tribunal shall only be effective as of the day after the Section(s) was approved by the Local Planning Appeal Tribunal.

Part 2 | Definitions

Abutting: means a *lot line* that has any point in common with another *lot line* that is not part of a *street line*. *Abut* shall have a corresponding meaning.

Abandoned: means a failure to complete work within one year from issuance of a valid building permit for repair, rehabilitation, or construction of a *building* or *structure* on site and/or if the *building* or *structure* does not comply with all codes, contributes to blight, and is not ready for occupancy.

Accessory Building or Structure: means a detached *building* and/or *structure* that are incidental and secondary or subordinate to the *principal/primary use(s)* on the same *lot*.

Accessory/Ancillary Use: means a *use* subordinate and incidental to the *principal/primary use(s)* on the same *lot*.

Addition: means any expansion or increase in area of a *building* or *structure*.

Adult Entertainment Establishment: means any indoor *premises* or part thereof in which is provided, in pursuance of a trade, calling, business, occupation or services appealing to or designed to appeal to erotic or sexual appetites or inclinations including strip clubs and *body rub parlours*.

Establishments that retail adult oriented goods; and, services which are provided by a provincially licensed registered professional, such as a registered massage therapist, are not included.

Affordable Housing: as defined in the Provincial Policy Statement, 2014, means:

- a) In the case of ownership housing, the least expensive of:
 - i) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 % of gross annual household income for low and moderate income households; or,
 - ii) Housing for which the purchase price is at least 10 % below the average purchase price of a resale unit in the regional market area.
- b) In the case of rental housing, the least expensive of:
 - i) A unit for which the rent does not exceed 30 % of gross annual household income for low and moderate income households; or,
 - ii) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

For the purpose of this definition: Low and moderate income households means, in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for—

the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.

Agricultural Use: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm *buildings* and *structures* located on the same *lot*, including, but not limited to livestock facilities and manure storages.

Agricultural uses include: cropland, feedlot, Christmas trees and nurseries, barns, manure storages and other associated *buildings* and *structures*, grain dryers and feed storages, accommodation for full-time farm labour, cold storage for the farm's own use only, and *greenhouse* for growing plants, but does not include a *licensed marijuana production facility* or the storage of fill.

Agri-tourism Use: means those farm-related tourism *uses*, including limited accommodations such as a *bed and breakfast*, which promote the enjoyment, education or activities related to the farm operation.

Agri-tourism uses include: *winery*, *cidery*, small-scale *micro-brewery* (appropriate servicing must be available for above uses) and related *restaurants*, cooking classes, food store, road side produce stands, pick your own facilities, agriculture related special event facilities, farm mazes, and hayrides.

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

Agriculture-related uses include: *farm produce stand*, cold storage and distribution centres serving operations in the area, processing of produce grown in the area, grain dryer farm operations, agricultural research centre, farm equipment repair shop, *farm implement dealer*, auction for produce grown in the area, and farm input supplier.

Aisle: means an internal *motor vehicle* route immediately adjacent to a *parking* or *loading space* which provides vehicular access to and from the *parking* or *loading space*, but does not include a *driveway*.

Alter: when used in reference to:

- a) a *building* or *structure* or portion thereof, means any changes in a bearing or non-bearing *wall*, partition, column, beam, girder, or other supporting member of a *building* or *structure*, or any increase or decrease in the area of a *building* or *structure*; or,
- b) a *lot*, means to change the *frontage*, depth or area of a *lot* or to change the *frontage*, depth or area of any *required yard*, *setback*, *landscape open space area* or *parking area/lot*, or to change the location of a boundary of such *lot* with respect to a *public street* or *Jane*, whether such *alteration* is made by conveyance or alienation of any portion of said *lot*, or otherwise.

The words <i>altered</i> and <i>alteration</i> shall have a corresponding meaning.
Amenity Area: means an area for outdoor recreation or leisure, including <i>yards, balconies, decks, patios, porches</i> , and/or a <i>terrace</i> but does not include a <i>parking area/lot</i> .
Ancillary Residential Services: means the common indoor areas located within a <i>building</i> which are accessible, designed for, and intended primarily for access, dining, or recreational purposes (i.e. communal kitchen facilities, library, recreation room) for the occupants of a <i>building</i> and includes stairs, lobbies, elevators, mechanical facilities, storage, and facilities for a concierge.
Animal Shelter: means <i>premises</i> , including outdoor areas, <i>used</i> for the care of lost, abandoned, rescued or neglected animals.
Apartment Dwelling: see <i>dwelling</i>
Apartment Building: means a <i>building</i> with five or more <i>dwelling units</i> which have a common entrance to the exterior and common halls, stairs, elevators and <i>yards</i> .
Arena: means <i>premises</i> or part thereof where facilities are provided primarily for athletic or recreational events.
Art Gallery: means a <i>building</i> or part thereof <i>used</i> for the display and sale of portrait and commercial photography, painting, sculpting, or other forms of art and craft making.
Attached Building: means a <i>building</i> which shares a roof, <i>breezeway</i> , or <i>common wall</i> with an adjacent <i>building</i> or <i>buildings</i> .
Attic: means the portion of a <i>building</i> situated wholly or partly within the roof, which is not used as a <i>habitable room</i> , and which is not a one-half <i>storey</i> .
Auctioneering Establishment: means <i>premises</i> where goods, but not the sale of livestock, are sold to the highest bidder.
Awning: means a roof like cover cantilevered from the <i>wall</i> of a <i>building</i> which does not enclose a space.
Bake Shop: means a <i>building</i> or part thereof wherein the <i>principal</i> activity is the retailing of baked goods, including incidental baking of products for retail sale on the <i>premises</i> .
Bakery: means a <i>building</i> or part thereof wherein the <i>principal</i> activity is the baking of goods, including the preparation, storage, wrapping and packing and other activities associated with the preparation for sale and distribution.

Balcony: means a <i>platform</i> projecting from the facade of a <i>wall</i> or <i>walls</i>, <i>cantilevered</i> or supported by columns or brackets, located above the ceiling height of the <i>first storey</i> of a <i>building</i>
Barrier-free Parking Space: means a <i>parking space</i> designated and signed for the exclusive use of <i>motor vehicles</i> that has and properly displays the applicable <i>motor vehicle</i> permit. See also the definition for <i>Parking Space</i>.
Basement/Cellar: means that portion of a <i>building</i> with more than one-half its <i>height</i> from finished floor to finished ceiling below the <i>established grade</i> level or that portion of the <i>building</i> that is entirely underground. That portion of a <i>building</i> with less than one-half its <i>height</i> from finished floor to finished ceiling below the <i>established grade</i> level is considered a <i>storey</i>. See also the definition for <i>Walkout Basement</i>.
Bed and Breakfast: means the use of a <i>single detached, semi-detached, or townhouse dwelling</i>, occupied by the owner(s), and used for the rental of up to three (3) rooms to the travelling public for overnight accommodation no longer than twenty-eight (28) consecutive days, and meals are served to overnight guests
Bed-sitting Room: means a room used as a separate living accommodating that has a primary entrance from a hallway inside a <i>building</i> and may have sanitary facilities but not food preparation facilities.
Berm: means a landscaped mound of earth.
Block: means all land between the nearest <i>street</i> intersections.
Body Rub Parlour: means <i>premises used</i> for services including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.
Breezeway: means a roofed, unenclosed passageway connecting a <i>dwelling</i> and a <i>private garage</i> or connecting multiple <i>buildings</i>.
Brewing on Premises Establishment: means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the <i>premises</i>; and where beer, wine and/or cider ingredients and materials are purchased.
Building: means any <i>structure</i> used for the shelter of persons, animals, goods or equipment and having a roof which is supported by columns or <i>walls</i>, but shall not include a <i>trailer</i>, truck camper, or <i>motor home</i>.
Building Depth: means the distance between the outermost front and rear <i>building walls</i> but where the front and rear <i>building walls</i> are not parallel, the <i>building depth</i> is the length of a line joining the midpoints of such <i>walls</i>, and excludes stoops, <i>decks</i>, <i>porches</i>, <i>balconies</i>, exterior steps

or architectural adornments but does not include <i>dwelling unit depth</i> . See also the definition for <i>Dwelling Unit Depth</i>.
Building Line, established: means the existing <i>setback</i> of an existing <i>main building</i> on a <i>Jot</i> , measured between the <i>street</i> line of the said <i>Jot</i> and the nearest part of the existing <i>main building</i> excluding any stoops, <i>decks</i> , <i>porches</i> , <i>balconies</i> , exterior steps or architectural adornments.
Building Supply Outlet: means <i>premises used</i> for the storage, sale, rental and lease of equipment and supplies <i>used</i> in construction such as lumber, millwork, siding, plumbing, electrical, heating and cooling equipment and similar commodities.
Built Heritage Resources: means one or more significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.
Campground: means an area used for an overnight camping in <i>tents</i> including <i>accessory</i> facilities which support the <i>use</i> such as administration <i>offices</i> , laundry facilities, washrooms, recreational facilities but does not include a <i>mobile home park</i> or a <i>tent and trailer campground</i> . See also the definition for <i>Tent and Trailer Campground</i>.
Canopy: means a protective roof like covering of fabric or similar material mounted on a frame.
Cantilever: means any projection beyond the foundation of a <i>building</i> , whether or not such projection is essential to the support of the <i>main wall</i> , and includes corner sills, belt courses and cornices.
Carport: means a partially enclosed <i>structure</i> with a roof for the storage of one or more private <i>motor vehicles</i> . <i>A carport attached to a main building shall be deemed part of the main building and not accessory thereto.</i>
Casino: means <i>premises</i> primarily engaged in gambling activities, for money or other items of value, and offering games of chance, such as card games, dice games, wagering, and game machines or devices, but does not include a <i>place of entertainment</i> .
Catering Establishment: means <i>premises</i> where food is prepared and delivered elsewhere to be consumed.
Cemetery: means lands that are set aside to be used for the interment of human remains under the <i>Funeral, Burial and Cremation Services Act, R. S. O. 2002</i> , as amended, and may include a <i>co/umbarium</i> , mausoleum, crematoria, and crypt.

Chimney: means a vertical <i>structure</i> incorporated into a <i>building</i> and enclosing a flue or flues that carries off smoke and includes the firebox.
Chord: means a straight line that joins the ends of an arc.
Cinema: means <i>premises</i> for the commercial showing of films within a <i>building</i> and may include accessory refreshment services, but does not include a <i>drive-in theatre</i> .
City: means the Corporation of the <i>City</i> of Thorold.
Clinic: means <i>premises used</i> by qualified <i>medical practitioners</i> , osteopaths or other <i>drugless practitioners</i> , having treatment rooms, laboratories, administrative <i>offices</i> , waiting rooms and facilities for at least one practitioner and <i>used</i> for the public or private medical, surgical, physio-therapeutic or other human health purpose and may have an <i>ancillary</i> dispensary associated with the <i>clinic</i> , but is not a <i>hospital</i> or a <i>pharmacy</i> and does not provide overnight accommodation.
Columbarium: means a <i>structure</i> designed for the purpose of interring cremated human remains in sealed compartments.
Commercial Recreation Facility: means a privately owned sports or recreation establishment operated for <i>use</i> by private members and/or the general public for compensation and includes such <i>uses</i> as a poolroom, bowling alley, ice or roller rink, dance hall, bingo hall, and outdoor <i>recreational uses</i> .
Commercial School: means privately owned <i>premises</i> that teaches such fields as academics, arts, crafts, <i>motor vehicle</i> driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, engineering, computer technology, and any other such specialized school for profit.
Commercial Use: means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the purpose of buying and selling commodities and supplying of services but does not include the manufacturing or assembly of goods, <i>warehousing</i> , <i>transportation terminals</i> , <i>contractor's facilities</i> , and other similar <i>uses</i> .
Commercial Vehicle: means a <i>motor vehicle</i> having permanently attached a truck or delivery body and includes ambulances, hearses, fire trucks, buses, and trucks <i>used</i> for hauling purposes, but does not include a <i>construction vehicle</i> , a <i>Jong-haul transport trailer/transport tractor</i> , or a <i>refreshment vehicle</i> . See also the definitions for <i>Motor Vehicle</i> and <i>Refreshment Vehicle</i>.
Committee of Adjustment: means the <i>Committee of Adjustment</i> of the <i>City</i> , established in accordance with the <i>Planning Act</i> , R. S. O. 1990, as amended.
Common Wall: see <i>wall</i> .

Community Centre: means a multi-purpose facility or part of that facility that is owned and operated by a <i>public authority</i> that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature.
Community Garden: means a communal garden provided for the sole use of the public to produce flowers, herbs, fruits or vegetables and activities associated with gardening, but does not include any processing or packaging, commercial sales, or the raising of livestock or animals including poultry.
Communication Tower: means a <i>structure</i> that is intended for transmitting or receiving television, radio, or telephone communications and does include a <i>communication tower</i> for the personal use of a residential <i>dwelling</i>.
Condominium: means a <i>building</i> or grouping of <i>buildings</i> in which <i>condominium units</i> are held in private ownership and may include <i>condominium common elements</i> that are owned, administered, and maintained by the <i>condominium</i> corporation.
Condominium Common Element: means spaces and features owned in common by all shareholders in a <i>condominium</i> and may include <i>condominium roadways</i>, walkways, sidewalks, <i>parking areas/lots</i>, <i>amenity areas</i>, <i>planting/buffer strips</i>, and <i>ancillary residential services</i>.
Condominium Roadway: means a right-of-way for vehicular and pedestrian access that is privately maintained by a <i>condominium</i> corporation.
Condominium Unit: means that part of the <i>condominium</i> plan that is available for individual ownership. In a vacant land/common element <i>condominium</i>, it means that portion of the <i>condominium</i> plan that contains both the exterior of the <i>dwelling</i> and a portion of the land surrounding the <i>dwelling</i> that is collectively owned as one unit. <i>A condominium unit is not a dwelling unit.</i>
Conservation Area: means an area of land owned by the Niagara Peninsula Conservation Authority (NPCA) or the <i>Province</i> of Ontario.
Conservation Authority: means the Niagara Peninsula Conservation Authority (NPCA).
Conservation Use: means the <i>use</i> of land and/or water dedicated towards the protection, stewardship and management of <i>natural heritage features</i> and functions, hydrological features and functions, ecological features and functions, and for the purposes of this By-law, includes the <i>structures</i> of a <i>public authority</i> used only for managing those features and natural hazards, such as flood and slope control.

Construction Vehicle: means a <i>motor vehicle</i> used for <i>building</i> and construction purposes, such as a dump truck, bulldozer, back-hoe, grader, and ancillary equipment.
Contractor's Facility: means <i>premises</i> where <i>commercial or construction vehicles</i> and equipment are stored and maintained, and may include the wholesale or retail sale of <i>building</i> construction or landscaping supplies, and may include <i>accessory office uses</i> .
Convenience Retail and Service Kiosk: means a <i>building, structure</i> , or part thereof, <i>accessory</i> to a <i>motor vehicle service station</i> and/or a <i>motor vehicle washing establishment</i> where goods are offered for sale and may include <i>accessory/ancillary uses</i> such as a banking machine and a <i>restaurant</i> with or without a <i>drive-through</i> .
Convenience Store: means a <i>retail store</i> where articles for sale are restricted to a limited range of goods, primarily food, toiletries, over the counter drugs, housewares, stationary and other similar daily household necessities, but does not include a <i>supermarket</i> or a <i>convenience retail and service kiosk</i> or a <i>pharmacy</i> .
Corner Lot: see <i>Jot</i> .
Council: means the <i>Council</i> of the Corporation of the <i>City</i> of Thorold.
Correctional Facility: means a jail, prison, or other place of incarceration by government officials to confine and rehabilitate prisoners and may be classified as minimum, medium, or maximum security facilities, or contain separate divisions for such categories of prisoners.
Correctional Residential Care Facility: means a single <i>dwelling unit</i> that is occupied by up to ten (10) persons, exclusive of staff, who are supervised by staff on a daily basis, for persons who have been placed on probation, released on parole or admitted for correctional purposes that is funded, licensed, approved or supervised by the <i>Province</i> of Ontario or Government of Canada.
Crematorium: means a <i>building</i> that is fitted with appliances for the purpose of cremating human remains and that has been approved as a <i>crematorium</i> in accordance with the requirements of the <i>Funeral, Burial and Cremation Services Act, R. S. O. 2002</i> , as amended.
Custom Workshop: means <i>premises</i> used by a trade, craft or guild where the design and/or small quantity manufacturing of such goods as custom production of clothing articles, drapes and slipcovers, venetian blinds, furniture restoration and refinishing, handmade leather goods, millinery, orthopedic and prosthetic appliances, weaving, awnings, signs, gold and silver engraving and other <i>non-obnoxious use</i> , but does not include any factory production or any shop or factory otherwise classified or defined in this By-law.
Day Care: means <i>premises</i> , including outdoor areas, <i>used</i> for caring of one or more persons for a portion of a day, but does not provide overnight accommodation, and does not include <i>private home day care</i> . See also the definition for <i>Private Home Day Care</i>.

Day Spa: means a type of <i>personal service shop</i> used for the therapeutic treatment of persons, such as massages, beauty treatment, hairdressing services and may include the retail sale of goods incidental to the services of the <i>day spa</i>.
Deck: means a <i>platform structure</i> without a roof which may or may not be attached to one or more walls of a <i>building</i>. See also the definitions for Gazebo, Pergola, and Porch.
Dormitory: means a <i>building</i> or part thereof that is owned or operated by a university, college, or <i>private school</i> consisting of <i>dwelling units</i> or <i>bed-sitting rooms</i> and may have a cafeteria, common dining area, and common washrooms.
Drive-in Theatre: means an outdoor <i>theatre</i> where films are viewed in a <i>motor vehicle</i> or a <i>yard</i> and may include <i>accessory</i> refreshment stands and washrooms for patrons.
Drive-through: means the <i>use</i> of land, <i>buildings</i> or <i>structures</i>, including an order box with or without voice communication, or parts thereof, to provide or dispense products or services through an attendant, a window, or an automated machine to persons remaining in <i>motor vehicles</i> in a designated <i>stacking lane</i>.
Driveway: means a vehicular access way providing access from a <i>street</i> to a <i>building</i> or a <i>lot</i>, a <i>loading space</i>, a <i>parking area/lot</i> or a <i>private garage</i>. See also the definition for Mutual Driveway
Driving Range: means a public or private area operated for the purpose of developing golf techniques.
Drugless Practitioner: means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by a similar method within the meaning of the <i>Drugless Practitioners Act, R.S.O. 1990</i>, as amended. See also the definition for Medical Practitioner.
Dry Cleaning Depot: means <i>premises</i> where articles of clothing are dropped off to be cleaned and picked up, and includes the small-scale dry-cleaning and pressing of articles or goods or fabric on-site, but does not include a <i>dry cleaning plant</i>.
Dry Cleaning Plant: means a <i>building</i> or part thereof where large-scale dry-cleaning, dry-dyeing, cleaning, or the pressing of articles or goods or fabric occurs.
Dwelling: means a <i>building</i> or part thereof, containing one or more <i>dwelling units</i>, but does not include a <i>tent</i>, <i>trailer</i>, <i>mobile home</i>, <i>hotel/motel</i>, <i>motor home</i>, or truck camper. The <i>dwelling</i> type is determined by the configuration of the <i>dwelling units</i> above the <i>established grade</i>.
a) Apartment Dwelling: means a <i>dwelling unit</i> or <i>bed-sitting room</i> in an <i>apartment building</i>, but not in a <i>mixed-use building</i>.

b) Converted Dwelling: means a <i>dwelling</i> that existed on March 13, 1962, originally constructed as a <i>single detached dwelling</i>, a <i>duplex dwelling</i> or a <i>semi-detached dwelling</i> that was renovated so as to increase the number of <i>dwelling units</i> to a maximum of three (3) without significantly altering the exterior of the <i>building</i> except for required fire escapes, extra windows and extra entrances.
c) Duplex Dwelling: means a <i>building</i> that is divided horizontally into two (2) <i>dwelling units</i> above <i>grade</i> each of which has an independent entrance either directly to the exterior or through a common vestibule and neither of the units is a <i>second dwelling unit</i>. <i>A single detached dwelling and a semi-detached dwelling that has a second dwelling unit is not a duplex.</i>
d) Fourplex Dwelling: means one (1) <i>building</i> that is divided either vertically and horizontally or just horizontally, into four (4) <i>dwelling units</i>, with at least one (1) <i>dwelling unit</i> above the other, each with an independent entrance either to the exterior or through a common vestibule, but is not a <i>townhouse dwelling</i>. <i>A triplex that has a second dwelling unit is not a fourplex.</i>
e) Garden Suite Dwelling: means a separate <i>dwelling unit</i> that is subordinate to the principal <i>dwelling unit</i> located in a temporary <i>accessory building</i> or <i>structure</i>.
f) Linked Dwelling: means a <i>dwelling unit</i> that is <i>attached</i> to another <i>dwelling unit</i> below <i>grade</i> but is not <i>attached</i> above <i>grade</i>.
g) Mixed Use Dwelling: means a <i>dwelling unit</i> or <i>bed-sitting room</i> in a <i>mixed use building</i>.
h) Second Dwelling Unit: means a separate <i>dwelling unit</i> that is provided for the exclusive use of its occupants and is subordinate to the <i>principal dwelling unit</i> in a separate <i>accessory building</i> or <i>structure</i> or as a separate <i>dwelling unit</i> contained within the <i>principal dwelling unit</i>, but does not include a <i>garden suite dwelling</i>.
i) Semi-detached Dwelling: means a <i>building</i> that is divided vertically into two (2) <i>dwelling units</i> by a <i>common wall</i> each with an independent entrance to the exterior, and no <i>dwelling unit</i> is entirely or partially above another. <i>A single detached dwelling that has a second dwelling unit is not a semi-detached dwelling.</i>
j) Single Detached Dwelling: means a <i>building</i> containing one (1) <i>principal dwelling unit</i>.

k) Stacked Townhouse Dwelling: means buildings that are divided vertically and horizontally by a <i>common wall</i> into separate <i>dwelling units</i>, each of which has an independent entrance to the exterior.
l) Townhouse Dwelling: means a <i>building</i> that is vertically divided into a minimum of three (3) <i>dwelling units</i>, each of which has an independent entrance from <i>grade</i> and each of which are divided vertically above grade by a <i>common wall</i> adjoining dwelling units or a <i>private garage</i>. Street or cluster <i>townhouse dwellings</i> are freehold <i>dwelling units</i> that front a <i>public street</i>. Street Townhouse <i>dwellings</i> are <i>units</i> that front a <i>public street</i>. See also the definition for Stacked Townhouse Dwelling. See also the definition for <i>Stacked Townhouse Dwelling</i>.
m) Triplex Dwelling: means a <i>building</i> that is divided vertically and horizontally, or just horizontally, into three (3) <i>dwelling units</i> in which each <i>dwelling unit</i> has an independent entrance to the exterior or through a common vestibule, but is not a <i>townhouse dwelling</i>. A <i>single detached dwelling</i> or <i>semi-detached dwelling</i> that has a <i>second dwelling unit</i> is not a <i>triplex</i>.
Dwelling Unit: means a place of residence contained in a <i>building</i>, with one or more <i>habitable rooms</i> for the exclusive use of its occupants as a <i>self-contained dwelling unit</i>.
Dwelling Unit Area: means the total <i>floor area</i> of a <i>dwelling unit</i> including a <i>walkout basement</i>, but excluding <i>balconies</i>, <i>basements/cellars</i>, <i>attics</i>, <i>private garages</i>, or <i>porches</i>.
Dwelling Unit Depth: means the depth measured from the outside of the <i>front wall</i> to the outside of the <i>rear wall</i> inclusive of an <i>attached private garage</i> but does not include <i>building unit depth</i>. See also the definition for <i>Building Unit Depth</i>.
Dwelling Unit Width: means the width measured from the mid-point of <i>common walls</i> to the opposite mid-point of <i>common walls</i> in the case of a <i>semi-detached dwelling</i>, <i>duplex dwelling</i>, or <i>townhouse dwelling</i> or the interior of the outermost <i>exterior side wall</i> to the opposite interior of the outermost <i>exterior side wall</i>, including an attached <i>private garage</i> for a <i>single detached dwelling</i>.
Employment Use: means business and economic activities including, but not limited to, manufacturing, <i>warehousing</i>, <i>offices</i>, and associated retail and ancillary facilities.
Encroachment/Projection: means a) Entering upon the land, property, other possessions, or the rights of another. For example, a <i>building</i> extending beyond the legal boundaries on to neighboring private or public land, or beyond the building-line of a road or <i>street</i>; or, b) Construction of a <i>building</i> or <i>structure</i> that extends beyond the <i>zone setback</i> regulations.

Erect: means to build, construct, reconstruct, enlarge, remove and relocate any <i>building</i> or <i>structure</i>, and includes: a) Any physical operation such as excavating, filling, grading or draining preparatory to <i>building</i>, construction, reconstruction; and, b) <i>Altering</i> any <i>existing building</i> or <i>structure</i> by an addition, enlargement, extension or other structural change; and, c) The moving of a <i>building</i> or <i>structure</i> from one location to another; and, d) Any work which requires a <i>building</i> permit.
Erosion Management: means erosion protection or control works and slope or shoreline stabilization works, approved by the <i>Conservation Authority</i>, to prevent or mitigate erosion hazards.
Existing: means a <i>use</i>, <i>building</i>, <i>structure</i>, or <i>Jot</i> that lawfully is in existence on the date of the passing of this By-law.
Existing Lot: means an <i>existing Jot</i> that does not meet the minimum <i>Jot area</i> or <i>Jot frontage</i> requirements of the applicable <i>zone</i>. An <i>existing Jot</i> is permitted to be <i>used</i> and <i>buildings</i> and <i>structures</i> may be <i>erected</i>, enlarged, repaired, or renovated provided the <i>use</i> conforms with this By-law and the <i>buildings</i> and <i>structures</i> comply with all other regulations of this By-law.
Exterior Side Building Façade Width: means the width of the outermost <i>exterior side yard building wall</i> measured from the interior of the exterior <i>front wall</i> to the opposite interior of the exterior <i>rear wall</i>. See also the definition for <i>Front Building Façade Width</i>.
Exterior Side Lot Line: see <i>Jot line</i>.
Exterior Side Yard: see <i>yard</i>.
Farm Help Accommodation: means an <i>accessory building</i> or <i>structure</i> to an <i>agricultural use</i> used for the accommodation of full-time agricultural employees, where the size and nature of the operation requires on-site farm accommodation, and may include a <i>mobile home</i>, but is not a <i>second dwelling unit</i>.
Farm Implement Dealer: means <i>premises</i> for the sale, storage or repair of equipment and machinery directly associated with the operation of a farm and includes the retail sale of farm supplies.
Farm Produce Market: means a <i>building</i> used for the retail sale of produce, plants and flowers grown on the <i>premises</i> (or in Ontario) and fruit or vegetables or <i>bakery</i> items that are processed or prepared on the <i>premises</i> and may include on-site or Ontario-made crafts.

Farm Produce Stand: means a <i>structure</i> or <i>building</i> used on a seasonal basis for the retail sale of produce, plants and flowers grown on the premises (or in Ontario) and fruit or vegetables or <i>bakery</i> items that are processed or prepared on the <i>premises</i>, and may include on-site or Ontario-made crafts.
Farmer's Market: means an establishment or <i>premises</i> where the farm products from the local farming community or from Ontario are sold at retail from covered or open air areas designated for individual retailers.
Feed Mill: means <i>premises</i> in which animal feed or grain intended for livestock is stored, prepared, or packaged for sale.
Fence: means a vertical physical <i>structure</i> constructed to provide visual screening and/or to prevent unauthorized access and includes the posts and/or supporting <i>structures</i> (i.e. railing) and all decorative features (i.e. gates).
Financial Institution: means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged, and may also include a banking machine attached to the outside of a <i>wall</i>.
First Storey: see <i>storey, first</i>.
Fish and Wildlife Management Use: means the utilization of practices to support the health and well-being of fish, wildlife, and other organisms and may include the management of those areas where species concentrate during annual or life cycles and the management of areas of importance to migratory or non-migratory species. See the also the definitions for <i>Fish Habitat, Wildlife Habitat, and Specific Wildlife Habitats of Concern</i>.
Fish Habitat: means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Provincial Ministry of Natural Resources. See also the definitions for <i>Wildlife Habitat and Specific Wildlife Habitats of Concern</i>.
Fitness Centre: means a <i>building</i> in which facilities and exercise equipment are provided for recreational and athletic activities and which may include exercise classes, instructive training, and/or space for fitness or athletic training and associated facilities such as a <i>retail store, office</i> space, and related lounge facilities, but does not include any <i>uses</i> listed in the definition for a <i>place of entertainment</i>.
Flood Control: means works approved by the <i>Conservation Authority</i> that are undertaken to prevent or mitigate flooding hazards.
Floor: means all the rooms or areas on the same level of a <i>building</i>; a <i>storey</i>. See the definition for <i>Storey</i>.

Floor Area, Gross: means the total area of all *floors* of a *building* or *structure* as measured from the exterior surface of the *exterior walls* or *common walls*.

The calculation includes: stairwells, elevators, escalators, ventilating shafts, *attics* (if a *habitable room*), *basements/cellars* (if a *habitable room*), *private garages*, *porches* (but does not include *decks*), *concourses*, washrooms, attached enclosed and covered loading docks and related enclosed corridors *used* for loading purposes, above and below *grade parking structures*, storage rooms, rooms for waste containment, and mechanical rooms.

Floor Area, Net: means the total area of all *floors* of a *building* or *structure* as measured within the interior surface of the *exterior walls*.

The calculation does not include: the area of stair wells, elevators, escalators, ventilating shafts, *attics* (if not a *habitable room*), *basement/cellars* (if not a *habitable room*), *private garages*, covered *porches* (but does not include *decks*), *concourses*, washrooms, attached enclosed and covered loading docks and related enclosed corridors *used* for loading purposes, above and below *grade parking structures*, storage rooms, rooms for waste containment, and mechanical rooms.

Floor Space Index: means the total *gross floor area* of the *building* divided by the *lot area*.

Forestry and Resource Management Use: means the utilization of practices to support the health and well-being of forests, woodlots, and associated natural resources by utilizing good forestry practices.

Good forestry practices means:

- a) The proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important *fish and wildlife habitat*; soil and water quality and quantity; forest productivity and health; and, the aesthetic and recreational opportunities of the landscape;
- b) The cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- c) In the case of hazardous, damaged, diseased or insect infested trees, the maintenance of a woodland after the cutting and removal is completed unless it is determined through a report prepared by a Registered Professional Forester that trees must be removed and a woodland as defined would not be maintained but in no case shall clearcutting be allowed; and,
- d) The forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests".

Frontage: see *lot frontage/lot width*.

Front Building Façade Width: means the width of the outermost *front yard building wall* measured from the interior of the outermost *exterior side wall* to the opposite interior of the outermost *exterior side wall*. **See the definition for *Exterior Side Building Façade Width*.**

Front Private Garage Face: means the face of the <i>private garage</i> that is designed as the primary <i>motor vehicle</i> access point into the <i>private garage</i> .
Front Lot Line: see <i>lot line</i> .
Front Wall: means the closest point or <i>wall</i> of a <i>building</i> facing the <i>street</i> .
Front Yard: see <i>yard</i> .
Fuel Storage Depot: means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> where fuels such as gasoline, propane, natural gas, oil, kerosene, and diesel fuel are stored or kept for sale and distribution and may include a <i>propane dispensing station</i> .
Funeral Establishment: means <i>premises</i> that temporarily store deceased human bodies and cremated human remains so that persons may attend and pay their respects and includes the care and preparation of deceased human bodies, the coordination and provision of rites and ceremonies, and the provision of other services as may be prescribed, but does not include a <i>crematorium</i> .
Garden Centre: means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> , or portion thereof, for the growing and/or retail sale of flowers, bushes, shrubs, trees, plants and other <i>garden centre</i> stock and includes the incidental sale of such items as fertilizers, pesticides, soil, pots and garden ornaments and may also include <i>greenhouses</i> but does not include a <i>licensed marijuana production facility</i> .
Gazebo: means an unenclosed, except for screens, <i>building</i> with a roof. See also the definitions for Deck , Pergola , and Porch .
Golf Course: means the <i>use</i> of land for the purposes of playing golf and may include a clubhouse, office, pro-shop, driving range, restaurant, tavern, banquet hall, meeting rooms, putting green, miniature golf course and maintenance buildings.
Grade: means the level of proposed or established ground.
Grade, Established: means the average elevation of the surface ground adjoining a <i>building</i> or <i>structure</i> measured at the perimeter of the <i>building</i> or <i>structure</i>
Greenhouse: means a <i>building</i> or <i>structure</i> for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, and vegetables. Such <i>use</i> may also include wholesale or retail sale of <i>greenhouse</i> products grown in the <i>greenhouses</i> located on the lands on which the <i>greenhouses</i> are located, but does not include a <i>licensed marijuana production facility</i> . A <i>greenhouse</i> that is less than 10.0 m ² is considered an <i>accessory building</i> or <i>structure</i> .

Green Roof: means an extension to a *building's* roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Ontario Building Code and *City* standards.

Group Home: means a supportive housing facility located within a *dwelling unit* where up to 10 persons, exclusive of staff, live as a unit under responsible supervision consistent with the requirements of its occupants, which is licensed or approved or funded by the *Province* of Ontario, governed by O.Reg.434/01, under the *Developmental Services Act, R.S.O. 2001*, as amended, but excludes a *correctional residential care facility* and a *Jong-term care facility*.

First Storey Area: means the *gross floor area* of the *first storey*, the area is measured from the exterior *wall* surface of the *exterior walls* at the *floor* level of the *first storey*, but excludes internal *parking areas/lots*.

Habitable Room: means a room that has at least seventy-five percent (75%) of its clearance having a minimum height of 2.0 m which is located within a *dwelling unit* that is *used* or intended to be *used* for living, sleeping, eating, food preparation, or a washroom that can be *used* at all times throughout the year.

A *habitable room* does not include: a laundry room, pantry, lobby, hallway, closet, sunroom, *porch*, *balcony*, *garage*, unfinished *attic*, unfinished *basement/cellar*, furnace room, or any space *used* for the service and maintenance of such *dwelling* or for vertical travel between *storeys*.

Heavy Manufacturing Establishment: means *premises used* for:

- a) The manufacturing or processing of products from raw materials;
- b) The production or use of flammable, explosive or other hazardous materials;
- c) Outdoor processing of products and materials; and,
- d) *Warehouse* and storage.

See the definition for *Light Manufacturing Establishment*.

Heavy Service Shop: means a shop devoted to the sales, servicing or repair of major appliances, heating/cooling systems, and commercial, construction equipment and may include the renting *commercial vehicles*, light construction or lawn care equipment. **See the definition for *Light Service Shop*.**

Height: means the vertical distance of a *building* or *structure* measured from the *established grade* to:

- a) The highest point of the roof surface, or the parapet, whichever is the greater, of a *flat roof*, or,

- b) The deckline of a mansard roof; or,
- c) The mid-point level between lowest point of the eaves and the ridge (or peak) of a gabled, hip, gambrel roof or other type of *pitched roof*; or,
- d) Where an *exterior wall* extends above the top of the roof of a *building*, the topmost part of such *exterior wall*; or,
- e) In the case of a *structure* not having a roof, the top part of that *structure*.

In calculating the *height* of a *building*, any construction used as an ornament or for the mechanical operation of the *building* such as a mechanical penthouse, or a *chimney*, tower, cupula or steeple is not to be included.

Hereafter: means "after the date of the passing of this By-law".

Herein: means "anywhere in this By-law".

Hereof/Hereto: means "of this By-law" and "to this By-law", respectively.

Highway Corridor: means lands within the established limits of an *existing* or future controlled-access *Provincial* freeway including an interchange, a service road, plus any road widening adjacent to any of the above.

Home Industry: means a small-scale *commercial* or *industrial use* that is *accessory* to an *agricultural use* located on the same *Lot* that is conducted by the occupants of the *dwelling unit* wholly within an *accessory building* or *structure*.

Home industries may include welding, carpentry or machine shops, or other *agriculture-related uses* that involve the processing or transportation of regionally produced agricultural crops and other products and the accessory retail sale of products produced in the *home industry*.

The repair, storage or sale of *motor vehicles* and machinery is not a *home industry*.

Home Occupation: means an *accessory/ancillary use* within a *dwelling unit* which is the principal residence of the proprietor for an occupation or business which does not create a public nuisance or adverse effect on *abutting* lands or the surrounding neighbourhood, and does not include *outdoor storage*, but may include outdoor activities including *play equipment* in the *rear* and *exterior side yards* in accordance with the provisions of this By-law.

Home occupations may include, but are not limited to, services performed by an accountant, lawyer, realtor, financial planner, hairdresser, seamstress, *tutor* or *private home day care*.

Hospice: means *premises* providing palliative care as well as emotional support to terminally ill patients.

Hospital: means an institution providing medical and surgical treatment and registered professional nursing care for sick and injured people under the <i>Public Hospitals Act, R. S. O. 1990</i>, as amended.
Hotel/Motel: means a <i>building(s)</i> that provides temporary accommodation to the public for a period not exceeding twenty-eight (28) consecutive days, and may include independent cooking facilities and <i>ancillary uses</i> such as but not limited to <i>restaurants, retail and service commercial uses, meeting and convention facilities, banquet facilities, recreation and entertainment facilities</i>, and may also include one (1) <i>dwelling unit</i>.
Hot Tub, Above-ground: means a large tub 0.6 m or greater above grade filled with hot aerated water used for hydrotherapy, relaxation or pleasure, but does not include a <i>pool, above-ground</i>.
Hot Tub, In-ground: means a large tub less than 0.6 m above grade filled with hot aerated water used for hydrotherapy, relaxation or pleasure, but does not include a <i>pool, in-ground</i>.
Industrial Mall: means a group of permitted <i>industrial uses</i> designed, developed and functioning as a single complex that may be comprised of a group of <i>buildings</i> held in single ownership or by participants in a <i>condominium</i> corporation or co-operative with common <i>loading spaces and parking spaces</i> on one (1) <i>lot</i>.
Industrial Use: means <i>premises used</i> for manufacturing, processing, fabrication, assembly, treatment, packaging, repair and servicing, and incidental storage of goods and materials, and related <i>accessory/ancillary uses</i>.
Infrastructure: means physical <i>structures</i> (facilities and corridors) that form the foundation for development. <i>Infrastructure</i> includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications / telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.
Institutional Use: means the <i>use</i> of land for non-commercial and non-residential purposes, and shall include <i>public or private schools, places of worship, day cares, long-term care facilities, public service facilities, correctional residential care facilities, Provincial, Regional, Federal or City offices, libraries, museums, parks and community centres</i>.
Intake Protection Zone: means an area delineated and labelled as Source Water Protection Area on Schedule "A" of this By-law and in the Source Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats.
Interior Lot: see <i>lot</i>.
Interior Side Lot Line: see <i>lot line</i>.

Interior Side Yard: see <i>yard</i> .
Intermodal shipping yard: means the <i>use</i> of land for the transfer of cargo typically held in <i>shipping containers</i> from one method of transportation, whether truck, rail, ship or plane to another.
Kennel: means the <i>use</i> of lands, <i>buildings</i> or <i>structures</i> where dogs, cats and other household pets are bred or raised primarily for the purpose of sale or are trained or boarded for gain or profit.
Laboratory: means a <i>building</i> , or part thereof, used for scientific research and development, medical or dental testing (i.e. blood tests, x-rays, specimen depots), experimentation and/or research.
Landing, Exterior: means an unenclosed raised surface area necessary to allow safe ingress and egress to a <i>building</i> .
Landscape Open Space: means an open, unobstructed area on a <i>lot</i> at <i>grade</i> which is used for the growth and maintenance of grass, flowers, shrubs or similar landscape materials and includes <i>planting/buffer strips</i> , sidewalks, <i>platform structures</i> under a certain <i>height</i> above <i>grade</i> , <i>in ground swimming pools</i> , playgrounds and similar facilities but excludes <i>driveways</i> , <i>parking areas/lots</i> , ramps, curbs, <i>terraces</i> or any <i>open space</i> beneath or within any <i>building</i> or <i>structure</i> .
Lane: means a walkway, emergency access, or right-of-way that is not a <i>street</i> but was laid down upon a registered plan and dedicated to the City or legally granted or conveyed.
Licensed Marijuana Production Facility: means <i>premises</i> for the cultivation, testing, processing, production, inspection, packaging, distribution and destruction of marijuana produced under license under the federal government's Cannabis Regulations, as amended from time to time, or any successors thereto.
Light Equipment/Machinery Rental Establishment: means a <i>building</i> or part thereof where residential, industrial and commercial machinery and equipment is kept for rental to the general public. Light equipment and machinery includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn and garden tools, moving equipment, plumbing tools and power tools.
Light Manufacturing Establishment: means <i>premises used for</i>: a) The manufacturing, processing, assembly or packaging of parts or products; b) The repair or servicing of products; c) <i>Building</i> supply storage and wholesale; d) <i>Warehouse</i> and storage; and,

e) <i>Accessory retail use</i> of the goods manufactured on the same <i>lot</i>; f) But does not include <i>obnoxious</i>, dangerous or offensive trades with emissions, noise or vibrations in excess of the <i>Province's</i> guidelines. See also the definition for <i>Heavy Manufacturing Establishment</i>.
Light Service Shop: means a <i>use</i> devoted to the service and repair of small appliances, home and office electronics, clothing/shoe repair, bicycle repair, jewelry repair or the repair and servicing of other small tools and appliances. See also the definition for <i>Heavy Service Shop</i>.
Linked Dwelling: see <i>dwelling</i>.
Loading Space: means an unobstructed open or covered area of land which is provided on a <i>lot</i> that: a) Is provided for the temporary parking of one (1) <i>commercial vehicle</i> while merchandise or materials are being loaded or unloaded, but shall not be for the purpose of sale or display; b) Is not upon or partly upon any <i>street</i> or <i>lane</i>; and, c) Has adequate access to permit ingress and egress of a <i>commercial vehicle</i> from a <i>street</i> by means of <i>driveways</i>, <i>parking aisles</i>, maneuvering areas or similar areas, no part of which shall be <i>used</i> for the temporary parking or storage of one (1) or more <i>motor vehicles</i>.
Long-haul Transport Trailer/Transport Tractor: means a non-motorized vehicle designed to be hauled by a truck or large transport vehicle.
Long-term Bicycle Parking Space: means a space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time. See also the definition for <i>Short-term Bicycle Parking Space</i>.
Long-term Care Facility: means <i>premises</i> which provides care to meet the physical, emotional, social, spiritual and personal needs of persons. <i>Long-term care facilities</i> are governed by the <i>Long Term Care Act, R.S.O. 2007</i>, as amended, and may include independent accommodation for residents in separate <i>buildings</i> on the <i>lot</i> that provides independent <i>dwelling units</i> for residents that may share services such as meals, medical care services, or recreation that are provided by the facility.
Lot: means a parcel or tract of land which: a) Is a whole <i>lot</i> or <i>block</i> as shown on a registered plan of subdivision, but 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 the <i>Planning Act, R.S.O. 1990</i>, as amended; and;

b) Fronts onto a <i>street</i>; or; c) Is a separate parcel of land without any adjoining lands being owned by the same owner or owners at the date of the passing of this By-law; or, d) The description of which is the same as in a deed which has been given consent pursuant to the <i>Planning Act, R.S.O. 1990</i>, as amended; or, e) Is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the <i>Planning Act, R.S.O. 1990</i>, as amended.
a) Corner Lot: means a <i>lot</i> situated at the intersection of and <i>abutting</i> on two (2) or more <i>streets</i> provided that the angle of intersection of such <i>streets</i> is not more than 135 degrees. In the case where a <i>corner lot</i> abuts a 0.3 m <i>reserve</i>, all provisions of this By-law concerning <i>corner lots</i> shall apply.
b) Interior Lot: means a <i>lot</i> situated between adjacent <i>lots</i> and having access to one <i>street</i>.
c) Through Lot: means a <i>lot</i>, other than a <i>corner lot</i>, that is bounded on two (2) opposite sides by <i>streets</i>.
Lot Area: means the total horizontal area within the <i>lot lines</i> of a <i>lot</i>. <i>Lot area</i> equals <i>lot width</i> multiplied by <i>lot depth</i>.
Lot Centre Line: means the line joining the midpoints of the <i>front</i> and <i>rear lot lines</i>. In the case of a <i>corner lot</i>, the <i>lot centre line</i> is a line drawn perpendicular from the mid-point of the <i>rear lot line</i> to meet the <i>front lot line</i>.
Lot Coverage: means the percentage of the <i>lot area</i> covered by the footprint of all <i>above-grade</i> roofed <i>buildings</i> and <i>structures</i>, including <i>balconies</i>, covered <i>porches</i>, <i>breezeways</i>, covered roofs over <i>drive-throughs</i>, and covered <i>exterior landings</i>. <i>Lot coverage</i> does not include an <i>in-ground pool</i>, an <i>in-ground hot tub</i>, a <i>deck</i>, eaves, and stairs.
Lot Depth: means the horizontal distance between the <i>front</i> and <i>rear lot lines</i>. a) Where these <i>lot lines</i> are not parallel, the <i>lot depth</i> is the length of a line joining the mid-points of the <i>front</i> and <i>rear lot lines</i>. b) In the case of a triangular <i>lot</i>, the <i>lot depth</i> is measured from the midpoint of the <i>front lot line</i> to the converging point of the <i>side lot lines</i>.
Lot Flankage: means the <i>exterior side lot line</i>.

Lot Frontage/Lot Width: means the horizontal distance between the *side lot lines* of a *lot* measured along the *front lot line*.

- a) Where the *front lot line* is not a straight line, or where the *side lot lines* are not parallel, the *lot frontage/lot width* is determined from the *lot centre line* to a point 6.0 m back from the *front lot line* measured horizontally at 90 degrees from the *lot centre line* between the *side lot lines*.
- b) In the case of a *corner lot* with a *sight/daylighting triangle* or a rounded corner, the *lot frontage/lot width* is determined from the *lot centre line* to back from the *front lot line* measured horizontally between the *side lot lines*.

Lot Line: means any line that makes up the legally defined boundary of a *lot*.

a) Exterior Side Lot Line: means a *side lot line* which *abuts* a *street*, whether or not an *improved street*, or a *lane* or, a *side lot line* which *abuts* land zoned environmental (EP1, EP2, EP3) on a *corner lot*.

b) Front Lot Line: means the *lot line* along a *public street*, but in the case of:

- i) A *corner lot* or *through lot*, the shortest of the *lot lines* that divide the *lot* from the *street* shall be deemed to be the *front lot line*.
- ii) A *corner lot* or *through lot* with two (2) *streets* of equal length, the *lot line* that abuts the wider *street*, or abuts a *regional road* or *provincial highway* shall be deemed to be the *front lot line* for a *lot*.
- iii) The *street line* facing the *principal entrance* to the *main building* shall be the *front lot line*.
- iv) A *corner lot* or *through lot* where a 0.3 m *reserve* abuts one of the *lot lines*, the *front lot line* shall be the *lot line* not *abutting* the 0.3 m *reserve*.

c) Interior Side Lot Line: means any *side lot line* that is not an *exterior side lot line*.

d) Rear Lot Line: means the *lot line* opposite the *front lot line*.

In the case of a triangular *lot*, the *rear lot line* is the *point of intersection* of the *side lot lines*.

In the case of any other type of *lot*, the furthest *lot line* opposite the *front lot line*, including any contiguous line adjoining it at an angle of less than 45 degrees.

e) Side Lot Line: means the *lot line* other than a *front* or *rear lot line*.

Main Building: means the *building* in which the *principal/primary use* of the *lot* is carried out.

Mausoleum: means a *building, structure* or part thereof, used for the interment of human remains in sealed crypts, tombs or vaults.

Medical Practitioner: means a person authorized to practice medicine under the <i>Medicine Act, R.S.O. 1991</i>, as amended, a person authorized to practice dentistry under the <i>Dentistry Act, R.S.O. 1991</i>, as amended, or a person authorized to practice as a health professional under the <i>Regulated Health Professions Act, R.S.O. 1991</i>, as amended. See also the definition for <i>Drugless Practitioner</i>.
Microbrewery or Microwinery: means <i>premises used</i> for the small-scale production of beer, spirits or wine produced for consumption on the same <i>premises</i> and retail sale and may include as <i>accessory/ancillary uses</i> an <i>office, tasting facilities, restaurant</i>, and the retail sale of related items.
Minimum: means the least to which anything may lawfully be reduced.
Minimum Distance Separation Formula: means the formula which is used to calculate an appropriate distance between an existing or proposed livestock building and other uses on surrounding properties as set out in the Agricultural Code of Practice, as amended or replaced from time to time.
Mineral Aggregate Operation: means lands under license or permit, other than for <i>wayside pits</i> and <i>quarries</i>, issued in accordance with the <i>Aggregate Resources Act, R.S.O. 1990</i>., as amended, and associated facilities <i>used</i> in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.
Miniature Golf Course: means an area of land or <i>building</i>, or part thereof, in which the game of golf is simulated on a small-scale, but does not include a <i>driving range</i>.
Mixed-use Building: means a <i>building used</i> for any combination of permitted <i>commercial uses, institutional uses, office uses</i>, and/or <i>residential uses</i>, but <i>residential uses</i> are not to be located within the <i>first storey abutting a front lot line or an exterior lot line</i>.
Mobile Home: means a prefabricated <i>building</i> which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed) and is designed and equipped for year round occupancy and contains cooking and sanitary facilities but does not include a <i>motor home, trailer</i>, or a modular home constructed in parts off-site and assembled on a <i>lot</i> on a permanent foundation.
Mobile Home Park: means land predominately <i>used</i> for occupancy of <i>mobile homes</i> and includes all <i>accessory buildings or structures used</i> incidentally to its operation including administration <i>offices</i>, recreation facilities, service and utility buildings, and storage lockers but does not include a <i>campground</i> or a <i>tent and trailer campground</i>.
Model Home: means a <i>building</i> which is <i>used</i> on a temporary basis as a sales <i>office</i> and/or as an example of the type of <i>dwelling</i> that is for sale in the related development and which is not occupied or <i>used</i> as a residential <i>dwelling</i>.

Motor Home: means a type of self-propelled recreational vehicle (RV) which offers living accommodation combined with a vehicle engine.
Motor Vehicle: means an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power under the <i>Highway Traffic Act, R.S.O. 1990</i>, as amended. See also the definitions for <i>Commercial Vehicle</i> and <i>Refreshment Vehicle</i>.
Motor Vehicle, Inoperative: means a <i>motor vehicle</i> having missing parts including tires, or damaged or missing glass, or deteriorated or removed metal adjunct or parts, which prevent it from normal function.
Motor Vehicle Recycling: means the <i>use</i> of land, <i>buildings</i> and <i>structures</i> , where <i>motor vehicles</i> are dismantled and sorted for recycling or disposal and where parts may be sold.
Motor Vehicle Repair Shop/Garage: means <i>prem ises</i> equipped with facilities for the service, maintenance, painting and body repairs of <i>motor vehicles</i> and/or boats, and includes the temporary parking of <i>motor vehicles</i> in the process of repair, and may include a <i>motor vehicle service station</i>.
Motor Vehicle Sales and Rental Establishment: means the <i>use</i> of land, <i>buildings</i> and <i>structures</i>, or portion thereof, where motor vehicles are displayed, sold, leased or rented , and may include a <i>motor vehicle repair shop/garage</i>, but does not include a <i>recreational vehicle establishment</i> .
Motor Vehicle Service Station: means the <i>use</i> of land, <i>buildings</i> and <i>structures</i> , or portion thereof, for the retail sale of <i>motor vehicle</i> fuels and lubricants, and may include as <i>accessory/ancillary uses</i> electrical charging stations, <i>propane exchange stations</i>, <i>motor vehicle washing establishment</i>, and a <i>convenience retail and service kiosk</i>.
Motor Vehicle Washing Establishment: means <i>prem ises used</i> for the washing and cleaning of <i>motor vehicle</i>, and may include a <i>convenience retail and service kiosk</i> as an <i>accessory/ancillary use</i>.
Municipal Drain: means a system to divert surface water from adjacent lands and convey flows to downstream watercourses by either ditches or closed systems such as pipes or tiles buried in the ground, and may also include <i>structures</i> such as dykes or <i>berms</i> , pumping stations, <i>planting/buffer strips</i>, grassed waterways, storm water detention ponds, culverts and bridges, and may include creeks and small rivers. A <i>municipal drain</i> must meet the tests of the Drainage Act and once constructed under the authority of the by-law becomes part of the municipality's <i>infrastructure</i>.
Mutual Driveway: means an ingress or egress that is common to two or more owners of <i>abutting lands</i> as a right-of-way registered against the title of the lands. See also the definition for <i>Driveway</i>.

Museum: means <i>premises</i> devoted to the procurement, care, study, display and exhibition of objects of lasting value.
Natural Area Extent Line: means the boundary representing the extent and limits of all currently identified <i>natural heritage features</i> and <i>natural hazard lands</i> by upper tier government and agencies.
Natural Heritage Features and Areas: means features and areas, including significant wetlands, significant woodlands, <i>fish habitat</i> , areas of natural and scientific interest, significant valleylands, savannahs and tallgrass prairies, alvars, habitat of endangered species and threatened species, significant <i>wildlife habitat</i> , and significant habitat of species of concern which are important for their environmental and social values as a legacy of the natural landscapes of an area.
Natural Hazard Lands: means shorelines, floodplains, significant valleylands, unstable soil and unstable bedrock
Nearest Main Wall: means that portion of the front, side or rear foundation or piers of a <i>building</i> or <i>structure</i> to the respective <i>lot line</i> .
Night Club: means <i>premises</i> providing music and dance facilities which may include the sale of liquor and/or food to club patrons, but does not include an <i>adult oriented entertainment establishment</i> .
Non-complying: means a <i>building</i> or <i>structure</i> which does not comply with the regulations of this By-law for the <i>zone</i> in which such <i>building</i> or <i>structure</i> is located, as of the date of the passage of this By-law. A <i>non-complying building</i> or <i>structure</i> may only be repaired or renovated provided that the repairs or renovations: a) Does not further increase the extent or degree of <i>non-conformity</i>; and, b) Complies with all other applicable regulations of this <u>By-law</u>.
Non-conforming: means an <i>existing use</i> of any land, <i>building</i> or <i>structure</i> which does not conform with the <i>permitted uses</i> of this By-law for the <i>zone</i> in which said <i>existing</i> land, <i>building</i> , or <i>structure</i> is located so long as it continues to be used for that purpose.
Notwithstanding: when <i>used</i> in this By-law means in spite of, or instead of.
Office: means a <i>building</i> or part thereof where administrative and clerical functions are carried out in the management of a business, profession, organization, or public administration, but does not include a <i>clinic</i> .
Obnoxious Use: means an offensive use or trade within the meaning of the <i>Public Health Act</i> , R.S.O. 1990, as amended, or any <i>use</i> which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.

On-Farm Diversified Use: means <i>uses</i> that are secondary to the principal <i>agricultural use</i> of the property, and are limited in area. <i>On-farm diversified uses</i> include, but are not limited to: <i>home occupations, home industries, agri-tourism uses</i>, and <i>uses</i> that produce value-added agricultural products such as canning fruits and vegetables, roasting grain for livestock feed, processing apples to make apple cider, and wine-making.
Open Processing: means the conducting of an <i>industrial use</i> outdoors.
Open Space: means an area, open to the sky, which is <i>used</i> for the growth and maintenance of grass, flowers, shrubbery, trees and other landscaping and includes any surfaced sidewalks, <i>patios</i>, and <i>in-ground swimming pools</i> but does not include any access <i>driveways</i>, ramps, <i>parking areas/lots</i> and/or <i>terraces</i>.
Open/Outside Storage: means the placing or locating in the open air and/or in partially enclosed <i>buildings</i> or <i>structures</i> any goods, materials, parts, merchandise or equipment of any kind in the same place for more than twenty-four (24) hours, but does not include the storage of <i>motor vehicles, motor vehicles, inoperative, construction vehicles</i>, or agricultural vehicles whether capable of being operated or not.
Operating Apparatus: means outdoor mechanical equipment or machinery used in conjunction with <i>buildings</i> or <i>structures</i> including but not limited to air conditioners, pool pumps and pool heaters, generators, heat exchangers, and compressors.
Outside Display and Sales Area: means an outdoor area, covered or uncovered, <i>used</i> for the accessory display, rental, or sale of products or the supply of services in association with the <i>principal/primary use</i> of the <i>lot</i>.
Passive Recreational Trail: means a trail that is designed, constructed, and managed to minimize its impact on <i>natural heritage features</i>. Trail surfaces will be a combination of porous surfaces, such as native soils and/or woodchips, and may include boardwalks and footbridges. See also the definition for <i>Recreational Trail</i>.
Park: means land <i>used</i> and maintained for active or passive outdoor recreational purposes, such as walking/hiking/cycling <i>recreational trails</i>, picnic areas and sports fields, and which may include a refreshment stand and washrooms.
Parking Aisle: means the portion of a <i>parking area/lot</i> provided to access individual <i>parking spaces</i>, but is not <i>used</i> for the parking of <i>motor vehicles</i>.
Parking Area/Lot: means a <i>lot</i>, or part thereof, designed and/or <i>used</i> for the temporary parking of <i>motor</i> or <i>commercial vehicles</i>, including <i>parking aisles</i> and <i>driveways</i>, but does not include <i>open/outside storage</i>.

Parking Space: means an area of land which is provided and maintained for the purpose of temporary storage of a <i>motor vehicle</i> or <i>commercial vehicle</i> and may be located in a <i>parking area/lot</i> or within a <i>parking structure</i>, <i>private</i> or <i>public garage</i>, or <i>carport</i> but does not include <i>driveways</i> or <i>aisles</i>.
Parking Structure: means a <i>structure</i> used for the parking of <i>motor vehicles</i> but does not include a <i>private garage</i> or a <i>carport accessory</i> to a <i>dwelling</i>.
Patio: means an unenclosed outdoor space, whether or not covered, whether or not a <i>platform structure</i>, <i>used</i> for the accommodation of patrons of an associated <i>restaurant</i>, <i>tavern</i>, or <i>bake shop</i>. See also the definitions for <i>Deck</i>, <i>Gazebo</i>, and <i>Pergola</i>.
Pavilion: means an unenclosed <i>structure</i> having a roof for the purpose of providing shelter from the elements during recreational activities such as picnics.
Pergola: means an open <i>structure</i> framework supported by posts, which may include drapery panels, over an outdoor area. See also the definitions for <i>Deck</i>, <i>Gazebo</i>, and <i>Porch</i>.
Personal Service Shop: means <i>premises</i> in which persons are employed in providing services for the personal needs of patrons and includes establishments such as a hairdressing or barber establishment, tattoo parlour, manicure/pedicure salon, laundromats, a <i>dry cleaning depot</i>, a shoe repair and service shop, dressmaker or tailor shop, a <i>day spa</i> and other similar services, and includes the retail sale of goods and services as an <i>accessory/ancillary use</i>.
Pervious Material: means material designed to be structurally stable while allowing rainwater infiltration and may include pervious pavers and paving or interlock, but shall not include landscaping elements such as gravel, dirt or limestone screening.
Pet Day Care: means <i>premises</i> where domestic pets are cared for and temporarily accommodated during the day, and they may be boarded overnight, in return for remuneration in an open, controlled, and secure setting, but typically are not kept in individual <i>kennels</i> and runs.
Pet Grooming Establishment: means a <i>building</i> or part thereof used for the grooming of pets but does not include a <i>veterinary clinic</i>, a <i>kennel</i>, or any overnight boarding.
Pharmacy: means a retail outlet that dispenses drugs by prescription and may include the sale of non-prescription drugs and retail goods and may include a medical <i>clinic</i> in conjunction with the dispensing of prescription drugs as an <i>ancillary use</i>.
Pipeline: means a conduit made of pipes connected end-to-end for the long distance transport of fluids or gases.

Pit: means a place where unconsolidated gravel, stone, sand, clay, fill or other material is being, or has been, removed by means of an excavation to supply materials for construction, industrial, or manufacturing purposes, but does not include a *wayside pit* or *quarry*.

Place of Assembly/Banquet Hall: means a *building* or part thereof *used* for the gathering of people for events including but not limited to trade shows, banquets, weddings and conventions, but does not include a *place of worship*.

Place of Entertainment: means a *building* or part thereof *used* for leisure or entertainment activities and includes *uses* such as a *cinema*, *theatre*, concert hall, arcade, billiard hall, bowling alley or other indoor gaming facility, indoor *miniature golf courses*, indoor rock climbing, laser tag or similar *uses*, and which may include incidental preparation and sales of food and beverages on the *premises*, but does not include an *arena* or *premises* for the racing of *motor vehicles*, a *casino* or similar gambling facility, or an *adult entertainment establishment*.

Place of Worship: means *premises used* for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach, and may include *accessory/ancillary uses* such as a *place of assembly/banquet hall*, *auditorium*, private *cemetery*, *day care*, *private school*, religious residence, and/or parish hall.

Planting/Buffer Strip: means a strip of land adjacent to a *lot line* that is used exclusively for the growing and maintenance of continuous row of trees, evergreens, shrubs, ornamental grasses, and other horticultural elements that is designed to act as a buffer or visual screen that have a *height* of 1.5 m or greater, and may include a landscaped *berm* with plantings that have a *height* of 1.5 m or greater, a *wall* or an opaque *fence* having a *height* not less than 1.5 m, and is not used for any other purpose except where a *driveway* and/or sidewalk cross the *planting/buffer strip*.

Platform Structure: means a raised level surface more than 0.15 m above *grade*, including but not limited to *decks*, *balconies*, *patios* and *porches*, but does not include a *landing*.

Playground: means an area for outdoor play that includes *play equipment*.

Play Equipment: means a *structure* that is designed and used for play and recreation.

Point of Intersection: means the point where two (2) lines or *streets* intersect.

Pool, Above-ground: means a pool used for recreational swimming with a superstructure 0.6 m or greater above *grade*, but does not include an *above-ground hot tub*. **See also the definition for *Pool, In-ground*.**

Pool, In-ground: means a pool used for recreational swimming with a superstructure that is less than 0.6 m above *grade* with its floor below *grade*, but does not include an *in-ground hot tub*. **See also the definition for *Pool, Above-ground*.**

Porch: means an unenclosed, except for removable screens or <i>awnings, platform structure</i> attached to a <i>main wall(s)</i> of a <i>dwelling</i> that has a roof. See also the definitions for Deck, Gazebo, and Pergola.
Post-secondary Institution: means a public university or college of applied arts and technology and includes associated <i>buildings, structures, recreational uses, and open space</i> .
Power Generation Facility: means a <i>building or structure</i> or part thereof, used for the production of electrical power, where the output is 10 megawatts or greater, and where the method of production is limited to natural gas-fired, combined cycle, cogeneration and/or renewable energy.
Premises: means the whole or part of lands, <i>buildings or structures</i> , or combination thereof.
Principal/Primary Use: means the primary or predominate <i>use</i> of a <i>lot</i> or a <i>building or structure</i> as <i>used</i> or as intended to be <i>used</i> .
Principal Entrance: means the main entrance to a <i>building</i> .
Printing Establishment: means <i>premises used</i> primarily for printing, regardless of the method, and/or publishing of newspapers , periodicals, books, maps and similar publications.
Private Club: means a <i>building or lot</i> opened or operated on a profit or non-profit basis by an association or chartered organization such as a lodge, legion, service club, union, or similar group, and the <i>use</i> of such <i>premises</i> for social, recreational or athletic purposes.
Private Garage: means a <i>building</i> or part thereof <i>used</i> for the temporary parking or storage of private <i>motor vehicles, recreational vehicles</i> , and household goods and wherein neither the servicing nor repairing of <i>motor vehicles</i> is carried on for remuneration.
Private Garage Width: means the width of a <i>private garage</i> at the widest measure between the exterior <i>walls</i> of the <i>private garage</i> .
Private Home Day Care: means a place wherein the temporary care of persons is provided, for a continuous period not to exceed twenty-four (24) hours, and is operated as an <i>accessory/ancillary use</i> within a <i>dwelling</i> and the provisions of this By-law. See also the definition for Day Care.
Private Parking Area/Lot: means a <i>parking area/lot</i> that is the <i>principal/primary use</i> of a <i>lot</i> and is operated and maintained by a private owner to provide public parking whether or not for gain or profit. See also the definition for Public Parking Area.
Private Parking Garage: means a <i>structure</i> constructed on a <i>lot</i> and operated and maintained by a private owner to provide public parking whether or not for gain or profit. See also the definition for Public Parking Garage.

Private School: means <i>premises</i>, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is not provided by a public school board, and may include as an <i>accessory/ancillary use</i> a <i>day care</i>. See also the definitions for <i>Commercial School</i> and <i>Public School</i>.
Private Street Development: means a <i>lot</i> or <i>block</i> of residential <i>dwellings</i> in which each <i>building</i> has access onto a <i>private street</i> or <i>condominium roadway</i>.
Private Street: means an easement, right-of-way or roadway that is <i>used</i> by <i>motor vehicles</i> and is maintained by a <i>condominium</i> corporation as a <i>condominium roadway</i> or other private owner providing access to individual <i>lots</i>. See also the definition for <i>Public Street</i>.
Propane Cylinder: means a container designed and manufactured in accordance with a cylinder specification authorized for the containment and transportation of propane under the Transportation of Dangerous Goods (TOG) Regulations of Transport Canada.
Propane Storage Tank: means a class of container for the storage of compressed natural gas/propane, designed and fabricated in accordance with Canadian Standards Association B51, but does not include a <i>propane cylinder</i>.
Propane Dispensing Station: means a facility at a fixed location with <i>propane storage tanks</i> used for the retail sale and dispensing of propane for the refueling of vehicles, appliances or other equipment of the business or establishment located at said location. Such facility may include a <i>propane exchange station</i>.
Propane Exchange Station: means a secured, caged area from which pre-filled <i>propane cylinders</i> are sold.
Province: means the Queen in the right of the <i>Province</i> of Ontario. <i>Provincial</i> shall have a corresponding meaning.
Public Authority: means Federal, <i>Provincial</i>, <i>Regional</i>, or <i>City</i> agencies and includes any commission, board, authority department, or utility established by any such agency.
Public Parking Area/Lot: means a <i>parking area/lot</i> that is the <i>principal/primary use</i> of a <i>lot</i> and is operated and maintained by a <i>public authority</i> to provide public parking whether or not for gain or profit. See also the definition for <i>Private Parking Area</i>.
Public Parking Garage: means a <i>structure</i> constructed on a <i>lot</i> and operated and maintained by a <i>public authority</i> to provide public parking whether or not for gain or profit. See also the definition for <i>Private Parking Garage</i>.
Public School: means <i>premises</i>, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is provided under the jurisdiction of a

school board established by the *Province* and may include as an *accessory/ancillary use* a *day care*. **See also the definitions for *Commercial School* and *Private School*.**

Public Service Facility: means land, *buildings* and *structures* for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

Public Street: means a right-of-way or roadway that is *used* by *commercial vehicles*, *long-haul transport trailer/transport tractor* and *motor vehicles* that is maintained by a *public authority*. **See also the definition for *Private Street*.**

Public Utility: means water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunications works, and includes the works, *structures*, *buildings* and appurtenances necessary for the supply of such services by a Board, Commission, Corporation or person.

Pulp and Paper Mill: means a *building* or part thereof wherein natural and/or recycled feed stocks are *used* for the production of wood, paper and cardboard products.

Railway Lines: means an area of land, a portion of which is covered by a system of tracks, that provides for the movement and making up of trains and includes ancillary *structures* such as stations, *offices*, wheel houses, towers, repair and storage *buildings*.

Rear Lot Line: see *lot line*.

Rear Yard: see *yard*.

Recreational Trail: means a trail that is designed, constructed, and managed for walking, cycling/biking, and running purposes and may include *structures* *accessory* to the *trail* use, such as raised boardwalks and footbridges. **See also the definition for *Passive Recreational Trail*.**

Recreational Use: means the *use* of land, *buildings*, or *structures*, *used* for participatory and/or spectator-oriented recreation and entertainment uses, and may include a *pavilion*, *public* or *private parks*, playgrounds, tennis courts, basketball courts, soccer fields, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, picnic areas, *in-ground pools*, day camps and ancillary *office*, *restaurant*, retail and service *commercial uses* but does not include a *golf course* or *driving range*, or track for the racing of animals, *motor vehicles*, snowmobiles or motorcycles.

Recreational Vehicle: means a *motor vehicle* requiring a license and designed to be *used* primarily for travel, recreation or vacationing and includes such *motor vehicles* commonly known as travel *trailers*, camper *trailers*, truck camper, *motor homes*, all-terrain vehicle (ATVs), boats, snowmobiles or other similar vehicles, but does not include a *mobile home*. **See also the definitions for *Motor Vehicle* and *Commercial Vehicle*.**

Recreational Vehicle Establishment: means <i>premises</i> where <i>recreational vehicles</i> are stored or displayed for the purpose of sale or hire and where repairs may occur.
Recycling Facility: means where goods, wares, merchandise, and articles are dismantled and/or sorted for further <i>use</i> .
Refreshment Cart: means a wheeled, transported, non-motorized refreshment vehicle, but does not include a <i>refreshment vehicle</i> .
Refreshment Vehicle: means a motorized <i>motor vehicle</i> from which refreshments and food are prepared and sold for public consumption and includes but is not limited to a <i>motorized</i> or non- <i>motorized vehicle</i> .
Region: means the Corporation of the <i>Regional Municipality of Niagara</i> . <i>Regional</i> shall have a corresponding meaning.
Required: means <i>required</i> by this By-law.
Research and Development: means the <i>use</i> of land, a <i>building</i> or <i>structure</i> , or part thereof, for research, investigation, testing, or experimentation and which may include engineering and product development in any field of science, medicine, technology and manufacturing.
Reserve: means a 0.3 m (1 ft) wide strip of land conveyed to the <i>City</i> , the <i>Region</i> , or the <i>Province</i> for the purpose of preventing direct access to a <i>public street</i> from adjoining lands.
Residential Emergency Shelter: means a <i>building</i> providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time that is provided by a <i>public authority</i> or non-profit agency.
Residential Use: means the <i>use</i> of a <i>building</i> or <i>structure</i> as a <i>dwelling</i> .
Residential Zone: means all of the zones under Part 6 of this By-law which includes the following zones: R1A, R1B, R1C, R1D, R2A, R2B, R3A, R3B, R3C, R3D, R4A, and R4B.
Restaurant: means <i>premises</i> where food and beverages are prepared and offered for sale to the public for consumption either on or off the <i>premises</i> and may include incidental entertainment and any ancillary outdoor <i>patio</i> .
Retail Store: means a <i>building</i> or part thereof where goods, wares, or merchandise are offered or kept for sale directly to the public, but does not include <i>motor vehicle sales and rental establishments</i> and <i>recreational vehicle establishments</i> .
Risk Management Official: means a person appointed under Part IV of the <i>Clean Water Act</i> , R.S. 0. 2006, as amended, by the council of a municipality that has authority to pass by-laws

respecting water production, treatment and storage under the *Municipal Act, R.S.O. 2001*, as amended.

Roof, Flat: means a roof with an angle 10 degrees or less.

Roof, Pitched: means a roof with an angle equal to or greater than 10 degrees.

Scrap Yard: means *premises used* for the storage and/or handling of scrap, which may include waste paper, rags, bottles, bicycles, *motor vehicles*, tires, metal and/or other scrap material and salvage.

Seasonal Commercial Use: means an area of land *used* on a seasonal basis for retail display and sale, and may include *uses* such as a temporary outdoor *garden centre*, produce or other food sales, or a display of finished merchandise.

Secondary Use: means a *use* that is not the prominent *use* on the *lot*.

Self-contained Dwelling Unit: means a place of residence with *habitable rooms* that has an independent entrance either directly to the exterior or through a common vestibule but does not have access to other *dwelling units*.

Self-storage Unit: means a unit for the private storage of personal goods, materials and equipment, *motor vehicles*, *commercial vehicles*, boats and *trailers* that is divided from the *floor* to the ceiling by a *wall* with an independent entrance which may be from an internal hallway or from the exterior of the *building*.

Self-storage Establishment: means a *building(s)* consisting of individual *self-storage units* accessible by the user that are designed to be rented or leased to the general public for private storage of personal goods, materials and equipment, *motor vehicles*, *commercial vehicles*, boats and *trailers*.

Semi-detached Dwelling: see *dwe lling*.

Setback: means the shortest horizontal distance from a *building* or *structure* to a *lot line* or from a *building* or *structure* to a different *building* or *structure* on the same *lot*.

a) **Front Yard Setback:** means the distance on a *lot* measured at a right angle from the *front lot line* to the *nearest main wall* of a *building* or *structure*.

b) **Exterior Side Yard Setback:** means the distance on a *lot* measured at a right angle from the *exterior side lot line* to the *nearest main wall* of a *building* or *structure*.

c) **Interior Side Yard Setback:** means the distance on a *lot* measured at a right angle from the *side lot line* to the *nearest main wall* of a *building* or *structure*.

d) Rear Yard Setback: means the distance on a <i>lot</i> measured at a right angle from the rear/ <i>lot line</i> to the <i>nearest main wall</i> of a <i>building</i> or <i>structure</i> .
Sewage Treatment Plant: means a facility where sanitary sewage and storm water is treated.
Shipping Container: means a pre-fabricated commercial shipping or cargo containers that have been used and decommissioned (i.e. in the case of Sea-cans) or may be new. See also the definitions for <i>Storage Container</i> and <i>Storage Trailer</i>.
Shopping Centre: means <i>premises</i> of primarily <i>commercial uses</i> that function as a unit either in a single <i>building</i> or within multiple <i>buildings</i> on the same <i>lot</i> with common landscaped <i>open space</i> , <i>parking areas/lots</i> , <i>loading areas</i> , <i>driveways</i> and other shared facilities where the predominate <i>use</i> is <i>retail stores</i> .
Short Term Accommodation Rental: means a short-term rental for all or part of a <i>dwelling unit</i> used to provide sleeping accommodations for any rental period that is less than twenty-eight (28) consecutive days to a renter in exchange for payment. This excludes <i>bed and breakfasts</i> , <i>hotels/motels</i> , and accommodations where there is no payment.
Short-term Bicycle Parking Space: means a space to park and secure a bicycle for a few minutes or a few hours. See also the definition for <i>Long-term Bicycle Parking Space</i>.
Showroom: means the accessory display and sale of products manufactured on the <i>premises</i> .
Side Lot Line: see <i>lot line</i> .
Side Yard: see <i>yard</i> .
Sight Triangle: means an unobstructed triangular area directly adjacent to a vehicular intersection where the <i>front lot line</i> and <i>exterior side lot line</i> meet on a <i>corner lot</i>. The dimensions of the sight triangle are not included when calculating the <i>front lot line</i> length, <i>exterior lot line</i> length, or <i>lot coverage</i>. When the <i>site triangle</i> has been dedicated to the <i>City</i> or <i>Region</i> in a registered plan of subdivision (59M plan) as part of a right-of-way, the regulated <i>site triangle setbacks</i> from <i>lot lines</i> does not apply.
Site Plan: means drawings and documents as approved by or subject to approval by the <i>City</i> in accordance with its Site Plan Control By-law, as may be amended from time to time.
Specific Wildlife Habitats of Concern: means areas where species concentrate at a vulnerable point in their annual or life cycle and areas which are important to migratory or non-migratory species. See also the definitions for <i>Fish Habitat</i> and <i>Wildlife Habitat</i>.

Stacking Lane: means an area of land that is used exclusively for queued <i>motor vehicles</i> whose occupants are waiting to be provided with goods, materials or services from a <i>drive-through</i> facility accessory to a <i>restaurant</i>, a <i>motor vehicle washing establishment</i>, <i>financial institution</i> or <i>pharmacy</i> where a <i>drive-through</i> is permitted by this By-law.
Step Back: means the portion of a <i>building</i> that is horizontally and vertically recessed from the <i>main wall</i> that faces the <i>street</i>. The amount of the recess and the applicable portion of the <i>building</i> that is subject to the recess are specified in the provisions of this By-law.
Storage Container: means a pre-fabricated metal container or box that is new or used and designed for the storage of goods that may be temporarily or permanently stored on a <i>lot</i> but does not include a <i>motor vehicle</i>. See also the definitions for <i>Shipping Container</i> and <i>Storage Trailer</i>.
Storage Container Sales Establishment: means a <i>lot</i> where <i>shipping containers</i>, <i>storage containers</i>, and/or <i>storage trailers</i> may be stored and sold on the <i>premises</i>.
Storage Trailer: means a used commercial transport trailer that may or may not be licensed and with the storage area mounted on a wheel base. See also the definitions for <i>Shipping Container</i> and <i>Storage Container</i>.
Storey: means a <i>floor</i> or level of a <i>building</i> that is between the top of any <i>floor</i> and the ceiling or roof above it and is up to 4.2 m in height, but does not include the <i>basement/cellar</i>. Any <i>storey</i> that exceeds 4.2 m in <i>height</i> shall be deemed to be an additional <i>storey</i> for each 4.2 m, or fraction thereof, in excess.
Storey, First: means the <i>storey</i> having its <i>floor</i> level closest to <i>grade</i> and its ceiling at least 1.5 m above <i>grade</i>.
Stormwater Management Facility: means an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.
Street: means a <i>public street</i> or a <i>private street</i>.
Street, Improved: is a street that has been surfaced with concrete, asphalt, or tar and chip and may or may not have curbs and gutters.
Street Line: means the boundary line of a <i>street</i>, representing the dividing line between a <i>lot</i> and a <i>street</i>.
Street Townhouse Dwelling: see <i>dwelling</i>.

Structure: means anything that is *erected*, built or constructed of parts joined together that requires location in or on the ground or attachment to something having location on the ground.

A *structure* excludes the following: a *fence*; a retaining *wall*, and *decks*, *patios*, or steps less than 0.6 m above *grade*; flag pole; clothes line pole; and, basketball pole/net.

Supermarket: means a retail store that sells food and household goods.

Tandem Parking: means the parking of one (1) *motor vehicle* directly behind another. ~~atlt excludes tandem parking in a driveway on a lot with a single detached dwelling, semi-detached dv.'ell'-ing, duplex dv.'ell'-ing, triplex dw-ell'-ing, fourplex dv.'ell'-ing and townhouse dwe/-1-ing.~~

Tavern: means a *building* or part thereof, which offers, as its primary function, the sale of alcoholic beverages to the public and which is licensed by the L.C.B.O.

Temporary Tent and/or Stage: means a *tent structure* and/or stage placed on lands for a temporary period and used for social, charitable or business events.

Temporary Use: means a *use* established for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

Tent: means a portable shelter made of fabric, supported by one (1) or more poles and stretched tight by cords or loops attached to pegs driven into the ground and for the purposes of this By-law is considered a *structure*.

Tent and Trailer Campground: means a parcel of land providing overnight or short term accommodation for *trailers*, *motor homes*, and *tents*, but is not a *mobile home*, and includes *accessory/ancillary uses* such as common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.

Terrace: means an unenclosed portion of a rooftop of a *building used* as a common outdoor *amenity area*.

Theatre: means any *premises* devoted to the presentation of live entertainment and performances but shall not include a *night club* or *adult oriented entertainment establishment*.

Through Lot: see *lot*.

Townhouse Dwelling: see *dwelling*.

Trailer: means an unpowered vehicle designed to be towed by a *motor vehicle* on a *street*, such as a boat trailer, an open cart, an unpowered vehicle equipped for living in, typically used during vacations but does not include a *motor home*, *long-haul transport trailer/transport tractor*, or a *portable trailer*.

Trailer, Portable: means a <i>structure</i> that is transportable <i>used</i> to provide temporary shelter as a classroom or <i>office</i> .
Triplex Dwelling: see <i>dwelling</i> .
Transportation Depot: means a <i>building, structure</i> or place where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, or which is a bonded or sufferance <i>warehouse</i> .
Transportation Terminal: means <i>premises</i> where large <i>motor vehicles</i> , buses, or taxis are parked and may include dispatching, administrative <i>offices</i> , a ticket <i>office</i> , canteen, luggage checking facilities, parcel shipping facilities, storage facilities for the parking of the <i>motor vehicles, motor vehicle service station</i> , and <i>parking areas</i> for passengers.
Tutoring: means the provision of supplementary academic instruction .
Upper Tier Government: means the Federal Government of Canada, <i>Province</i> of Ontario, and <i>Regional Municipality</i> of Niagara.
Use: when used as a noun, means the purpose for which a <i>lot</i> or <i>building</i> or <i>structure</i> or any combination thereof, is designed, arranged, intended, occupied or maintained and " <i>uses</i> " shall have a corresponding meaning. " <i>Use,</i> " when used as a verb, or " <i>to use,</i> " or " <i>used,</i> " shall have corresponding meanings.
Utility Building: means a <i>building, structure</i> or part thereof, <i>used</i> for the supply of local utility services, including a water or sewage pumping station, a water storage reservoir, an electric substation, and gas regulator, electric power transmission, telecommunications and other communication services <i>buildings</i> .
Utility Corridor: means a corridor of land used for the transmission of gas, oil, water, communications or electrical power and may include the erection of a <i>utility building</i> or the installation of other facilities essential to such transmission.
Veterinary Clinic: means a <i>building</i> or part thereof where animals are given medical or surgical treatment and may include ancillary shelter facilities provided for overnight treatment or boarding and where such a <i>clinic</i> is licensed by the College of Veterinarians of Ontario.
Walkout Basement: means that portion of a <i>building</i> which is partly underground, but which has more than 50% of the <i>floor area</i> below <i>grade</i> and which has an entrance and exit at <i>grade</i> level. This definition shall only apply in an area where the natural terrain permits construction of a <i>walkout basement</i> . See also the definition for <i>Basement</i>.

Wall: means any part of a *building* or *structure* which is designed to support a roof over a fully or partly enclosed space and shall include pillars and columns.

Wall, Common: means a *wall* that divides a *building* or *structure* into two or more areas for the purposes of separating *areas*.

Wall, Exterior Side: means the outside *wall* of a *building* or *structure* that faces the *exterior lot line*.

Wall, Front: means the outside *wall* of a *building* or *structure* that faces the *front lot line*.

Wall, Party : means a *wall* jointly owned and jointly used by two parties under an easement agreement or by right-in-law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

Wall, Rear: means the outside *wall* of a *building* or *structure* that faces the *rear lot line*.

Wall, Side: means the outside *wall* of a *building* or *structure* that faces the *interior side lot line*.

Wall, Wing: means a solid *wall* attached to a *building* or *structure* or part thereof, typically provided for visual screening, noise attenuation and/or for the attachment of utility meters.

Warehouse: means *premises* for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products, and *accessory office* space, and may include the temporary on-site storage of *commercial motor vehicles* for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted *use(s)*, but does not include a *self-storage establishment*.

Waste Container: means a garbage can, dumpster or other container used or designed for the deposit or storage of solid waste or recyclable material before transport to the *waste disposal facility*.

Waste Disposal Facility: means *premises used* for the disposal of residential , commercial or industrial waste and may include a landfill, waste transfer station, and processing facility.

Waste Enclosure: means a solid opaque *wall* with a gate for access that screens waste including recyclable material from view.

Waste Storage Area: means the interim containment of solid waste and recyclable material in *storage containers*.

See also the definition for *Storage Container*.

Water Supply: means a distribution system of underground piping and related storage, including wells, pumping and purification appurtenances owned and operated by the <i>City</i>, the <i>Region</i>, and/or the <i>Province</i>.
Watercourse: means a natural channel for a stream and includes a natural channel for an intermittent stream but does not include a <i>municipal drain</i>.
Wayside Pit or Quarry: means a temporary <i>pit</i> or <i>quarry</i> opened and <i>used</i> by a <i>public authority</i> solely for the purpose of a particular project or contract of road construction and not located within the right-of-way.
Wholesale Establishment: means <i>premises</i> or part thereof where the purpose of the business is the buying of goods for resale to other businesses including other wholesalers but does not include a <i>retail store</i> that sells directly to the public. <i>Wholesale establishments</i> include food terminals, chemical supply operations, and furniture and office equipment suppliers.
Wildlife Habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. See also the definitions for <i>Fish Habitat</i> and <i>Specific Wildlife Habitats of Concern</i>.
Winery: means <i>premises</i> used for the processing of fruit including fermentation, production, bottling, aging and storage of wine.
Yard: means an open, uncovered space on a <i>lot</i> situated between a <i>lot line</i> and a <i>building(s)</i> or <i>structure(s)</i> on a <i>lot</i>. In determining <i>yard</i> measurements, the minimum horizontal distance from the respective <i>lot lines</i> shall be <i>used</i>.
a) Exterior Side Yard: means a <i>yard</i>, bounded by a <i>front yard</i> and a <i>rear yard</i>, between an <i>exterior side lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i>.
b) Front Yard: means a <i>yard</i> extending across the full <i>lot width</i>, bounded by <i>side lot lines</i>, between the <i>front lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i>.
c) Interior Side Yard: means a <i>yard</i>, bounded by a <i>front yard</i> and a <i>rear yard</i>, between an <i>interior side lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i>.
d) Minimum Yard/Required Yard: means that portion of a <i>lot</i> between a specified <i>lot line</i> and the specified <i>setback</i> to where a <i>building</i> or <i>structure</i> may be located.
e) Rear Yard: means a <i>yard</i>, extending across the full <i>lot width</i>, bounded by <i>side lot lines</i>, between the <i>rear lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i>.

Zone: means a designated area of land *use* shown on Schedule "A" and established and designated by this By-law.

Zoning Administrator: means the employees of the *City* who have the duty of administering this By-law.

Part 3 | General Regulations

The following regulations shall apply in all *zones* unless specifically stated otherwise.

3.1 Accessory Buildings and Structures

Buildings and structures accessory to a permitted use are permitted in the residential *zones*, commercial *zones*, and employment *zones* subject to the following regulations:

- Accessory buildings or structures* shall not be *erected* until the *main building or use* to which it is *accessory* is established;
- Accessory buildings or structures* shall be located a minimum of 1.2 m from any other *building or structure* located on the same *lot*; and,
- The requirements for each *zone* in accordance with Table 3.1.

Table 3.1 – Accessory Building or Structure Requirements		
	Residential Zones	Commercial and Employment Zones
Maximum <i>Lot Coverage of Accessory Building(s) or Structure(s)</i>	10% of total <i>lot coverage</i> permitted	10% of total <i>lot coverage</i> permitted
<i>Minimum Front Yard Setback</i>	6.0 m, but in no case closer to the <i>street</i> than the <i>front wall</i> of the <i>dwelling</i>	As required by the applicable <i>zone</i>
<i>Minimum Rear Yard Setback</i>	0.9 m	As required by the applicable <i>zone</i>
<i>Minimum Interior Side Yard Setback</i>	0.9 m	As required by the applicable <i>zone</i>
<i>Minimum Exterior Side Yard Lot Line Setback</i>	As required by the applicable zone 3m	As per required by the applicable zone <u>Minimum exterior side yard setback</u> As required by the applicable <i>zone</i>
Maximum <i>Height</i>	4.5 m	6.0 m

3.2 Bed and Breakfast Establishments

Where a *bed and breakfast* is permitted the following regulations shall apply:

- a) The maximum number of guest rooms for hire shall be three (3);
- b) The *bed and breakfast* shall be a *secondary use* to the *principal residential use* and shall maintain the residential character of the *dwelling*;
- c) Only one (1) sign per *bed and breakfast* is permitted subject to the regulations of the City's Sign By-law, as amended from time to time; and,
- d) The operator(s) of the *bed and breakfast* shall reside on the *lot*.

3.3 Farm Produce Stands

Notwithstanding any other regulation of this By-law, where a *farm produce stand* is permitted as an *accessory use*, the following regulations shall apply:

- a) The *use* is only permitted on the same *lot* as the principal *agricultural use*;
- b) The cumulative maximum area for all *farm produce stands* shall be 18.5 m²;
- c) Any *farm produce stand* shall be *setback* a minimum of 6.0 m from any *lot line*; and,
- d) Where parking is not permitted on adjacent *street(s)*, a *parking area* on the *lot* must be provided with a minimum of two (2) *parking spaces* as outlined in Table 4.1.

3.4 Garden Suite Dwellings

A *garden suite dwelling* is only permitted on *lots* zoned R1 or R2 where a Temporary Use By-law has been passed under the *Planning Act, R.S.O. 1990*, as amended, and the following regulations shall apply:

- a) A *second dwelling unit* and a *garden suite dwelling* shall not be permitted on the same *lot*; and,
- b) One (1) additional *parking space* shall be provided on the *lot* and it is permitted to be in *tandem*.

3.5 Highway Corridor Setbacks

Notwithstanding any other provision of this By-law, all *buildings* and *structures* and the following features shall be *setback* a minimum of 14.0 metres from the *highway corridor*:

- a) Any *parking space*, including a *barrier-free parking space*, *bicycle parking space*, or *stacking lane* required by this By-law;
- b) Any *loading space*;
- c) *Utilities*;
- d) *Fire routes*; and
- e) *Stormwater management facility*.

3.6 Home Occupations

Where a *home occupation* is permitted as an *accessory use* in a *single detached*, *semi-detached*, or *townhouse (street or stacked) dwelling* in a *residential zone* the following regulations shall apply:

- a) The *home occupation* shall be clearly subordinate to the main *residential use* and conducted wholly within the *dwelling unit*;
- b) The external appearance and the residential character of the *dwelling unit* shall not be *altered*;
- c) There shall be no exterior indication either from the appearance of the *dwelling*, including signage, or the volume of vehicular traffic that any such *home occupation* is being conducted;
- d) The maximum *gross floor area* of any *home occupation* shall not exceed 25% of the *dwelling unit area* to a maximum of 37.2 m²;
- e) The *outside storage* or display of goods, material and products is prohibited;
- f) The *home occupation* must only employ persons who reside in the said *dwelling unit*;
- g) Not more than one (1) *home occupation* is permitted in a *dwelling unit*;
- h) No *parking area/lot* shall be provided for any *home occupation*;
- i) A minimum of one (1) *parking space* shall be provided for a *home occupation*, which *parking space* may be in *tandem*; and,
- j) The following uses *shall* not be considered as *home occupations*:

- i) *Retail store;*
- ii) *Pet day care or pet grooming establishment;*
- iii) *Kennel;*
- iv) *Veterinary clinic;*
- v) *Motor vehicle repair shop/garage;*
- vi) *Light or heavy service shop; and,*
- vii) *Taxi service.*

3.7 Licensed Medical Marijuana Production Facilities

Where a *licensed marijuana production facility* is permitted the following regulations shall apply:

- a) *Notwithstanding any other regulation of this By-law, any building or structure or portion of land thereof used for a licensed marijuana production facility purposes shall be set back 150.0 m from any residential, institutional, or open space zone; and,*
- b) *Notwithstanding any other regulation of this By-law, open storage is prohibited accessory to a licensed marijuana production facility.*

3.8 Lot ~~Frontage~~ Requirements

No person shall erect any *building or structure* or use any *building, structure, or lot* unless the *lot or condominium unit* meets at least one of the following requirements:

- a) The *lot* has *frontage* on a *public street* which is or will be assumed by by-law by a *public authority*;
- b) The *lot* has *frontage* on a *private street* which has access to a *public street*;
- c) A *condominium unit*, that is part of a *common element condominium*, fronts onto a *condominium common element roadway* that connects directly or indirectly with a *public street*; or,
- d) Is An existing *lot* (for lot frontage and lot area) that has access to a *public street*.

3.9 Minimum Distance Separation Requirements

- a) *Notwithstanding* any other regulation of this By-law, no new *building* used for human habitation shall be *erected* unless it is located in compliance with the Minimum Distance Separation I (MDS I) Formula published by the Ontario Ministry of Agriculture, Food and Rural Affairs, as may be amended from time to time.
- b) *Notwithstanding* any other regulation of this By-law, no new or expanded livestock facility shall be *erected* or enlarged unless it is located in compliance with the Minimum Distance Separation II (MDS II) Formula published by the Ontario Ministry of Agriculture, Food and Rural Affairs, as may be amended from time to time.

3.10 Model Homes and Temporary Sales Trailers

- a) Model homes shall be permitted on lands which have an executed subdivision agreement [or model home agreement](#), in accordance with the agreement.
- b) A temporary sales *portable trailer* shall be permitted only on lands that have received draft plan of subdivision or final approval for the exclusive sale of *lots* or *dwelling*s on land that is within the subdivision.

3.11 Motor Vehicle Service Stations

Where a *motor vehicle service station* is permitted the following regulations shall apply:

- a) *Notwithstanding* the *side yard* and *rear yard setbacks* of the applicable zone, the minimum *side yard* and *rear yard setback* abutting a residential use and/ or zone shall be 10.0 m, in all other cases the minimum *side yard* and *rear yard setback* shall be 7.5 m;
- b) A weather *canopy* may be *erected* over fuel pumps and fuel pump islands. A minimum *setback* of 3.0 m is required between the extent of the weather *canopy* and any *lot line*;
- c) Where the *lot* is a *corner lot*, no portion of any *structure* shall be located within any *sight triangle*; and,
- d) A 3.0 m *planting/buffer strip* shall be provided across the *frontage* and, if located on a *corner lot*, along the *exterior side yard* of the *lot*.

3.12 Occasional Uses

Nothing in this By-law shall prevent the occasional *use* of land for a period not exceeding thirty-six (36) months for the following *uses*:

- a) The *use* of any land or the erection or *use* of any temporary *building* or *structure* for a construction camp, work camp, tool shed, scaffold or other temporary *building* or *structure* incidental to and necessary for any construction work on the premises for which a building permit has been issued and not expired, but only for so long as such *use, building* or *structure* is necessary for such construction work which has not been finished or *abandoned*.

3.13 On-Farm Diversified Uses

Where an *on-farm diversified use* is permitted, the following regulations shall apply:

- a) The *on-farm diversified use* is located on the same *lot* on an active farm that is farmed for gain;
- b) The *on-farm diversified use* is an *accessory use* to the principal *agricultural use* of the property and maintains the agricultural/rural character of the area;
- c) The *on-farm diversified use* is appropriate to available rural services and *infrastructure*;
- d) The *on-farm diversified use* is permitted to occupy a maximum of 2% of the *lot* on which the *uses* are located, to a maximum of 10,000 m² (1 ha), whichever is less.

In accordance with the *Province's* Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, as amended, the area for an *on-farm diversified use* is calculated based on the following:

- i) Existing *lanes* shared between *agricultural uses* and *on-farm diversified uses* are not counted in the calculation;
- ii) The area of *existing buildings* or *structures*, built prior to April 30, 2014, the date the Provincial Policy Statement, 2014, came into effect, occupied by *on-farm diversified uses* is discounted;
- iii) The area of new *buildings, structures, setbacks, open/outside storage, landscape open space areas, berms, lanes* and *parking areas* on the *lot* are counted in the calculation at 100%;
- iv) The *gross floor area* of *buildings* used for *on-farm diversified uses* is limited to 20% of the 2% maximum *lot* area, to a maximum of 10,000 m² (1 ha), whichever is less;
- e) All required *parking* is provided on site for the *on-farm diversified use*; and,

- f) One (1) sign is permitted subject to the regulations of the City's Sign By-law, as amended from time to time.

3.14 Open/ Outside Storage

Where *open/ outside storage* is permitted, the following regulations shall apply:

- a) *Open/ outside storage* shall only be permitted in a *rear yard*; and,
- b) Where an *open/ outside storage* area is visible from any *street*, any *abutting lot* and/or *park*, the *open/outside storage* area shall be screened by a visual screen containing a solid *fence* or *wall* not less than 2.0 m in *height*.

3.15 Outdoor Patios

Where a *patio* is permitted as an *accessory use* to a permitted *use*, the following regulations shall apply:

- a) *Patios* above *grade* require a Building Permit.
- b) *Patios* that *abut* a *residential use* must have a *fence* 2.4 m in height on the *abutting lot line*;
- b) The maximum area for a *patio* shall not exceed 50% of the *net floor area* of the *principal use* to which the *patio* is *accessory*; and,
- c) *Parking spaces* shall be required for the area occupied by the *patio* as prescribed in Section 4.1.

3.16 Outside Display and Sales Areas

Where an *outside display and sales area* is permitted, the following regulations shall apply:

- a) The *outside display and sales area* is *accessory* to a permitted *use* on the *lot*;
- b) The *outside display and sales area* shall be located outside of an interior *side yard* and be located on areas on the *lot* that does not include: a fire route, *parking area/lot*, *driveway*, or *sight triangle*; and,
- c) The *outside display and sales area* may only locate in areas that do not comprise a fire route.

3.17 Pipeline Corridors

- a) *Notwithstanding* any other regulation of this By-law, no *building* or *structure* shall be located any closer than 7.0 m from the limit of the *pipeline* right-of-ways.
- b) *Notwithstanding* any other regulation of this By-law, no *accessory building* or *structure* shall be located any closer than 3.0 m from the limit of the *pipeline* right-of-ways.

3.18 Railway Setbacks for Sensitive Land Uses

- a) *Notwithstanding* any other regulations in this By-law, all *buildings* and *structures* containing a *dwelling*, *place of worship*, *day care*, *private school* or *public school* shall be located no closer than the following:
 - i) 30.0 m from any principal main line; and,
 - ii) 15.0 m from any principal branch line or spur lines.
- b) The *setback* requirements in a) are to be measured from the adjoining *lot lines* to the proposed *building* or *structure*; and
- c) The *setback* requirements in a) do not apply to *buildings* or *structures* accessory to a *dwelling* or above ground or *in-ground pools*, or above ground or *in-ground hot tubs*.

3.19 Residential Dwellings on a Lot

Except where otherwise permitted for *private street development*, *apartment buildings*, and *long-term care facilities*, only one (1) unit is permitted on a *lot* of the following *dwelling* types:

- a) *A single detached dwelling*;
- b) *A semi-detached dwelling*;
- c) *A duplex dwelling*;
- d) *A triplex dwelling*; or,
- e) *A fourplex dwelling*.

3.20 Seasonal Commercial Uses

Where a *seasonal commercial use* is permitted, the following regulations shall apply:

- a) The *seasonal commercial use* is *accessory* to a permitted *use* on the *lot*; and,

- b) The *seasonal commercial use* shall be located outside of a *minimum/required yard* on areas on the *lot* that does not include: a fire route, *parking area/lot*, *driveway*, or *sight triangle*.

3.21 Second Dwelling Units

Where a *second dwelling unit* is permitted, the following regulations apply:

- a) A maximum of one (1) *second dwelling unit* is permitted on a *lot*;
- b) A *second dwelling unit* is subject to a Building Permit being issued;
- c) A *second dwelling unit* shall have a *gross floor area* of a maximum of 40% of the *principal dwelling unit gross floor area*;
- d) One (1) additional *parking space* shall be provided on the *lot* and it is permitted to be in *tandem*;
- e) A *second dwelling unit* in an *accessory building* shall also be subject to Section 3.1, [except within the Agricultural Zone, subject to Section 9.4](#); and,
- f) A *second dwelling unit* and a *garden suite dwelling* shall not be permitted on the same *lot*.

3.22 Sight Triangles on Corner Lots

- a) Where *sight triangles* have not been dedicated to the City as part of the right-of-way in a plan of subdivision, *sight triangles* shall be required and shall measure 5.0 m by 5.0 m;
- b) Within the C1 zone, a *sight triangle* of 3.0 m by 3.0 m is required; and,
- c) Within the *sight triangle* only vegetation to a maximum of 0.75 m above the general elevation of the street is permitted

3.23 Shipping Containers, Storage Containers and Storage Trailers

Where *shipping containers, storage containers and storage trailers* are permitted, the following regulations apply:

Table 3.2 – Commercial and Employment Zones	
Item	Regulations
Number of <i>shipping containers, storage containers or storage trailers</i> permitted per lot	Maximum three (3) <i>shipping containers, storage containers and/or storage trailers</i> . No limit for a <i>self-storage establishment, transportation depot or storage container sales establishment</i> .
Container/ trailer dimensions	Maximum 3.0 m wide by 12.0 m in length and 3.0 m in <i>height</i> .
Location	Only permitted in the <i>rear yard or interior side yard</i> . Applicable <i>yard setbacks</i> apply. Anchoring system can encroach in required <i>yard</i> .
Lot coverage	If used as the <i>principal/ primary use</i> the maximum <i>lot coverage</i> of the applicable <i>zone</i> applies. If used as an <i>accessory building or structure</i> the maximum <i>lot coverage</i> for <i>accessory building or structure</i> applies.
Location restriction	Not permitted on any required <i>parking space, parking aisle, fire route, driveway, setback, landscape open space or planting/ buffer strip</i> .
Use restriction	Human habitation prohibited.
Height restriction	No stacking of units.
Fencing	Not permitted to be <i>used</i> as fencing.
Screening	Units shall be screened from all <i>abutting</i> properties and <i>street</i> .

Table 3.3 – Residential, Agricultural and Rural Zones

Item	Regulations
Number of <i>storage containers</i> permitted per <i>lot</i>	Maximum of two <i>storage containers</i> permitted per <i>lot</i> .
<i>Storage container</i> dimensions	Maximum 3.0 m wide by 5.0 m in length and 3.0 m in <i>height</i> .
Location	<i>Rear yard</i> only, except on a temporary basis permitted up to ninety (90) consecutive days subject to location restrictions.
<i>Lot coverage</i>	The maximum <i>lot coverage</i> for all <i>accessory building or structures</i> applies.
Location restriction	Not permitted on any required <i>parking space, parking aisle, fire route, setback, landscape open space or planting/ buffer strip</i> .
<i>Height</i> restriction	No stacking of units.
Fencing	Not permitted to be <i>used</i> as fencing.
Screening	Units shall be screened from all <i>abutting</i> properties and <i>street</i> . Units <i>used</i> on a temporary basis do not need to be screened.

3.24 Temporary Tents and/ or Stages

Where a *temporary tent and/ or stage* is permitted, the following regulations shall apply:

- a) The *temporary tent and/ or stage* is accessory to a permitted *use* on the *lot* subject to a Building Permit being issued, if required; and,
- b) The *temporary tent and/ or stage use* shall be located outside of a *minimum/required yard* on areas on the *lot* that does not include a fire route, *driveway*, or *loading spaces*.

3.25 Waste Storage Areas

The storage of waste in *storage containers* is permitted in any commercial, employment, and institutional zone and on *lots* with four (4) or more *dwelling units* subject to the following:

- a) A *waste storage area*, including any waste loading or unloading area shall only be located in the *rear yard*, *interior yard* or *exterior side yard*; and,
- b) *Storage containers* that are fully above *grade* shall be completely screened from view with a *waste enclosure*.

3.26 Yards to be Unobstructed

- a) Except as permitted by this section or otherwise specified by this By-law, no *building* or *structure* shall be erected or *used* in any required *yard* except for in accordance with Tables 3.2 and 3.3.

Table 3.4 – General Structures Permitted Encroachments/Projections

Structure Type	Yard Permitted	Maximum Encroachment/Projection into the Required Yard
Eaves and Gutters	All	Not closer than 0.5 m to any <i>lot line</i>
Uncovered Stairs or Ramps to <i>First Storey</i> , Uncovered Balconies	All	Not closer than 0.5 m to any <i>lot line</i>
<i>Chimneys</i>	All	0.6 m
Fire Escapes and Exterior Staircases, Including an <i>Exterior Landing</i>	<i>Interior side, Exterior side, Rear</i>	1.2 m
<i>Operating Apparatus</i> such as: Central Air Conditioning Unit, Heat Pump or Pumping Filter	<i>Interior side, Exterior side, Rear</i>	Not closer than 1.2 m to any <i>lot line</i>
Alcoves, Bay Windows, Bow Windows, Window Sills, Ornamental Projections, Dormers	<i>Interior side and Exterior side</i>	Not closer than 0.5 m to any <i>lot line</i>
	<i>Front and Rear</i>	0.6 m

Table 3.5 Platform Structure Permitted Encroachments/ Projections (i.e. Deck, Porch, Balcony, Patio)			
	Height of Platform (1)		
	Height above established grade from 0.15 m to 0.6 m*	Height above established grade more than 0.6 m and less than 1.2 m	Height above established grade 1.2 m or greater
<i>Minimum Setback from Exterior Side Lot Line to Platform Structure (2)</i>	3.0 m	3.0 m	<i>Required exterior yard of main building</i>
<i>Minimum Setback from Interior Side Lot Line to Platform Structure (2)</i>	<i>Required interior side yard of main building</i>		
<i>Minimum Setback from Rear Lot Line to Platform Structure (2)</i>	1.8 m	3.0 m	4.5 m
<i>Minimum Setback from Front Lot Line to Platform Structure (2)</i>	3.0 m	3.0 m	<i>Required front yard of main building</i>

Footnotes for Table 3.5:

- (1) A platform structure less than 0.15 m above grade is defined as *landscape open space*.
- (2) For *private street development*, the *minimum setback* from a specified *lot line*, as set out in the Table above, will be taken as the *minimum setback* in the corresponding yard for the individual *condominium unit*.

Part 4 | Parking and Loading Requirements

The following regulations shall apply in all zones unless specifically stated otherwise.

4.1 Parking Space Requirements

A minimum number of parking spaces for motor vehicles shall be provided and maintained on a lot in accordance with Table 4.1.

Table 4.1 – Parking Space Requirements	
Use	Minimum Number of Parking Spaces Required
Residential Uses	
<i>Apartment building</i>	1.25 spaces per dwelling unit or 0.25 spaces per bed-sitting room
<i>Bed and breakfast</i>	1.0 space per rental room, in addition to the parking space required for the principal dwelling unit
<i>Dormitory</i>	0.25 spaces per bed
<i>Dwelling, single detached</i>	2.0 spaces per dwelling unit
<i>Dwelling, semi-detached</i>	2.0 spaces per dwelling unit
<i>Dwelling, townhouse</i>	2.0 spaces per dwelling unit
<i>Dwelling, duplex</i>	1.0 space per dwelling unit
<i>Dwelling, triplex</i>	1.0 space per dwelling unit
<i>Dwelling, fourplex</i>	1.0 space per dwelling unit
<i>Dwelling, garden suite</i>	1.0 space per dwelling unit, in addition to the parking space required for the principal dwelling unit
<i>Mixed-use building</i>	1.25 spaces per dwelling unit or 0.25 parking spaces per bed-sitting room
<i>Private road development</i>	2.0 space per condominium unit
<i>Second dwelling unit</i>	1.0 spaces per second dwelling unit, in addition to the parking required for the principal dwelling unit
Commercial Uses	
<i>Arena</i>	1.0 space per 30.0 m ² of gross floor area
<i>Clinic</i>	1.0 space per 20.0 m ² of gross floor area
<i>Convenience retail and service kiosk</i>	1.0 space per 25.0 m ² of gross floor area
<i>Convenience store</i>	1.0 space per 25.0 m ² of gross floor area
<i>Commercial school</i>	1.0 space per 25.0 m ² of gross floor area

UNDER
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<i>Day care</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>Farmer's market</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Financial institution</i>	1.0 space per 25.0 m ² of <i>gross floor area</i>
<i>Fitness centre</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Garden Centre</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Hotel/ motel</i>	1.0 space per suite or guest room
<i>Motor vehicle repair shop/garage</i>	4.0 spaces per service bay
<i>Motor vehicle sales and rental establishment</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>Motor vehicle service station</i>	2.0 spaces plus any <i>required parking spaces</i> for accessory uses to the <i>motor vehicle service station</i> , such as a <i>convenience retail and service kiosk</i> .
<i>Office</i>	1.0 space per 25.0 m ² of <i>gross floor area</i>
<i>Patio</i>	1.0 space per 10.0 m ² of <i>patio area</i>
<i>Personal service shop</i>	1.0 space per 15.0 m ² of <i>gross floor area</i>
<i>Place of assembly/ banquet hall</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Place of entertainment</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Restaurant</i>	1.0 space per 10.0 m ² of <i>gross floor area</i>
<i>Retail store/ supermarket</i>	1.0 space per 25.0 m ² of <i>gross floor area</i>
<i>Self-storage establishment</i>	1.0 space for every 1000.0 m ² of <i>gross floor area</i>
<i>Shopping centre</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Veterinary clinic</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>All other commercial uses not identified in this table</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
Agricultural and Rural Uses	
<i>Agricultural use/ agriculture-related use/ on-farm diversified use</i>	No <i>minimum</i> requirement (parking for a <i>single detached dwelling</i> shall still be provided)
<i>Farm implement dealer</i>	1.0 space for every 25.0 m ² of <i>gross floor area</i> (excluding <i>outdoor display</i> and storage of <i>motor vehicles</i>)
<i>Farm produce stand</i>	2.0 spaces
<i>Kennel</i>	1.0 space for every 40.0 m ² of <i>gross floor area</i>

Employment Uses	
<i>Accessory retail uses to industrial uses</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>Bakery</i>	1.0 space for every 30.0 m ² of <i>gross floor area</i>
<i>Building supply outlet</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>Heavy manufacturing establishment</i>	1.0 space per 100.0 m ² of <i>gross floor area</i>
<i>Heavy service shop</i>	1.0 space for every 35.0 m ² of <i>gross floor area</i>
<i>Licensed marijuana production facility</i>	1.0 space for every 1000.0 m ² of <i>gross floor area</i>
<i>Light manufacturing establishment</i>	1.0 space for every 100.0 m ² of <i>gross floor area</i>
<i>Light service shop</i>	1.0 space for every 35.0 m ² of <i>gross floor area</i>
<i>Transportation terminal</i>	1.0 space for every 40.0 m ² of <i>gross floor area</i>
<i>Warehouse</i>	1.0 space for every 1000.0 m ² of <i>gross floor area</i>
<i>Wholesale establishment</i>	1.0 space for every 80.0 m ² of <i>gross floor area</i>
<i>All other industrial uses not identified in this table</i>	1.0 spaces for every 40.0 m ² of <i>gross floor area</i>
Institutional and Recreational Uses	
<i>Cemetery</i>	6.0 <i>parking spaces</i>
<i>Day care</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>Community centre</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>Community garden</i>	No <i>minimum</i> requirement
<i>Conservation uses</i>	No <i>minimum</i> requirement
<i>Hospital</i>	1.0 space for every two beds
<i>Long-term care facility</i>	1.0 space for every four beds
<i>Private school</i>	Elementary school: 1.5 spaces per classroom Secondary school: 4.0 space per classroom
<i>Public school</i>	Elementary school: 1.5 spaces per classroom Secondary school: 4.0 spaces per classroom
<i>Place of worship</i>	1.0 space per 20.0 m ² of <i>gross floor area</i>
<i>All other institutional uses not identified in this table</i>	1.0 space per 30.0 m ² of <i>gross floor area</i>
<i>All other recreational uses not identified in this table</i>	10.0 spaces per playing field/rink/basketball/ volleyball court/ <i>in-ground pool</i>

	No minimum requirement for a <i>playground, trail</i> or picnic area
--	--

4.2 Calculation of Required Parking Spaces

4.2.1 Rounding

Where the calculation of the *required* number of *parking spaces* under Section 4.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

4.2.2 Multiple Uses on a Lot

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*, including any *accessory uses* with a defined parking requirement under Section 4.1.

4.2.3 Driveways Used as Parking Areas

On a *lot* with a *single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling* or *townhouse dwelling*, a private *driveway* devoted to the *dwelling unit* and located on the *lot* may be included in the calculation of *parking spaces*.

4.2.4 Downtown Exemption

Notwithstanding any other provision of this By-law, *commercial uses* shall be exempted from the parking and *loading space* requirements of this By-law within the C1 and C2 *zones*.

4.3 Barrier-free Parking Spaces

4.3.1 Parking Spaces to be Provided

Barrier-free parking spaces are required to be provided near entrances for *apartment buildings, mixed-use buildings, commercial uses, institutional uses* and *employment uses* in accordance with Table 4.3.1 and have signage in accordance with the Ontario Regulation 191/11 Integrated Accessibility Standards, as amended.

Table 4.3.1 – Minimum Number of Barrier-free Parking Spaces			
Total Number of Parking Spaces in all Parking Areas on the Lot	Minimum Number of Barrier-free Parking Spaces	Type A Spaces	Type B Spaces
1 to 12	1	1	0
13 to 100	4% of the total number of <i>parking spaces</i> in the <i>parking area</i>	• <u>For lots with an even number of total <i>barrier-free parking spaces</i></u> – provide an equal number of Type A and Type B spaces. • <u>For lots with an odd number of total <i>barrier-free parking spaces</i></u> – provide an equal number of Type A and Type B spaces. The additional space may be a Type B space.	
101 to 200	1, plus 3% of the total number of <i>parking spaces</i> in the <i>parking area</i>		
201 to 1,000	2, plus 2% of the total number of <i>parking spaces</i> in the <i>parking area</i>		
1,001 or greater	11, plus 1% of the total number of <i>parking spaces</i> in the <i>parking area</i>		

4.3.2 Dimensions of Barrier-Free Parking Spaces

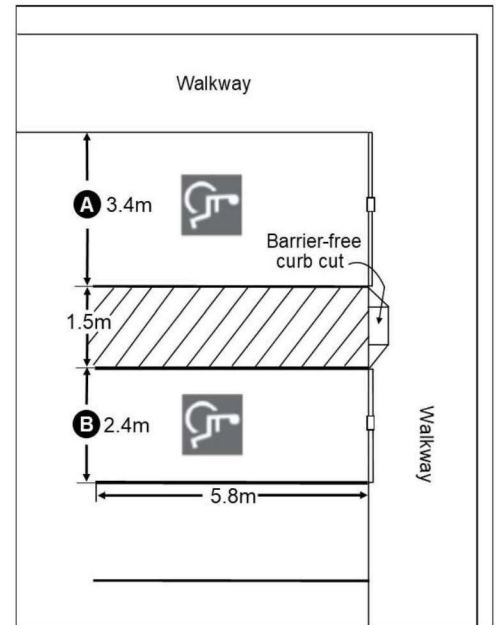
The minimum dimensions for a *barrier-free parking space* shall be in accordance with Table 4.3.2.

Table 4.3.2 – Dimensions of Barrier-free Parking Spaces		
Type	Width	Length
Type A	3.4 m	5.8 m
Type B	2.4 m	5.8 m

4.3.3 Barrier-Free Parking Access Aisle

All *barrier-free parking spaces* shall include an access aisle and be in accordance with the following:

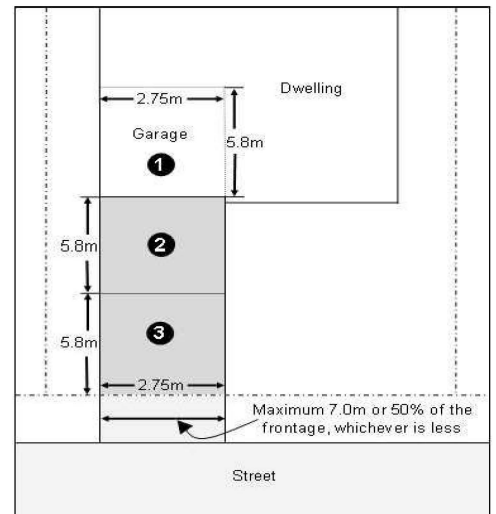
- a) An access aisle can be shared by two (2) *barrier-free parking spaces*;
- b) An access aisle shall have a minimum width of 1.5 m and a minimum length of 5.8 m; and,
- c) An access aisle shall include high tonal contrast diagonal markings. On unpaved ground surfaces, other methods to discourage parking on the access aisle can be used, if approved by the *zoning administrator*.



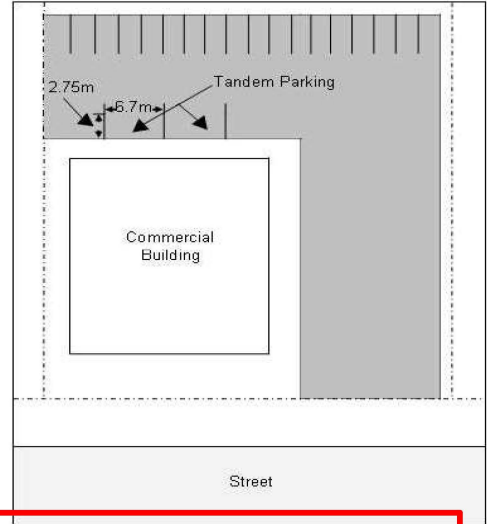
4.4 Parking Area and Driveway Requirements

4.4.1 Parking Space Dimensions and Requirements

- a) The minimum dimensions of a *parking space* and a *tandem parking space in a driveway on a lot with a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, townhouse dwelling, garden suite, second dwelling unit or home occupation* shall be 2.75 m by 5.8 m with a minimum vertical clearance of 4.2 m.
- b) The minimum dimensions of a *tandem parking space for uses not listed in 4.4.1 a)* shall be 2.75 m by 6.7 m with a minimum vertical clearance of 4.2 m.
- c) A required *parking space* shall be unobstructed and free of any *structures* and *encroachments*.



- d) Notwithstanding 4.4.1c), Where a parking space within a private garage is a minimum of 6.0 m by 3.0 m in dimension, an encroachment for stairs within a garage is permitted within the minimum dimensions of a parking space to a maximum of 0.3 metres along the length of the parking space or 0.25 metres along the width of the parking space.



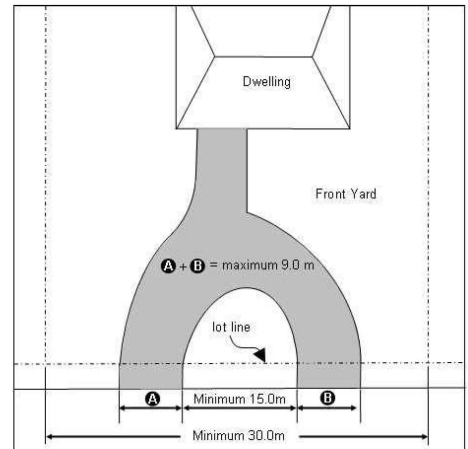
4.4.2 Driveways

UNDER
APPEAL

- a) Only one (1) driveway shall be permitted in a residential zone.
- b) In any zone where a dwelling is permitted, the maximum driveway width shall be 7.0 m or 50% of the frontage or condominium unit frontage or the exterior side lot line distance; whichever is less, for the entire length of the driveway.

- c) Notwithstanding 4.4.2a), a circular or secondary driveway shall only be permitted in accordance with the following:

- On a lot with a minimum lot frontage of 30.0 m;
- The maximum combined width of all driveway entrances/egresses shall be 9.0 m; and,
- The minimum distance between the driveway entrances/egresses shall be 15.0 m. For the purposes of interpreting this regulation, the distance between proposed driveway entrances/egresses shall be measured along the applicable street line(s) between the driveway entrances/egresses.



- d) Ingress and egress to and from required parking areas and required parking spaces in any zone shall be provided by means of unobstructed driveways at least 3.0 m in width for one way-traffic and 7.0 m in width for two-way traffic.
- e) Only private motor vehicles are permitted to be parked in a driveway on a lot in a residential zone.

4.4.3 Parking Aisles

- a) Each parking space shall be accessed either directly by a driveway or a parking aisle. A parking aisle shall have a minimum width of 6.4 m.

- b) *Notwithstanding* Section 4.4.3 a), where a *parking aisle* is designed to provide one-way traffic only, and the *parking spaces* are provided at an angle not exceeding 45 degrees measured at the *parking aisle*, the *minimum* width shall be 4.5 m.

4.4.4 Parking Area and Driveway Surface

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

4.4.5 Illumination

Where parking areas are illuminated, lighting fixtures shall be designed and installed so that the light is directed downward, and deflected away from adjacent *lots*, roads and *streets*.

4.4.6 Parking Area Location Abutting Residential Zone

In any non-*residential zone*, where the *lot* abuts a *residential zone*, no part of any *parking area* shall be located closer than 3.0 m to the *residential zone*.

4.4.7 Parking Area Attendant Structure

- a) A *structure*, not more than 4.5 m in *height* and not more than 15.0 m² in *gross floor area* shall be permitted in any *parking area* for the purpose of accommodating a *parking area* attendant.
- b) The *structure* shall be *setback* a *minimum* of 3.0 m from all *lot lines*.

4.5 Loading Area Requirements

4.5.1 General

- a) A minimum number of *loading space(s)* shall be provided and maintained on a *lot* in accordance with Table 4.5.1.

Table 4.5.1 – Minimum Loading Space Requirements		
Use		Minimum Number of Required Loading Spaces
Residential Uses		
i)	<i>Building containing less than 30 apartment dwelling units or bed-sitting rooms</i>	None
ii)	<i>Building containing 30 or more apartment dwelling units or bed-sitting rooms</i>	1
Offices and Clinics		
i)	<i>Less than 2,000.0 m² of gross floor area</i>	None

Table 4.5.1 – Minimum Loading Space Requirements		
Use		Minimum Number of Required Loading Spaces
ii)	2,000.0 m ² of <i>gross floor area</i> up to and including 10,000.0 m ² of <i>gross floor area</i>	1
iii)	More than 10,000.0 m ² of <i>gross floor area</i>	2
Other Commercial, Institutional, Employment and Industrial Uses		
i)	Less than 250.0 m ² of <i>gross floor area</i>	None
ii)	250.0 m ² of <i>gross floor area</i> up to or equal to 2,000.0 m ² of <i>gross floor area</i>	1
iii)	More than 2,000.0 m ² of <i>gross floor area</i>	2

- b) A *loading space* shall be a *minimum* of 3.5 m in width and 14.0 m in length with a *minimum* vertical clearance of 4.2 m.
- c) A *loading space* shall be unobstructed, and free of any *structures* and *encroachments*.

4.5.2 Rounding

Where the calculation of the required number of *loading spaces* under Section 4.5.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

4.5.3 Multiple Uses on a Lot

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the *loading space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*.

4.5.5 Loading Space Surface

A *loading space* shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials.

4.5.6 Loading Space Location

A *loading space* shall not be permitted in any *front yard* or *exterior side yard*, except in any agricultural or rural *zone*, where it shall be permitted in any *yard*.

4.6 Bicycle Parking Requirements

- a) A minimum number of *parking spaces* for bicycles shall be provided and maintained on a *lot* in accordance with Table 4.6.1.

Table 4.6.1 – Minimum Bicycle Parking Space Requirements		
Use	Short-term Bicycle Parking Space Requirements	Long-term Bicycle Parking Space Requirements
Residential Uses		
<i>Apartment dwelling unit or bed-sitting room and long-term care facility with 6 or less dwelling units or beds</i>	<i>Minimum of 2.0 spaces</i>	<i>Minimum 1.0 space per apartment dwelling unit or bed-sitting room</i> <i>1.0 space per 500.0 m² of gross floor area for long-term care facility</i>
<i>Apartment dwelling unit or bed-sitting room and long-term care facility with more than 6 dwelling units or beds</i>	<i>0.25 spaces per apartment dwelling unit</i> <i>6.0 spaces for long-term care facility</i>	<i>0.25 spaces per apartment dwelling unit or bed-sitting room</i> <i>1.0 space per 500.0 m² of gross floor area for long-term care facility</i>
Office and Commercial Uses		
<i>Office</i>	<i>Minimum of 6.0 spaces</i>	<i>1.0 spaces per 200.0 m² of gross floor area</i>
<i>Personal service shop</i>	<i>1.0 space per 200.0 m² of gross floor area</i>	<i>None required</i>
<i>Any retail or restaurant use</i>	<i>3.0 spaces plus 1.0 spaces per 200.0 m² of gross floor area</i>	<i>None required</i>
Institutional Uses		
<i>Hospital</i>	<i>6.0 spaces per public building entrance</i>	<i>1.0 space per 500.0 m² of gross floor area</i>
<i>Post-secondary institution</i>	<i>1.0 space per 200.0 m² of gross floor area</i>	<i>1.0 space per 2000.0 m² of gross floor area</i>
<i>Private and public school</i>	<i>1.0 space per classroom</i>	<i>1.0 space per 500.0 m² of gross floor area</i>
<i>Place of worship</i>	<i>1.0 space per 1000.0 m²</i>	<i>None required</i>

Table 4.6.1 – Minimum Bicycle Parking Space Requirements		
Use	Short-term Bicycle Parking Space Requirements	Long-term Bicycle Parking Space Requirements
Industrial Uses		
<i>Industrial</i>	<i>None required</i>	1.0 space per 1,500.0 m ² of gross floor area
<i>Warehouse</i>	<i>None required</i>	1.0 space per 2,000.0 m ² of gross floor area
Other uses		
All other non-residential uses	1.0 space per 1000.0 m ² of gross floor area	<i>None required</i>

4.6.2 Rounding

Where the calculation of the required number of bicycle *parking spaces* under Section 4.6.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

4.6.3 Multiple Uses on a Lot

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the bicycle *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*.

4.6.5 Bicycle Space and Parking Area Requirements

- a) All bicycle *parking spaces* under this By-law shall be provided on the same *lot* as the *building* or *use* to which they serve; and,
- b) Each *short-term bicycle parking space* required under this By-law shall be located a maximum of 15.0 m from a building entrance

Part 5 | Establishment of Zones

5.1 Establishment of Zones and Zone Symbols

This By-law establishes the following *zones*, and places all lands in the defined area into *zones*, which are defined in Table 5.1.

Table 5.1: Establishment of Zones	
Zone Name	Zone Symbol
Residential Zones	
Single Detached A	R1A
Single Detached and Duplex B	R1B
Single Detached and Duplex C	R1C
Single Detached D	R1D
Semi-detached A	R2A
Semi-detached B	R2B
Townhouse A	R3A
Townhouse B	R3B
Triplex and Fourplex	R3C
Private Street Development	R3D
Apartment and Long-term Care Facility A	R4A
Apartment and Long-term Care Facility B	R4B
Commercial Zones	
Downtown Main Street	C1
Downtown Mixed Use	C2
General Commercial	C3
Neighbourhood Commercial	C4
Highway Commercial	C5
Mixed Use Commercial	C6
Employment Zones	
Prestige Employment	M1
General Industrial	M2
Employment Mixed Use	M3

Table 5.1: Establishment of Zones	
Zone Name	Zone Symbol
Rural Industrial	M4
Agricultural & Rural Zones	
Agricultural	A
Specialty Crop	AS
Rural	RU
Community Zones	
Major Institutional	I1
Minor Institutional	I2
Open Space – Parks and Recreation	OS1
Open Space - Conservation	OS2
Environmental Zones	
Environmental Protection 1	EP1
Environmental Protection 2	EP2
Environmental Protection 3	EP3
Other Zones	
Future Development	FD
Utility	U

Part 6 | Residential Zones

6.1 Zone Names and Symbols

Table 6.1 – Residential Zones	
Zone Name	Zone Symbol
Residential Zones	
i) Residential One Zones	R1A, R1B, R1C, R1D
ii) Residential Two Zones	R2A, R2B
ii) Residential Three Zones	R3A, R3B, R3C, R3D
iii) Residential Four Zones	R4A, R4B

6.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 6.2.

Table 6.2 – Permitted Uses in the Residential Zones				
Use	R1 Zones	R2 Zones	R3 Zones	R4 Zones
<i>Single detached dwelling</i>	•	•		
<i>Duplex dwelling</i>	•	•		
<i>Semi-detached dwelling</i>	•	•		
<i>Street townhouse dwelling</i>	• (5)	• (5)	•	•
<i>Stacked townhouse dwelling</i>			•	•
<i>Private street development (1)</i>			•	•
<i>Triplex dwelling</i>	•	•	•	•
<i>Fourplex dwelling</i>			•	•
<i>Apartment dwelling</i>			•	•
<i>Group Home</i>	•	•	•	•
<i>Long-term care facility</i>			•	•
<i>Accessory Uses</i>				
<i>Accessory building or structure (3)</i>	•	•	•	•
<i>Bed and breakfast (3)</i>	• (2)	•	• (2)	

Table 6.2 – Permitted Uses in the Residential Zones				
Use	R1 Zones	R2 Zones	R3 Zones	R4 Zones
<i>Garden suite dwelling (3)</i>	•	•		
<i>Home occupation (3)</i>	•	•	•	
<i>Private home day care</i>	•	•	•	
<i>Second dwelling unit (3)</i>	•	•	• (4)	
<i>Short term accommodation rental (3)</i>	•	•	•	•
<i>Storage container (3)</i>	•	•	•	•

Footnotes for Table 6.2 Permitted Uses:

- (1) *Private street development permitted uses include single detached dwellings, semi-detached dwellings, townhouses and stacked townhouses.*
- (2) *Bed and breakfasts are only permitted in single detached dwellings, semi-detached dwellings, and street townhouses.*
- (3) This use is subject to regulations outlined in Part 3-Generals.
- (4) This use is not permitted in a *triplex* or *fourplex*.
- (5) Within the R1 and R2 zones, street townhouse dwellings shall be limited to three attached dwellings.

6.3 Lot, Building and Structure Requirements

6.3.1 The following requirements in Table 6.3.a shall apply to every *lot, building and structure* in the applicable R1A and R1B zones:

Table 6.3.a - Lot, Building, and Structure Requirements for Residential R1A and R1B Zones					
Requirement	Permitted Uses				
	Dwelling Single Detached	Dwelling, Semi-Detached	Dwelling, Duplex	Dwelling, Triplex	Townhouse (Street)
Minimum Lot Area	400 m ²	200 m ²	325 m ²	450 m ²	180.0 m ² per interior unit and 225.0 m ² per end unit
Minimum Lot Frontage	12.0 m	7.0	12.0 m	15.0 m	6.0 m per interior unit and 7.5 m per end unit
Minimum Front Yard	4.5 m to <i>dwelling</i> 7.5 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 7.5 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 7.5 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 7.5 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 7.5 m to attached <i>private garage</i> or <i>carport</i> (1)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m	1.2 m	1.2 m (2)
Minimum Exterior Side Yard	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)
Maximum Building Height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
Minimum Landscaped Open Space	30%	30%	30%	30%	30%

Maximum Lot Coverage	45%	45%	45%	45%	45%
Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	65 % of the main building front wall length	60 % of the main building front wall length
Maximum Number of Attached Dwelling Units	-	-	-	-	3

6.3.2 The following requirements in Table 6.3.b shall apply to every *lot, building and structure* in the applicable R1C zone:

Table 6.3.b - Lot, Building, and Structure Requirements for Residential R1C Zone					
Requirement	Permitted Uses				
	Dwelling Single Detached	Dwelling, Semi-Detached	Dwelling, Duplex	Dwelling, Triplex	Townhouse (Street)
Minimum Lot Area	325 m ²	200 m ²	325 m ²	450 m ²	180.0 m ² per interior unit and 225.0 m ² per end unit
Minimum Lot Frontage	10.5 m	7.0	10.5 m	15.0 m	6.0 m per interior unit and 7.5 m per end unit
Minimum Front Yard	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m

Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m	1.2 m	1.2 m (2)
Minimum Exterior Side Yard	4.5 m to dwelling 7.5 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 7.5 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 7.5 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 7.5 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 7.5 m to attached <i>private garage or carport</i> (1)
Maximum Building Height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
Minimum Landscaped Open Space	30%	30%	30%	30%	30%
Maximum Lot Coverage	45%	45%	45%	45%	45%
Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	65 % of the main building front wall length	60 % of the main building front wall length
Maximum Number of Attached Dwelling Units	-	-	-	-	3

6.3.3 The following requirements in Table 6.3.c shall apply to every *lot, building and structure* in the applicable R1D zone:

Table 6.3.c - Lot, Building, and Structure Requirements for Residential R1D Zone					
Requirements	Permitted Uses				
	Dwelling Single Detached	Dwelling, Semi-Detached	Dwelling, Duplex	Dwelling, Triplex	Townhouse (Street)
Minimum Lot Area	250 m ²	200 m ²	325 m ²	450 m ²	180.0 m ² per interior unit and 225.0 m ² per end unit
Minimum Lot Frontage	9 m	7.0 m	10.5 m	15.0 m	6.0 m per interior unit and 7.5 m per end unit

Minimum Front Yard	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m	1.2 m	1.2 m (2)
Minimum Exterior Side Yard	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage or carport</i> (1)
Maximum Building Height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
Minimum Landscaped Open Space	30%	30%	30%	30%	30%
Maximum Lot Coverage	45%	45%	45%	45%	45%
Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	65 % of the main building front wall length	60 % of the main building front wall length
Maximum Number of Attached Dwelling Units	-	-	-	-	3

6.3.4 The following requirements in Table 6.3.d shall apply to every *lot, building and structure* in the applicable R2A and R2B zones:

Table 6.3.d - Lot, Building, and Structure Requirements for Residential R2A and R2B Zones					
Requirements	Permitted Uses				
	Dwelling Single Detached	Dwelling, Semi-Detached	Dwelling, Duplex	Dwelling, Triplex	Townhouse (Street)
Minimum Lot Area	325 m ²	200 m ² per dwelling unit	325 m ²	450 m ²	180.0 m ² per interior unit and 225.0 m ² per end unit
Minimum Lot Frontage	10.5 m	7.0 m	10.5 m	15.0 m	6.0 m per interior unit and 7.5 m per end unit
Minimum Front Yard	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m	1.2 m	1.2 m (2)
Minimum Exterior Side Yard	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)
Maximum Building Height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
Minimum Landscaped Open Space	30%	30%	30%	30%	30%
Maximum Lot Coverage	45%	45%	45%	45%	45%

Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	65 % of the main building front wall length	60 % of the main building front wall length
Maximum Number of Attached Dwelling Units	-	-	-	-	3

6.3.5 The following requirements in Table 6.3.e shall apply to every *lot, building and structure* in the applicable R3A, R3B, R3C and R34 zones:

Table 6.3.e - Lot, Building, and Structure Requirements for Residential R3A, R3B, R3C and R3D Zones					
Requirements	Permitted Uses				
	Dwelling, Triplex Fourplex	Townhouse (Street)	Townhouse (Stacked)	Private Street Development	Apartment/ Long Term Care Facility
Minimum Lot Area	450 m ²	160 m ² per interior unit and 200 m ² per end unit	450 m ²	-	-
Minimum Lot Frontage	15.0 m	6.0 m per interior unit and 7.5 m per end unit	15 m	12 m for lot	30.0 m
Minimum Front Yard	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	3.0 m to dwelling front wall or side wall 6.0 m to attached private garage or to rear wall of dwelling	3.0 when building is less than 12.0 m in height 5.0 m when building is 12.0 m in height or greater (4)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	3.0 m to dwelling side wall 6.0 m to dwelling rear wall	7.5m for portion of building up to 12.0 m in height

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					Additional 0.5 m for each additional 1.0 m of building height
Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m 1.5 m where abutting an R1 or R2 zone	3.0 m to dwelling side wall 6.0 m to dwelling rear wall	3.0 m for portion of building up to 12.0 m in height Additional 0.5 m for each additional 1.0 m of building height
Minimum Exterior Side Yard	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to dwelling 6.0 m to attached private garage or carport	4.5 m	4.5 m	3.0 when building is less than 12.0 m in height 5.0 m when building is 12.0 m in height or greater (4)
Maximum Building Height	11.0 m	11.0 m	12.0 m	11.0 m	12.0 m
Maximum Number of Attached Dwelling Units		6	6 (3)	6	-
Minimum Landscaped Open Space	30%	30%	30%	30%	30%
Total Lot Coverage	45%	45%	45%	45%	45%
Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	-
Minimum Planting/Buffer Strip	-	-	1.5 m where abutting an R1 or R2 zone	1.5 m where abutting an R1 or R2 zone	1.5 m where abutting an R1 or R2 zone

Minimum Yard Requirements Between Buildings	-	-	-	-	-
Minimum Amenity Area	-	-	-	-	20%

6.3.6 The following requirements in Table 6.3.f shall apply to every *lot, building and structure* in the applicable R4A and R4B zones:

Table 6.3.f - Lot, Building, and Structure Requirements for Residential R4A and R4B Zones					
Requirements	Permitted Uses				
	Dwelling, Triplex Fourplex	Townhouse (Street)	Townhouse (Stacked)	Private Street Development	Apartment/ Long Term Care Facility
Minimum Lot Area	450 m ²	160 m ² per interior unit and 200 m ² per end unit	450 m ²	-	-
Minimum Lot Frontage	15.0 m	6.0 m per interior unit and 7.5 m per end unit	15 m	12 m for lot	30.0 m
Minimum Front Yard	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	4.5 m to dwelling 6.0 m to attached private garage or carport (1)	3.0 m to dwelling front wall or side wall 6.0 m to attached private garage or to rear wall of dwelling	3.0 m when building is less than 12.0 min height 5.0 m when building is 12.0-15.0 m in height 7.0 m when building is 16.0 min height or greater (4)
Minimum Rear Yard	7.5 m	7.5 m	7.5 m	3.0 m to dwelling side wall	7.5m for portion of building up to

				6.0 m to dwelling rear wall	12.0 m in height Additional 0.5 m for each additional 1.0 m of building height
Minimum Interior Side Yard	1.2 m	1.2 m (2)	1.2 m 1.5 m where abutting an R1 or R2 zone	3.0 m to dwelling side wall 6.0 m to dwelling rear wall	3.0 m for portion of building up to 12.0 m in height Additional 0.5 m for each additional 1.0 m of building height
Minimum Exterior Side Yard	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m to <i>dwelling</i> 6.0 m to attached <i>private garage</i> or <i>carport</i> (1)	4.5 m	4.5 m	3.0 when building is less than 12.0 m in height 5.0 m when building is 12.0 m in height or greater (4)
Maximum Building Height	11.0 m	11.0 m	12.0 m	11.0 m	20.0 m
Maximum Number of Attached Dwelling Units		6	6 (3)	6	-
Minimum Landscaped Open Space	30%	30%	30%	30%	30%
Total Lot Coverage	45%	45%	45%	45%	45%
Maximum Width of a Private Garage Attached to the Main Building	65 % of the main building front wall length	60 % of the main building front wall length	60 % of the main building front wall length	65 % of the main building front wall length	-

Minimum Planting/Buffer Strip	-	-	1.5 m where abutting an R1 or R2 zone	1.5 m where abutting an R1 or R2 zone	1.5 m where abutting an R1 or R2 zone
Minimum Yard Requirements Between Buildings	-	-	-	-	Half the height of the building(s)
Minimum Amenity Area	-	-	-	-	20%

Footnotes for Tables 6.3.a – 6.3.f:

- (1) *Notwithstanding* anything to the contrary, no *principal entrance* of a *dwelling* shall be *setback* more than 1.5 m from the *front wall* of the *dwelling* or the front face of an attached *private garage* or *carport* in the R1A, R1B, R1C, R1D, R2A and R2B zones.
- (2) The *minimum interior side yard* shall not be *required* where attached *dwelling units* share a *party wall*.
- (3) For stacked townhouses a maximum of 6 vertically attached stacked townhouse units are permitted (within which there can be up to three horizontally stacked units) for a total of 18 units per stacked townhouse block.
- (4) Notwithstanding anything to the contrary, every apartment building shall have a principal entrance facing toward the front lot line or exterior side lot line.

Part 7 | Commercial Zones

7.1 Zone Names and Symbols

Table 7.1 – Commercial Zones		
Zone		Zone Symbol
i)	Downtown Main Street	C1
ii)	Downtown Mixed Use	C2
iii)	General Commercial	C3
iv)	Neighbourhood Commercial	C4
v)	Highway Commercial	C5
vi)	Mixed Use Commercial	C6

7.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 7.2.

Table 7.2 – Uses Permitted in the Commercial Zones						
Use	C1	C2	C3	C4	C5	C6
Residential and mixed uses						
<i>Apartment dwelling</i>	• (1)	•		• (1)		•
<i>Fourplex dwelling</i>		•				
<i>Group home</i>		•				
<i>Long-term care facility</i>		•				
<i>Mixed-use building</i>	• (1)	•				•
<i>Triplex dwelling</i>		•				
Commercial Uses						
<i>Animal Shelter</i>	•	•	•			
<i>Art gallery</i>	•	•	•			
<i>Auctioneering establishment</i>			•		•	
<i>Bake shop</i>	• (2)	• (2)	•	• (3)		
<i>Brewing on premises establishment</i>			•			

Table 7.2 – Uses Permitted in the Commercial Zones						
Use	C1	C2	C3	C4	C5	C6
Building supply outlet					•	
Campground					•	
Catering establishment			•			
Cinema	•	•	•			
Clinic	•	•	•	•		
Commercial recreation facility	•	•	•		•	
Commercial school	•	•	•	•		
Community garden	•	•				
Convenience store	• (3)	• (3)	•	• (4)	•	
Custom workshop					•	
Day care	•	•	•	•		
Day spa	•	•	•	•		
Drive-in theatre					•	
Dry cleaning depot	•	•	•	•		
Equipment sales and rental establishment					•	
Farm implement dealer					•	
Farmer's market	•	•			•	
Financial institution	•	•	•	•	•	
Fitness centre	•	•	•			
Fuel storage depot					•	
Funeral establishment	•	•	•		•	
Garden centre			•		•	
Hospice	•	•	•			
Hotel / motel	•	•	•			
Light equipment/ machinery rental establishment					•	
Microbrewery or microwinery	• (2)	• (2)				
Motor vehicle repair shop/ garage			•		•	
Motor vehicle sales and rental establishment			•		•	
Motor vehicle service station			•		•	
Motor vehicle washing establishment			•		•	
Museum	•	•	•			
Night club	•	•	•			
Office	•	•	•	•		•
Personal service shop	•	•	•	•		•
Pet day care			•	•		
Pet grooming establishment	•	•	•	•		

Table 7.2 – Uses Permitted in the Commercial Zones						
Use	C1	C2	C3	C4	C5	C6
<i>Pharmacy</i>	• (2)	• (2)	•	•		
<i>Place of assembly/ banquet hall</i>	•	•	•		•	
<i>Place of entertainment</i>	•	•	•		•	
<i>Place of worship</i>	•	•	•			
<i>Printing establishment</i>	•	•	•			
<i>Private club</i>	•	•	•			
<i>Private home day care (4)</i>	•	•		•		
<i>Private parking area</i>	•	•	•			
<i>Private parking garage</i>	•	•	•			
<i>Propane dispensing station</i>			•		•	
<i>Propane exchange station</i>	•	•	•	•	•	
<i>Public parking area</i>	•	•	•			
<i>Public parking garage</i>	•	•	•			
<i>Public service facilities</i>	•	•	•			
<i>Recreation vehicle establishment</i>			•		•	
<i>Residential emergency shelter</i>	•	•	•			
<i>Restaurant</i>	•	•	•	•	•	•
<i>Retail store</i>	• (2)	• (2)	•	• (3)		•
<i>Self service establishment</i>					•	
<i>Shopping centre</i>					•	
<i>Supermarket</i>	• (2)	• (2)	•			
<i>Tavern</i>	•	•	•	•	•	
<i>Tent and trailer campground</i>					•	
<i>Theatre</i>	•	•	•			
<i>Transportation terminal</i>	•	•	•		•	
<i>Veterinary clinic</i>	•	•	•	•	•	
<i>Warehouse</i>					•	
<i>Wholesale establishment</i>					•	
<i>Winery</i>					•	
Specified accessory uses						
<i>Accessory building or structure (4)</i>	•	•	•	•	•	•
<i>Bed and breakfast (5)</i>	•	•	•	•		
<i>Convenience retail and service kiosk</i>			•		•	
<i>Drive-through</i>			•		•	
<i>Open/ outside storage (4)</i>					•	
<i>Outside display and sales area (4)</i>	•	•	•	•	•	
<i>Patio</i>	•	•	•			
<i>Seasonal commercial use (4)</i>			•			
<i>Second dwelling unit (5)</i>	•	•		•		

Table 7.2 – Uses Permitted in the Commercial Zones						
Use	C1	C2	C3	C4	C5	C6
Storage container (4)			•		•	
Storage trailer (4)			•		•	
Temporary tent and/ or stage (4)			•		•	

Footnotes for Table 7.2 Permitted Uses:

- (1) *Dwelling units* are only permitted above, to the rear and/or below non-residential uses.
- (2) The maximum *gross floor area* for all retail uses in one (1) *building* shall be 1,500.0 m².
- (3) The maximum *gross floor area* for all retail uses on the *lot* shall be 140.0 m².
- (4) This *use* is subject to regulations outlined in Part 3- General Regulations.
- (5) This *use* is only permitted in *existing single detached, semi-detached and townhouse dwellings* subject to the regulations outlined in Part 3- General Regulations.

7.3 Lot, Building and Structure Requirements

The following requirements in Tables 7.3a and 7.3b shall apply to every *lot, building and structure* in the applicable *zone*.

Table 7.3a Lot, Building and Structure Requirements for the Downtown Main Street and Mixed Use Zones		
Requirement	C1	C2
<i>Minimum Lot Area</i>	-	-
<i>Minimum Lot Frontage</i>	5.0 m	6.0 m
<i>Minimum Front Yard</i>	-	-
<i>Maximum Front Yard</i>	3.0 m	5.0 m
<i>Minimum Rear Yard</i>	6.0 m	7.5 m when <i>abutting a residential use or zone</i> In all other cases: 6.0 m
<i>Minimum Interior Side Yard</i>	-	4.5 m when <i>abutting a residential use or zone</i> In all other cases: 1.2 m
<i>Minimum Exterior Side Yard</i>	-	3.0 m

Table 7.3a Lot, Building and Structure Requirements for the Downtown Main Street and Mixed Use Zones		
Requirement	C1	C2
<i>Maximum Lot Coverage</i>	-	-
<i>Minimum Landscape Open Space</i>	-	-
<i>Minimum Height</i>	Where the <i>front lot line abuts</i> Front Street: 9.0 m In all other cases: 7.5 m	-
<i>Maximum Height</i>	Where the <i>front lot line abuts</i> Front Street 20.0 m or 6 storeys, whichever is less In all other cases: 14 m or 4 storeys, whichever is less	Where the <i>front lot line abuts</i> Ormond Street, St. Davids Street and Pine Street 20.0 m or 6 storeys, whichever is less In all other cases: 14.0 m or 4 storeys, whichever is less
<i>Minimum Front Building Façade Width</i>	90% of <i>lot frontage</i>	80% of <i>lot frontage</i>
<i>Minimum Exterior Side Building Façade Width</i>	70% of <i>lot depth</i>	60% of <i>lot depth</i>
<i>Minimum Step Back</i>	1.5 m above the third or fourth storey for a five or six storey building	1.5 m above the third or fourth storey for a five or six storey building
<i>Minimum Planting/Buffer Strip</i>	-	-

Table 7.3b Lot, Building and Structure Requirements for the Neighbourhood, General, Mixed Use and Highway Commercial Zones				
Requirement	C3	C4	C5	C6
<i>Minimum Lot Area</i>	1,500.0 m ²	750.0 m ²	10,000.0 m ² (1 ha)	4,000 m ²
<i>Minimum Lot Frontage</i>	20.0 m	20.0 m	75.0 m	60.0 m
<i>Minimum Front Yard</i>	7.5 m	7.5 m	14.0 m	7.5 m
<i>Minimum Rear Yard</i>	Where the <i>rear yard abuts a residential zone</i> or use: 7.5 m or half the <i>height</i> of the <i>building</i> , whichever is greater In all other cases: 4.5 m	7.5 m	7.5 m	7.5 m
<i>Minimum Interior Side Yard</i>	Where the <i>yard abuts a residential zone</i> or use: 7.5 m or half the <i>height</i> of the <i>building</i> , whichever is greater In all other cases: 4.5 m	Where the <i>interior side yard abuts a residential zone</i> or use: 7.5 m or half the <i>height</i> of the <i>building</i> , whichever is greater In all other cases: 4.5 m	7.5 m	4.5 m
<i>Minimum Exterior Side Yard</i>	6.0 m	6.0 m	7.5 m	6.0 m
<i>Maximum Lot Coverage</i>	60%	40%	15%	40%
<i>Minimum Landscape Open Space</i>	10%	20%	25%	15%
<i>Maximum Height</i>	11.0 m	9.0 m	-	20 m

<i>Minimum Planting/Buffer Strip</i>	<i>1.5 m abutting every lot line</i>	<i>1.5 m abutting any residential zone or use</i>	<i>5.0 m abutting any front or side lot line</i> <i>3.0 m for every other lot line</i>	<i>1.5 m abutting any residential zone or use</i>
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Part 8 | Employment Zones

8.1 Zone Names and Symbols

Table 8.1 – Employment Zones	
Zone Name	Zone Symbol
Employment Zones	
i) Prestige Employment	M1
ii) General Industrial	M2
v) Employment Mixed Use	M3
vi) Rural Industrial	M4

8.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 8.2.

Table 8.2 – Permitted Uses in the Employment Zones				
Use	M1	M2	M3	M4
Residential and mixed uses				
<i>Mixed-use building</i>			•	
Commercial uses				
<i>Bakery</i>		•	•	
<i>Building supply outlet</i>		•		•
<i>Catering establishment</i>				•
<i>Commercial recreation facility</i>				•
<i>Contractor’s facility</i>		•		•
<i>Convenience store</i>			•	
<i>Custom workshop</i>		•		•
<i>Dry cleaning plant</i>		•		•
<i>Equipment sales and rental establishment</i>		•		• (1)
<i>Farm implement dealer</i>		•		•
<i>Financial institution</i>			•	
<i>Fitness centre</i>			•	

Table 8.2 – Permitted Uses in the Employment Zones				
Use	M1	M2	M3	M4
<i>Fuel storage depot</i>				•
<i>Heavy manufacturing establishment</i>		•		•
<i>Heavy service shop</i>		•		•
<i>Hotel/ motel</i>			•	
<i>Industrial mall</i>		•		•
<i>Industrial use</i>		•		•
<i>Intermodal shipping yard</i>				•
<i>Laboratory</i>	•	•	•	•
<i>Licensed Marijuana Production Facility (2)</i>				•
<i>Light equipment/ machinery rental establishment</i>		•		•
<i>Light manufacturing establishment</i>	•	•		•
<i>Light service shop</i>	•			•
<i>Motor vehicle recycling</i>				•
<i>Motor vehicle repair shop/ garage</i>		•		• (1)
<i>Office</i>	•		•	
<i>Personal service shop</i>			•	
<i>Pharmacy</i>			•	
<i>Post-secondary institution</i>			•	
<i>Printing establishment</i>		•		•
<i>Propane dispensing station</i>				•
<i>Public service facilities</i>	•	•	•	•
<i>Pulp and paper mill</i>				•
<i>Recycling facility</i>				•
<i>Research and development</i>	•	•	•	•
<i>Restaurant</i>			•	
<i>Retail store</i>			•	
<i>Scrap yard</i>				•
<i>Self-storage establishment</i>		• (4)		•
<i>Shipping container (2)</i>				•
<i>Storage trailer (2)</i>				•
<i>Supermarket</i>			•	
<i>Transportation depot</i>				•

Table 8.2 – Permitted Uses in the Employment Zones				
Use	M1	M2	M3	M4
<i>Veterinary clinic</i>			•	•
<i>Warehouse</i>		•		•
<i>Wholesale establishment</i>		•		•
Specified accessory uses				
<i>Office</i>		• (3)		•
<i>Open/ outside storage (2)</i>		•		• (5)
<i>Outside display and sales area (2)</i>		•		
<i>Retail uses accessory to industrial uses (3)</i>		•		•
<i>Storage container (2)</i>		•		
Showroom		•		•

Footnotes for Table 8.2 Permitted Uses:

- (1) Only permitted on *lots* that are located east of Davis Road or Highway 58, south of Old Thorold Road and north of Beaverdams Road.
- (2) This *use* is subject to regulations outlined in Part 3- General Regulations.
- (3) Shall not exceed an area more than 25% of the *gross floor area* of the *primary use*.
- (4) Not permitted on *lots* that front onto McCleary Drive.
- (5) Not permitted on *lots* that are located east of Davis Road or Highway 58, south of Old Thorold Road and north of Beaverdams Road.

8.3 Lot, Building and Structure Requirements

The following requirements in Table 8.3 shall apply to every *lot*, *building* and *structure* in the applicable *zone*.

Table 8.3 Lot, Building and Structure Requirements in the Employment Zones				
Requirement	M1	M2	M3	M4
<i>Minimum Lot Area</i>	6,000.0 m ²	4,000.0 m ²	10,000 m ² (1 ha)	10,000 m ² (1 ha)
<i>Minimum Lot Frontage</i>	60.0 m	45.0 m	80.0 m	60.0 m
<i>Minimum Front Yard</i>	20.0 m <i>abutting</i> Merrittville Highway and 15.0 m in all other cases	10.0 m	20.0 m	20.0 m
<i>Minimum Rear Yard</i>	15.0 m	10.0 m	15.0 m <i>abutting</i> Highway 406 and 10.0 m in all other cases	6.0 m (1)
<i>Minimum Interior Side Yard</i>	6.0 m	6.0 m (1)	10.0 m	3.5 m (1)
<i>Minimum Exterior Side Yard</i>	15.0 m	6.0 m	20.0 m	6.0 m
<i>Minimum Landscape Open Space</i>	15%	10%	10%	10% (3)
<i>Minimum Width of Planting/ Buffer Strip along Street Frontage</i>	6.0 m	3.0 m	6.0 m	3.0 m
<i>Minimum Width of Planting/ Buffer Strip Abutting a Residential, Institutional, Open Space, Downtown Mixed Use or Employment Mixed Use Zone</i>	7.5 m	7.5 m	-	-
<i>Maximum Lot Coverage</i>	50%	50%	40%	15%
<i>Minimum Height</i>	-	-	3 storeys	-

Table 8.3 Lot, Building and Structure Requirements in the Employment Zones				
Requirement	M1	M2	M3	M4
Maximum <i>Height</i>	15.0 m or 4 storeys, whichever is less (2)	15.0 m	18.0 m or 6 storeys, whichever is less	15.0 m

Footnotes for Table 8.3:

- (1) The *minimum yard* shall be 10.0 m where *abutting a residential zone* or *existing residential use*.
- (2) *Buildings* that have *frontage* on both Schmon Parkway and Merrittville Highway are permitted to a maximum *height* of 18.0 m or 6 storeys, whichever is less.
- (3) *Lots fronting* on Thorold Stone Road or Beaverdams Road shall have a minimum of 25% *landscape open space*. The entire *road frontage* to a minimum depth of 6.0 m shall be *landscape open space*.

Part 9 | Agricultural & Rural Zones

9.1 Zone Names and Symbols

Table 9.1 – Agricultural and Rural Zones		
Zone		Zone Symbol
i)	Agricultural	A
ii)	Specialty Crop	AS
iii)	Rural	RU

9.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 9.2.

Table 9.2 – Permitted Uses in Agricultural and Rural Zones			
Use	A	AS	RU
<i>Agricultural use</i>	•	•	•
<i>Agriculture-related use</i>	•	•	•
<i>Forestry and resource management use</i>	•	•	•
<i>Greenhouse</i>	•	•	•
<i>Passive recreational trail</i>	•	•	•
<i>Single detached dwelling</i>	•	•	•
<i>Veterinary clinic</i>			•
<i>Wayside pit or quarry</i>	•		•
Specified Accessory Uses			
<i>Accessory buildings and structures to residential uses</i>	•	•	•
<i>Bed and breakfast (1)</i>	•	•	•
<i><u>Farm help accommodation (2)</u></i>	<u>•</u>	<u>•</u>	<u>•</u>
<i>Farm produce stand (1)</i>	•	•	•
<i>On-farm diversified use (1)</i>	•	•	•
<i>Second dwelling unit (24)</i>	•	•	•
<i>Short term rental accommodation</i>	•	•	•

Table 9.2 – Permitted Uses in Agricultural and Rural Zones			
Use	A	AS	RU
Storage container (1)	•	•	•

Footnotes for Table 9.2 Permitted Uses:

(1) This use is subject to regulations outlined in Part 3 – General [Provisions Regulations](#).

~~(4)~~(2) [This use is subject to the regulations outlined in Table 9.4.](#)

9.3 Lot, Building and Structure Requirements

The following requirements in Table 9.3 shall apply to every *lot*, *building* and *structure* in the applicable *zone*.

Table 9.3 – Lot, Building and Structure Requirements for the Agricultural and Rural Zones			
Requirement	A	AS	RU
<i>Minimum Lot Area</i>	30,000.0 m ² (3 ha) for <i>greenhouses</i>	30,000.0 m ² (3 ha) for <i>greenhouses</i>	30,000.0 m ² (3 ha) for <i>greenhouses</i>
	400,000.0 m ² (40 ha) for all other <i>uses</i>	161,870.0 m ² (16.2 ha) for all other <i>uses</i>	10,000.0 m ² (1 ha) for all other <i>uses</i>
<i>Minimum Lot Frontage</i>	45.0 m	45.0 m	45.0 m
<i>Minimum Front Yard</i>	7.5 m to <i>dwelling</i>	7.5 m to <i>dwelling</i>	7.5 m to <i>dwelling</i>
	15.0 m to <i>agricultural use building(s)/structure(s)</i> (1)	15.0 m to <i>agricultural use buildings(s)/structure(s)</i> (1)	15.0 m to <i>agricultural use building(s)/structure(s)</i> (1)
<i>Minimum Rear Yard</i>	10.0 m to <i>dwelling</i>	10.0 m to <i>dwelling</i>	10.0 m to <i>dwelling</i>

Table 9.3 – Lot, Building and Structure Requirements for the Agricultural and Rural Zones			
Requirement	A	AS	RU
	15.0 m <i>agricultural use building(s)/structure(s)</i> (1)	15.0 m <i>agricultural use building(s)/structure(s)</i> (1)	15.0 m <i>agricultural use building(s)/structure(s)</i> (1)
<i>Minimum Interior Side Yard</i>	5.0 m to dwelling	5.0 m to dwelling	5.0 m to dwelling
	7.5 m to <i>agricultural use building(s)/structure(s)</i> (1)	7.5 m to <i>agricultural use building(s)/structure(s)</i> (1)	7.5 m to <i>agricultural use building(s)/structure(s)</i> (1)
<i>Minimum Exterior Side Yard</i>	7.5 m to dwelling	7.5 m to dwelling	7.5 m to dwelling
	5.0 m to <i>building(s)/structure(s)</i> accessory to dwelling	5.0 m to <i>building(s)/structure(s)</i> accessory to dwelling	5.0 m to <i>building(s)/structure(s)</i> accessory to dwelling
	10 m to <i>agricultural use building(s)/structure(s)</i> (1)	10 m to <i>agricultural use building(s)/structure(s)</i> (1)	10 m to <i>agricultural use building(s)/structure(s)</i> (1)
<i>Maximum Lot Coverage</i>	10% for dwelling and all <i>building(s)/structure(s)</i> accessory to dwelling	10% for dwelling and all <i>building(s)/structure(s)</i> accessory to dwelling	15% for dwelling and all <i>building(s)/structure(s)</i> accessory to dwelling
	20% for <i>agricultural use building(s)/structure(s)</i> excluding <i>greenhouse(s)</i> (1)	20% for <i>agricultural use building(s)/structure(s)</i> excluding <i>greenhouses</i> (1)	20% for <i>agricultural use building(s)/structure(s)</i> excluding <i>greenhouses</i> (1)
	30% for <i>greenhouse(s)</i>	30% for <i>greenhouse(s)</i>	30% for <i>greenhouse(s)</i>
<i>Maximum Height</i>	11.0 m for dwelling	11.0 m for dwelling	11.0 m for dwelling
	15.0 m	15.0 m	15.0 m

Table 9.3 – Lot, Building and Structure Requirements for the Agricultural and Rural Zones			
Requirement	A	AS	RU
	for <i>agricultural use building(s)/structure(s)</i> (1)	for <i>agricultural use building(s)/structure(s)</i> (1)	for <i>agricultural use building(s)/structure(s)</i> (1)

Footnotes for Table 9.3:

- (1) Includes *building(s)/structure(s)* for an *agriculture-related-use, on-farm diversified use, and accessory building(s) or structure(s)* to an *agricultural use*.

9.4 Accessory Building and Structure to Residential Uses

The following requirements in Table 9.4 shall apply to every *accessory building* and *structure* to a residential use in the A, AS, and RU zone.

Table 9.4 –Accessory Building and Structure to Residential Uses Requirements for the Agricultural and Rural Zones	
Requirement	A, AS, RU
<i>Minimum Front Yard</i>	12.0 m, but in no case closer to the <i>street</i> than the <i>front wall</i> of the <i>dwelling</i>
<i>Minimum Rear Yard</i>	3.0 m
<i>Minimum Interior Side Yard</i>	3.0 m
<i>Minimum Exterior Side Yard</i>	5.0 m
<i>Maximum Lot Coverage</i>	10% including <i>dwelling</i> in the A and AS zone; 15% including <i>dwelling</i> in the RU zone
<i>Distance Between Dwelling and Accessory Building or Structure</i>	1.2 m
<i>Maximum Height</i>	4.5 m

Part 10 | Community Zones

10.1 Zone Names and Symbols

Table 10.1 – Community Zones	
Zone Name	Zone Symbol
Community Use Zones	
i) Major Institutional	I1
ii) Minor Institutional	I2
iii) Open Space- Parks and Recreation	OS1
iv) Open Space- Conservation	OS2

10.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use any building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 10.2.

Table 10.2 –Permitted Uses in the Community Zones				
Use	I1	I2	OS1	OS2
Arena	•	•		
Art gallery	•	•		
Beekeeping				• (1)
Cemetery			•	
Community centre	•	•		
Community garden	•	•	•	
Conservation area				• (1)
Conservation use				• (1)
Correctional facility	•			
Correctional residential care facility	•	•		
Driving range			•	
Erosion management				• (1)
Forestry and resource management use				• (1)
Golf course			•	
Hospice	•	•		
Hospital	•			

Table 10.2 –Permitted Uses in the Community Zones				
Use	I1	I2	OS1	OS2
<i>Long-term care facility</i>	•	•		
<i>Museum</i>	•	•		
<i>Office</i>	•	•		
<i>Park</i>			•	
<i>Passive recreational trail</i>				• (1)
<i>Place of assembly/ banquet hall</i>	•	•		
<i>Place of worship</i>	•	•		
<i>Playground</i>	•	•	•	
<i>Post-secondary institution</i>	•	•		
<i>Private school</i>	•	•		
<i>Public school</i>	•	•		
<i>Public service facilities</i>	•	•		
<i>Recreational trail</i>			•	
<i>Recreational use</i>			•	
<i>Residential emergency shelter</i>	•	•		
<i>Social service establishment</i>	•	•		
<i>Specified Accessory Uses</i>				
<i>Accessory buildings and structures</i>	•	•	•	
<i>Cemetery</i>	•	•		
<i>Dormitory</i>	•	•		
<i>Miniature golf course</i>			•	
<i>Office</i>	•	•		
<i>Parking structure</i>	•	•		
<i>Private club (2)</i>	•	•		
<i>Restaurant (2)</i>	•	•		
<i>Retail Store (2)</i>	•	•		
<i>Temporary tent and/or stage (3)</i>	•	•	•	

Footnotes for Table 10.2 Permitted Uses:

- (1) No person shall *erect*, enlarge, locate or reconstruct any *building* or *structure* in whole or in part in the OS2 zone.
- (2) *Accessory uses* specified in Table 10.2 collectively shall not exceed 25% of the *first storey* area of the *building*.

- (3) This *use* is subject to regulations outlined in Part 3- General [Regulations](#).

10.3 Lot, Building, and Structure Requirements

The following requirements in Table 10.3 shall apply to every *lot*, *building* and *structure* in the applicable *zone*:

Table 10.3 – Lot, Building, and Structure Requirements for the Community Zones				
Requirement	I1	I2	OS1	OS2
<i>Minimum Lot Area</i>	10,000.0 m ² (1 ha)	650.0 m ²	-	-
<i>Minimum Lot Frontage</i>	20.0 m	15.0 m	-	-
<i>Minimum Front Yard</i>	7.5 m	7.5 m	7.5 m	-
<i>Minimum Rear Yard</i>	7.5 m or half the <i>height</i> of the <i>building</i> , whichever is greater	7.5 m	7.5 m or 12.0 m when <i>abutting</i> a <i>residential zone</i>	-
<i>Minimum Interior Side Yard</i>	4.5 m or half the <i>height</i> of the <i>building</i> , whichever is greater	3.5 m	7.5 m or 12.0 m when <i>abutting</i> a <i>residential zone</i>	-
<i>Minimum Exterior Side Yard</i>	7.5 m	7.5 m	7.5 m	-
<i>Maximum Lot Coverage</i>	40%	40%	30%	-
<i>Minimum Landscape Open Space</i>	25% (1)	25% (1)	40% (1)	-
<i>Maximum Height</i>	20.0 m	11.0 m	11.0 m	-
<i>Minimum Distance between Buildings on a Lot</i>	Half the <i>height</i> of the <i>building(s)</i>	Half the <i>height</i> of the <i>building(s)</i>	Half the <i>height</i> of the <i>building(s)</i>	-

Table 10.3 Footnotes:

- (1) Adjacent to a *residential use*, there shall be a *planting/buffer strip abutting* the *residential use lot line*. The *planting/buffer strip* shall be continuous, except where interrupted by a *driveway*, and it shall at no point be less than 1.5 m wide and contain plant materials that form a visual screen.

Part 11 | Environmental Zones

11.1 Zone Names and Symbols

Table 11.1 – Environmental Zones	
Zone Name	Zone Symbol
Environmental Zones	
i) Environmental Protection 1	EP1
ii) Environmental Protection 2	EP2
iii) Environmental Protection 3	EP3

11.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 11.2.

Table 11.2 – Permitted Uses in the Environmental Zones			
Use	EP1 (7)	EP2 (7)	EP3 (8)
<i>Agricultural-related use</i>		•	
<i>Agricultural use (1)</i>		•	
<i>Beekeeping</i>	•	•	•
<i>Conservation area</i>		•	
<i>Conservation use</i>	•	•	•
<i>Existing use (2)</i>	•	•	•
<i>Fish habitat</i>	•	•	•
<i>Fish and wildlife management use</i>	•	•	•
<i>Flood control</i>	•	•	•
<i>Forestry and resource management use</i>	•	•	•

Table 11.2 – Permitted Uses in the Environmental Zones			
Use	EP1 (7)	EP2 (7)	EP3 (8)
<i>Infrastructure (3)</i>	•	•	•
<i>Mineral aggregate operation (4)</i>	•	•	•
<i>Municipal drain (3)</i>	•	•	•
<i>Natural hazard lands</i>	•	•	•
<i>Natural heritage features and areas</i>	•	•	•
<i>On-farm diversified use (5)</i>		•	
<i>Passive recreational trail</i>	•	•	•
<i>Single detached dwelling (6)</i>		•	•
<i>Specific wildlife habitats of concern</i>	•	•	•
<i>Wildlife habitat areas</i>	•	•	•
<i>Specified Accessory Uses</i>			
<i>Bed and breakfast (5)</i>		•	
<i>Farm produce stand (5)</i>		•	
<i>Home occupation (5)</i>		•	
<i>Second dwelling unit (5)</i>		•	•
<i>Short term accommodation rental</i>		•	

Footnotes for Table 11.2 Permitted Uses:

(1) This use is subject to regulations outlined in Part 9- Agricultural and Rural Zones.

(2) EP1 zone

Existing uses may not be physically expanded or enlarged in the EP1 zone.

EP2 zone

Existing uses may be expanded or enlarged in the EP2 zone if there will be no negative impact on the *natural heritage feature(s)* or its ecological function. An Environmental Impact Study (EIS) may be required to be prepared in accordance with Policy C5 of the City's Official Plan.

EP3 zone

Where expansions or *alterations to existing buildings or structures* are proposed in the EP3 zone, the proponent must demonstrate through an application for an expansion to a legal *non-conforming use*, that there is no reasonable alternative, that negative impacts on the natural feature and ecological functions have been minimized, and the expansion is directed away from the feature as much as possible.

Existing uses may not expand in a Provincially Significant Wetland (PSW) or Life Science Area of Natural and Scientific Interest (ANSI), or the habitat of endangered species and threatened species in the EP3 zone.

Where development is proposed, the City's Official Plan Policy B3.4.4.3 must be followed.

Any expansion of an *existing legal building or structure* in the EP3 zone will require an application to the *Committee of Adjustment* to expand a *legal non-conforming use*. An Environmental Impact Study (EIS) may be required.

- (3) New or expanding *infrastructure* is not permitted in the EP1 or EP2 zone, unless constructed by a *public authority* or agency through an Environmental Assessment process. *Municipal drains* may be established within the EP1 or EP2 zone as per the *Ontario Drainage Act, R.S.O. 1990*, as amended.
- (4) *Mineral aggregate operations* may be permitted subject to proposals meeting the applicable City's Official Plan policy: Policy B3.2.3 d) (applicable for EP1 zone land), Policy B3.3.4.8 (applicable for EP2 zone land), or Policy B3.4.3.1 d) (applicable for EP3 zone land).
- (5) This *use* is subject to regulations outlined in Part 3- General [Regulations](#).
- (6) A *single detached dwelling* and *accessory uses* shall be permitted on land within the EP2 or EP3 zone provided the *lot* was *zoned* to permit a *single detached dwelling* on December 16, 2004, the date the Greenbelt Plan (2005), as amended, came into effect, and provided a permit has been issued by the Niagara Peninsula Conservation Authority (NPCA), in accordance with Ontario Regulation 155/06, as amended, if a permit is required.

A *second dwelling unit* is permitted as an *accessory dwelling unit* to a legally established *single detached dwelling* on land within the EP2 or EP3 zone and is subject to the regulations outlined in Part 3- General [Regulations](#).
- (7) Where development or site alteration is proposed on EP1 or EP2 zone lands, an Environmental Impact Study (EIS) shall be prepared, subject to the review and approval of the appropriate agency.

Development and site alteration shall not be permitted in the habitat of endangered species and threatened species, except in accordance with *Provincial* and Federal requirements.

A Tree Preservation Plan may be required to be prepared in accordance with the Niagara Region Tree and Conservation By-law.

The City's Official Plan Policies B3.2.4.1 (applicable for EP1 *zone* lands) and B3.3.4.1 (applicable for EP2 *zone* lands) apply for proposed development or site alteration on EP1 or EP2 *zone* lands.

- (8) No new development or site alteration shall be permitted within EP3 *zone* lands including any associated vegetation protection *zone* (*minimum* 30.0 m width); except new agricultural *buildings* and *structures*, *agriculture-related buildings* and *structures* or *on-farm diversified uses* are permitted in the *adjacent* lands to a feature in the EP3 *zone* provided such *buildings* or *structures* maintain a minimum 30.0 m vegetation protection *zone* (*minimum* 30.0 m width).

The City's Official Plan Policy B3.4.4.1 (applicable for EP3 *zone* lands) applies for proposed development or site alteration on EP3 *zone* lands.

- (9) Refer to Part 14- Area Specific Regulations Section 14.35 Natural Heritage Feature Buffer Area for regulations regarding adjacent lands to the EP1, EP2, or EP3 zones.

11.3 Lot, Building, and Structure Requirements

The following requirements shall apply to every *lot*, *building* and *structure* in the applicable *zone*:

- (1) The requirements outlined in Table 11.2 footnote 7 will provide the regulations for development or site alteration, if permitted.
- (2) The requirements outlined in Table 11.2 footnote 8 will provide the regulations for development or site alteration, if permitted.

Part 12 | Other Zones

12.1 Zone Names and Symbols

Table 12.1 – Other Zones	
Zone Name	Zone Symbol
Other Zones	
i) Future Development	FD
ii) Utility	U

12.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 12.2.

Table 12.2 – Permitted Uses in the Other Zones		
Use	FD	U
<i>Agricultural use, including existing buildings and structures (2)</i>	• (1)	
<i>Existing single detached dwelling (2)</i>	• (1)	
<i>Existing use</i>	• (1)	
<i>Flood control</i>		•
<i>Home occupation</i>	• (1)	
<i>Infrastructure</i>		•
<i>Municipal drain</i>		•
<i>Pipeline</i>		•
<i>Power generation facility</i>		•
<i>Public utility</i>		•
<i>Railway lines</i>		•
<i>Stormwater management</i>		•
<i>Utility building</i>		•
<i>Utility corridor</i>		•

Footnotes for Table 12.2 Permitted Uses:

- (1) Only legally *existing uses, buildings and structures* are permitted in the FD zone.
- (2) Only legally *existing buildings and structures* in the FD zone may be repaired or renovated provided that the repairs or renovations does not further increase the extent or degree of *non-conformity*.

12.3 Lot, Building, and Structure Requirements

12.3.1 The following requirements in Table 12.3 shall apply to every *lot, building and structure* in the applicable *zone*:

Table 12.3 – Lot, Building, and Structure Requirements for the Other Zones		
Requirement	FD	U
<i>Minimum Lot Area</i>	<i>As legally existing</i>	-
<i>Minimum Lot Frontage</i>	<i>As legally existing</i>	-
<i>Minimum Front Yard</i>	<i>As legally existing</i>	-
<i>Minimum Rear Yard</i>	<i>As legally existing</i>	-
<i>Minimum Interior Side Yard</i>	<i>As legally existing</i>	-
<i>Minimum Exterior Side Yard</i>	<i>As legally existing</i>	-
<i>Maximum Lot Coverage</i>	<i>As legally existing</i>	-
<i>Maximum Height</i>	<i>As legally existing</i>	-

Part 13 | Site Specific Exceptions, Holding (H) Provisions, and Temporary Uses

13.1 Site Specific Exceptions

Where site specific exceptions are established for certain *lots*, the applicable regulations of the site specific exceptions apply in addition to, or as an exception to, the normal *zone* regulations that apply to the subject lands.

Where a *zone* symbol shown on Schedule “A” (e.g. R1A) is followed by a dash (-) and a number (e.g., -1), this indicates that site specific regulations apply to the subject *lot(s)*. The number after the dash corresponds with the site specific regulation number.

All other regulations of this By-law, not mentioned in this section shall continue to apply.

13.2 Holding (H) Provisions

The *use* of the holding (H) symbol, in conjunction with any *use* designation, specifies the *use* to which lands, *buildings* or *structures* may be put at such time in the future as the holding (H) symbol is removed by amendment to this By-law passed under Section 36 of the *Planning Act, R.S.O. 1990*, as amended.

13.3 Temporary Uses

Temporary *use* of land, *buildings* or *structures* for any purpose set out that is otherwise prohibited by this By-law may be authorized by a by-law passed under Section 39 of the *Planning Act, R.S.O. 1990*, as amended.

13.1 List of Site Specific Exceptions

Site Specific Exception	Zone	Location	By-law
1	R1B-1	Rolling Meadows Plan of Subdivision	-
<u>For Phases 1-11:</u> The subject lands are subject to the regulations of the R1B zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable.			

Site Specific Exception	Zone	Location	By-law
2	R1B-2 (H)	Rolling Meadows Draft Plan of Subdivision	-
<u>For Phase 12:</u> The subject lands are subject to the regulations of the R1B zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable. The lands identified as R1B-2 (H) zone on Schedule "A", attached hereto, shall not be used, nor any building or structure used, altered or erected until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i>, as amended, providing that all servicing matters have been resolved to the satisfaction of the City of Thorold.			

Site Specific Exception	Zone	Location	By-law
3	R1C-3	Rolling Meadows Plan of Subdivision	-
<u>For Phases 1-11:</u> The subject lands are subject to the regulations of the R1C <i>zone</i>, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable.			

Site Specific Exception	Zone	Location	By-law
4	R1C-4 (H)	Rolling Meadows Draft Plan of Subdivision	-
<u>For Phase 12:</u> The subject lands are subject to the regulations of the R1C <i>zone</i>, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable. The lands identified as R1C-4 (H) <i>zone</i> on Schedule “A”, attached hereto, shall not be <i>used</i>, nor any <i>building or structure used, altered or erected</i> until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i>, as amended, providing that all servicing matters have been resolved to the satisfaction of the City of Thorold.			

Site Specific Exception	Zone	Location	By-law
5	R1C-5	Rolling Meadows Plan of Subdivision	-
<u>For Phases 1 -11:</u> The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Lot Frontage:</i> 10.5 m <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable.			

Site Specific Exception	Zone	Location	By-law
6	R1C-6 (H)	Rolling Meadows Draft Plan of Subdivision	-
<u>For Phase 12:</u> The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Lot Frontage:</i> 10.5 m <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport Maximum Width of a Private Garage Attached to the Main Building: not applicable Table 6.3.a (1) footnote is not applicable. The lands identified as R1C-6 (H) zone on Schedule "A", attached hereto, shall not be used, nor any building or structure used, altered or erected until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i>, as amended, providing that all servicing matters have been resolved to the satisfaction of the City of Thorold.			

For Phases 13 and beyond:

The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations:

Minimum Lot Frontage: 10.5 m

The lands identified as R1C-6 (H) zone on Schedule "A", attached hereto, shall not be *used*, nor any *building or structure used, altered or erected* until the holding (H) symbol is removed, pursuant to the provisions of the *Planning Act, R.S.O. 1990*, as amended, providing that all servicing and the protection of aggregate resource matters have been resolved to the satisfaction of the City of Thorold.

Site Specific Exception	Zone	Location	By-law
7	R1C-7 (H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 6.0 m <i>Minimum Exterior Side Yard:</i> not applicable to <i>attached private garage or carport</i> <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable <i>Maximum Encroachment for a Porch or Deck:</i> <i>Front Yard:</i> 2.0 m <i>Rear Yard:</i> 2.5 m <i>Exterior Side Yard:</i> 1.5 m No <i>fence, wall, hedge</i> or other plantings shall be greater than 0.6 m in <i>height</i> within the effective 18.0 m road allowance to maintain adequate sightlines around corners and for the roadway. That pursuant to Section 36(1) of the <i>Planning Act, R.S.O. 1990</i>, as amended, the holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for <i>Lot 1, Lot 2</i>, and a portion of <i>Lot 3</i>, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the			

City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.			
Site Specific Exception	Zone	Location	By-law
8	R1C-8 (H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 6.0 m <i>Minimum Interior Side Yard:</i> 1.2 m north lot line; 8.0 m south lot line <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable <i>Maximum Encroachment for a Porch or Deck:</i> <i>Front Yard:</i> 2.0 m <i>Rear Yard:</i> 2.5 m No fence, wall, hedge or other plantings shall be greater than 0.6 m in height within the effective 18.0 m road allowance to maintain adequate sightlines around corners and for the roadway. That pursuant to Section 36(1) of the <i>Planning Act, R.S.O. 1990,</i> as amended, the holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.			

Site Specific Exception	Zone	Location	By-law
9	R1C-9(H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 6.0 m <i>Minimum Rear Yard:</i> 12.0 m			

<i>Minimum Interior Side Yard:</i>	3.0 m west <i>lot line</i> ; 1.2 m east <i>lot line</i>
Maximum Width of a <i>Private Garage</i> Attached to the <i>Main Building</i> :	not applicable
Maximum <i>Encroachment</i> for a <i>Porch</i> :	
<i>Front Yard</i> :	2.0 m
No <i>fence</i> , <i>wall</i> , hedge or other plantings shall be greater than 0.6 m in <i>height</i> within the effective 18.0 m road allowance to maintain adequate sightlines around corners and for the roadway.	
That pursuant to Section 36(1) of the <i>Planning Act</i> , R.S.O. 1990, as amended, the holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for <i>Lot 1</i> , <i>Lot 2</i> , and a portion of <i>Lot 3</i> , with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.	

Site Specific Exception	Zone	Location	By-law
10	R1C-10	West Community Plan of Subdivision	-
The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Lot Frontage:</i>	11.0 m		
<i>Minimum Front Yard:</i>	3.5 m to <i>dwelling</i>		
<i>Minimum Exterior Side Yard:</i>	3.0 m to <i>dwelling</i> ; not applicable to <i>attached private garage or carport</i>		
Maximum <i>Lot Coverage</i> :	50%		
Maximum Width of a <i>Private Garage</i> Attached to the <i>Main Building</i> :	not applicable		
Table 6.3.a (1) footnote is not applicable.			
Maximum <i>Encroachment</i> for a <i>Porch</i> :			
<i>Exterior Side Yard</i> :	1.8 m		

Site Specific Exception	Zone	Location	By-law
11	R1C-11 (H)	West Community Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R1C zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Lot Frontage:</i> 11.0 m The lands identified as R1C-11 (H) zone on Schedule "A", attached hereto, shall not be <i>used</i>, nor any <i>building or structure used, altered or erected</i> until the holding symbol (H) is removed, pursuant to the provisions of the <i>Planning Act, R.S.O 1990</i>, as amended, providing that a subdivision agreement has been executed.			

Site Specific Exception	Zone	Location	By-law
12	R1D-12	Artisan Ridge Phase 1 Plan of Subdivision	-
The subject lands are subject to the regulations of the R1D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Exterior Side Yard:</i> 3.0 m to <i>dwelling</i>; not applicable to attached <i>private garage or carport</i> <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable <i>Minimum Setback of Attached Garage from front face of Dwelling:</i> 1.0 m Table 6.3.a (1) footnote is not applicable. <i>Maximum Encroachment for a Porch:</i> <i>Rear Yard:</i> 2.4 m <i>Exterior Side Yard:</i> 1.8 m			

Site Specific Exception	Zone	Location	By-law
13	R1D-13	Hansler Heights Plan of Subdivision	-
The subject lands are subject to the regulations of the R1D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Rear Yard:</i> 6.0 m <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport <i>Maximum Lot Coverage:</i> 55% <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.a (1) footnote is not applicable. <i>Maximum Encroachment for a Porch:</i> <i>Front Yard:</i> 1.5 m <i>Exterior Side Yard:</i> 1.8 m			

Site Specific Exception	Zone	Location	By-law
14	R1D-14	Merritt Meadows Plan of Subdivision	-
The subject lands are subject to the regulations of the R1D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; not applicable to attached private garage or carport <i>Maximum Lot Coverage:</i> 50% <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.a (1) footnote is not applicable. <i>Maximum Encroachment for a Porch:</i> <i>Rear Yard:</i> 3.66 m <i>Exterior Side Yard:</i> 1.8 m			

Site Specific Exception	Zone	Location	By-law
15	R1D-15	Port Robinson Estates Phase 1 Plan of Subdivision	-
The subject lands are subject to the regulations of the R1D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Rear Yard:</i> 7.0 m <i>Minimum Interior Side Yard:</i> 1.2 m for one <i>interior side yard</i>; 0.6 m on other <i>interior side yard</i> <i>Minimum Exterior Side Yard:</i> 3.0 m to <i>dwelling</i>; not applicable to attached <i>private garage</i> or <i>carport</i> <i>Maximum Lot Coverage:</i> not applicable <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.a (1) footnote is not applicable. <i>Maximum Encroachment for a Porch:</i> <i>Front Yard:</i> 1.5 m <i>Rear Yard:</i> 2.4 m <i>Exterior Side Yard:</i> 1.8 m			

Site Specific Exception	Zone	Location	By-law
16	R3A-16	Merritt Meadows Plan of Subdivision	-
The subject lands are subject to the regulations of the R3A zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Rear Yard:</i> 6.0 m <i>Minimum Interior Side Yard:</i> 1.0 m <i>Minimum Exterior Side Yard:</i> not applicable to attached <i>private garage</i> or <i>carport</i> <i>Maximum Lot Coverage:</i> one <i>storey street townhouse</i> 60%; two <i>storey street townhouse</i> 50% <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.b (1) footnote is not applicable.			

<i>Maximum Encroachment for a Porch:</i>	
<i>Rear Yard:</i>	3.66 m
<i>Exterior Side Yard:</i>	1.8 m

Site Specific Exception	Zone	Location	By-law
17	R3A-17	Artisan Ridge Phase 1 Plan of Subdivision	-
The subject lands are subject to the regulations of the R3A zone, and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Rear Yard:</i>		6.0 m	
<i>Minimum Exterior Side Yard:</i>		3.0 m	
<i>Maximum Lot Coverage: 50 %;</i>		maximum lot coverage may be increased to 55% where the area of increase is used for porches	
<i>Maximum Width of a Private Garage Attached to the Main Building:</i>		not applicable	
<i>Minimum Setback of Attached Garage from front face of Dwelling:</i>		1.0 m	
Table 6.3.b (1) footnote is not applicable.			
<i>Maximum Encroachment for a Porch:</i>			
<i>Rear Yard:</i>		2.4 m	
<i>Exterior Side Yard:</i>		1.8 m	

Site Specific Exception	Zone	Location	By-law
18	R3A-18	Hansler Heights Plan of Subdivision	-
The subject lands are subject to the regulations of the R3A zone, and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Rear Yard:</i>		6.0 m to dwelling; not applicable to attached private garage or carport	
<i>Minimum Exterior Side Yard:</i>		3.0 m to dwelling; not applicable to attached private garage or carport	

Maximum <i>Lot Coverage</i> :	60%
Maximum Width of a <i>Private Garage</i> Attached to the <i>Main Building</i> :	not applicable
Table 6.3.b (1) footnote is not applicable.	
Maximum <i>Encroachment</i> for a <i>Porch</i> :	
<i>Front Yard</i> :	1.5 m
<i>Exterior Side Yard</i> :	1.8 m

Site Specific Exception	Zone	Location	By-law
19	R3A-19 (H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R3A <i>zone</i> , and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Front Yard</i> :	6.0 m		
<i>Minimum Rear Yard</i> :	6.0 m		
<i>Minimum Exterior Side Yard</i> :	3.0 m; not applicable to attached <i>private garage</i> or <i>carport</i>		
Maximum <i>Lot Coverage</i> :	45%		
Maximum Width of a <i>Private Garage</i> Attached to the <i>Main Building</i> :	not applicable		
Maximum <i>Encroachment</i> for a <i>Porch</i> :			
<i>Front Yard</i> :	2.0 m		
<i>Rear Yard</i> :	2.5 m		
<i>Exterior Side Yard</i> :	1.5 m		
No <i>fence</i> , <i>wall</i> , hedge or other plantings shall be: greater than 0.6 m in <i>height</i> within the effective 18.0 m <i>road</i> allowance to maintain adequate sightlines around corners and for the roadway.			
That pursuant to Section 36(1) of the <i>Planning Act</i> , R.S.O. 1990, as amended, the holding (H) symbol shall be removed upon: a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.			

Site Specific Exception	Zone	Location	By-law
20	R3A-20	Rolling Meadows Plan of Subdivision	-
<u>For Phases 1-11:</u> The subject lands are subject to the regulations of the R3A zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Rear Yard:</i> 6.0 m <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; no requirement to attached private garage or carport <i>Maximum Lot Coverage:</i> 50 % <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable <i>Maximum Number of Attached Dwelling Units:</i> 8 attached units for Phases 1-5 inclusive only Table 6.3.b (1) footnote is not applicable.			

Site Specific Exception	Zone	Location	By-law
21	R3A-21 (H)	Rolling Meadows Draft Plan of Subdivision	-
<u>For Phase 12:</u> The subject lands are subject to the regulations of the R3A zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Rear Yard:</i> 6.0 m <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; no requirement to attached private garage or carport <i>Maximum Lot Coverage:</i> 50 % <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.b (1) footnote is not applicable.			

The lands identified as R3A-21 (H) *zone* on Schedule “A”, attached hereto, shall not be *used*, nor any *building* or *structure* *used, altered* or *erected* until the holding symbol (H) is removed, pursuant to the provisions of the *Planning Act, R.S.O. 1990*, as amended, providing that all servicing matters have been resolved to the satisfaction of the City of Thorold.

Site Specific Exception	Zone	Location	By-law
22	R3A-22	25 and 25 1/2 Metcalfe Street	-
The subject lands are subject to the regulations of the R3A <i>zone</i> , and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Lot Frontage:</i>		6.0 m per interior unit and 7 m per end unit	
<i>Minimum Landscape Open Space:</i>		not applicable	
<i>Minimum Planting/Buffer Strip:</i>		1.2 m where <i>abutting</i> R1A, R1B, R1C, R1D, R2A and R2B <i>zones</i> .	

Site Specific Exception	Zone	Location	By-law
23	R3B-23	West Community Plan of Subdivision	-
<u>For Phase 7:</u>			
The subject lands are subject to the regulations of the R3B <i>zone</i> , and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Front Yard:</i>		3.5 m to <i>dwelling</i>	
<i>Minimum Exterior Side Yard:</i>		3.0 m to <i>dwelling</i> ; not applicable to attached <i>private garage</i> or <i>carport</i>	
<i>Minimum Interior Side Yard:</i>		0.9 m to <i>dwelling</i>	
<i>Minimum Landscape Open Space:</i>		not applicable	
<i>Maximum Lot Coverage:</i>		50%	
<i>Maximum Width of a Private Garage Attached to the Main Building:</i>		not applicable	
<i>Maximum Encroachment for a Porch:</i>			
<i>Exterior Side Yard:</i>		1.8 m	

Site Specific Exception	Zone	Location	By-law
24	R3B-24	Port Robinson Estates Phase 1 Plan of Subdivision	-
The subject lands are subject to the regulations of the R3B zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Rear Yard:</i> 6.0 m <i>Minimum Interior Side Yard:</i> 1.0 m <i>Minimum Exterior Side Yard:</i> 3.0 m to dwelling; no requirement to attached private garage or carport <i>Maximum Lot Coverage:</i> not applicable <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable Table 6.3.b (1) footnote is not applicable. <i>Maximum Encroachment for a Porch:</i> <i>Front Yard:</i> 1.5 m <i>Rear Yard:</i> 2.4 m <i>Exterior Side Yard:</i> 1.8 m			

Site Specific Exception	Zone	Location	By-law
25	R3D-25 (H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R3D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Interior Side Yard:</i> 5.0 m for lot lines adjacent to cemetery <i>Maximum Lot Coverage:</i> not applicable <i>Minimum Landscape Open Space:</i> 25% <i>Maximum Height:</i> 6.0 m <i>Maximum Width of a Private Garage Attached to the Main Building:</i> not applicable <i>Minimum Distance from Private Street or Condominium Roadway:</i> 3.0 m to dwelling			

Maximum *Encroachment* for a *Porch*

Rear Yard: 2.5 m

No *fence*, *wall*, hedge or other plantings shall be: greater than 0.6 m in *height* within the effective 18.0 m road allowance to maintain adequate sightlines around corners and for the roadway.

That pursuant to Section 36(1) of the *Planning Act*, R.S.O. 1990, as amended, the holding (H) symbol shall be removed upon: a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.

Site Specific Exception	Zone	Location	By-law
26	R3D-26 (H)	Decew Terrace Draft Plan of Subdivision	-
The subject lands are subject to the regulations of the R3D zone, and all other regulations of this By-law, and with the following site specific regulations:			
Maximum Lot Coverage:		not applicable	
Minimum Landscape Open Space:		25%	
Maximum Width of a Private Garage			
Attached to the Main Building:		not applicable	
Minimum Distance from Private Street or Condominium Roadway:		3.0 m to dwelling	
Maximum Encroachment for a Porch:			
Rear Yard:		2.5 m	
No fence, wall, hedge or other plantings shall be: greater than 0.6 m in height within the effective 18.0 m road allowance to maintain adequate sightlines around corners and for the roadway.			
That pursuant to Section 36(1) of the Planning Act, R.S.O. 1990, as amended, the holding (H) symbol shall be removed upon: a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a subdivision agreement for all of the lands.			

Site Specific Exception	Zone	Location	By-law
27	R3D-27 (H)	Richmond Draft Plan of Condominium	34-2018
The subject lands are subject to the regulations of the R3D zone, and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Interior Side Yard</i>		<i>1.2 m to dwelling side wall</i>	
<i>Minimum Rear Yard</i>		<i>0.9 m abutting OS2 zone only</i>	
<i>Minimum Landscape Open Space</i>		<i>30 %</i>	
<i>Maximum Width of a Private Garage Attached to the Main Building</i>		<i>not applicable</i>	
<i>Maximum Encroachment for a Porch:</i>			
<i>Rear Yard:</i>		<i>3.0 m; except for those porches that abut the OS2 zone, a porch may project from the condominium unit up to a maximum of 3.0 m and no closer than 0.6 m to the OS2 zone.</i>	
The lands identified as R3D-29 (H) zone on Schedule "A", attached hereto, shall not be used, nor any building or structure used, altered or erected until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O.1990</i> , as amended, providing that all servicing, site plan and final approvals of the plan of condominium have been resolved to the satisfaction of the City of Thorold.			

Site Specific Exception	Zone	Location	By-law
28	R4A-28	7 Ormond Street North	-
The subject lands are subject to the regulations of the R4A zone, and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Lot Frontage:</i>		<i>20.0 m</i>	
<i>Minimum Front Yard:</i>		<i>2.0 m</i>	
<i>Minimum Rear Yard:</i>		<i>1.0 m</i>	
<i>Minimum Interior Side Yard:</i>		<i>0.0 m abutting a commercial zone; 3.0 m abutting a residential zone</i>	
<i>Minimum Exterior Side Yard:</i>		<i>4.5 m</i>	
<i>Density per Hectare:</i>		<i>not applicable</i>	

<i>Minimum Amenity Area:</i>	not applicable
<i>Minimum Driveway Width:</i>	shall be 3.0 m if the <i>driveway</i> is one-way traffic and 6.0 m if the <i>driveway</i> is two-way traffic
<i>Minimum Parking Aisle Width:</i>	6.0 m

Site Specific Exception	Zone	Location	By-law
29	R4B-29	23A St. David Street East	-
The subject lands are subject to the regulations of the R4B <i>zone</i> , and all other regulations of this By-law, and with the following site specific regulations:			
<i>Minimum Lot Frontage:</i>		4.8 m	
<i>Minimum Rear Yard:</i>		5.0 m	
<i>Minimum Interior Side Yard:</i>		6.5 m	
<i>Minimum Exterior Side Yard:</i>		3.0 m	
<i>Maximum Height:</i>		16.8 m	
Density per Hectare:		not applicable	
<i>Minimum Amenity Area:</i>		not applicable	
<i>Minimum Driveway Width:</i>		shall be 3.0 m if the <i>driveway</i> is one-way traffic and 6.0 m if the <i>driveway</i> is two-way traffic	
<i>Minimum Parking Aisle Width:</i>		6.0 m	

Site Specific Exception	Zone	Location	By-law
30	OS1-30	2250 Merrittville Highway (Pleasantview Memorial Gardens Cemetery)	-
The subject lands are subject to the regulations of the OS1 <i>zone</i> , and all other regulations of this By-law, and with the following site specific regulations:			
<i>A funeral establishment is a permitted use.</i>			
<i>Minimum Front Yard:</i>		7.5 m	

<i>Minimum Rear Yard:</i>	7.5 m
<i>Minimum Interior Side Yard:</i>	7.5 m
<i>Minimum Exterior Side Yard:</i>	7.5 m
<i>Maximum Height:</i>	11.0 m
<i>Maximum Gross Floor Area:</i>	1,800.0 m ²

Site Specific Exception	Zone	Location	By-law
31	M1-31	3460 Schmon Parkway	-
The subject lands are subject to the regulations of the M1 <i>zone</i>, and all other regulations of this By-law, and with the following site specific regulations: The lands may be <i>used</i> for a <i>clinic</i> with an <i>accessory pharmacy use</i>.			

Site Specific Exception	Zone	Location	By-law
32	R4B-32 (H)	Formerly part of 1522 Beaverdams Road (Thorold Non-Profit)	-
The subject lands are subject to the regulations of the R4B zone, and all other regulations of this By-law, and with the following site specific regulations:			
Minimum Front Yard		6.0 m	
Minimum Rear Yard		7.5 m	
Minimum Exterior Side Yard		6.0 m	
Maximum Height		32.2 m	
Density per Hectare		113 units	
The lands identified as R4B-32 (H) zone on Schedule “A”, attached hereto, shall not be used, nor any building or structure used, altered or erected until the holding (H) symbol is removed, pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, providing that a Record of Site Condition is granted, a comprehensive servicing and stormwater management plan are approved and all servicing matters have been resolved to the satisfaction of the City of Thorold.			

Site Specific Exception	Zone	Location	By-law
33	R4B-33	75 Ormond Street S	-
Maximum <i>Density</i> per Hectare maximum 120 units			
<i>Minimum Interior Side Yard Setback</i> of Building to northerly <i>adjacent</i> property line (<i>private club parking lot</i>) 7.0 m			
<i>Loading Space</i>		1 required	
<i>Setback</i> of underground parking to street line		0.0 m	
<i>Maximum Height</i>		7 storeys/25 m	

Site Specific Exception	Zone	Location	By-law
34	RID-34 (H)	Rolling Meadows Draft Plan of Subdivision	-
<u>For Phase 12:</u> The subject lands are subject to the regulations of the R1D zone, and all other regulations of this By-law, and with the following site specific regulations: <i>Minimum Front Yard:</i> 3.0 m to dwelling <i>Minimum Exterior Side Yard:</i> 3.0 m; not applicable to attached <i>private garage</i> or <i>carport</i> Maximum Width of a <i>Private Garage</i> Attached to the <i>Main Building:</i> not applicable Table 6.3.a (1) footnote is not applicable. The lands identified as R1D-34 (H) zone on Schedule "A", attached hereto, shall not be <i>used</i>, nor any <i>building</i> or <i>structure</i> <i>used</i>, <i>altered</i> or <i>erected</i> until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i>, as amended, providing that all servicing matters have been resolved to the satisfaction of the City of Thorold.			

Site specific exception #'s 35 to 41 are being saved for when the Zoning Bylaw 60(2019) is consolidated

Site Specific Exception	Zone	Location	By-law
42	R4A-42	22 Cunningham Street, 10 Lyndon Street West and 12 Lyndon Street West	LPAT Decision Case #PL190511
Notwithstanding the definitions of “Landscape Open Space” and “Planting/Buffer Strip” in Part 2 “Definitions”, a curb associated with a parking area may be located within the required planting/buffer strip adjacent to the north interior side lot line.			
Notwithstanding the regulations of Part 3 “General Regulations”, Sections 3.18, 3.22, and 3.26, the following regulations shall apply:			
Minimum setback from a Principal Branch Line or Spur Line to a building or structure containing a dwelling		Not applicable	
Minimum site triangle dimensions		4.5 m by 4.5 m	
Maximum encroachment or projection into an exterior side yard for: uncovered stairs or ramps to the first storey of a building; exterior landings; and platform structures		Not applicable	
Notwithstanding the regulations of Part 4 “Parking and Loading Requirements”, Sections 4.4.2 and 4.4.3, the following regulations shall apply:			
Minimum two-way ingress/egress driveway width		6.1 m	
Minimum parking aisle width		6.1 m	
Notwithstanding the regulations of Part 6 “Residential Zones”, Section 6.3 “Lot, Building and Structure Requirements”, Table 6.3.c “Lot, Building, and Structure Requirements for Apartment Building and Long Term Care Facility”, the following regulations shall apply:			
Minimum front yard		2.4 m	

Minimum rear yard	2.4 m
Minimum exterior side yard	2.4 m
Minimum planting/buffer strip	1.5 m where abutting R1A, R1B, R1C, R1D, R2A and R2B zones
Minimum yard requirement between buildings	2.4
Minimum amenity area	Not applicable

Site Specific Exception	Zone	Location	By-law
43	M3-43	3530 Schmon Parkway	LPAT Decision Case #PL180667

In addition to the permitted uses within the M3 Zone a dormitory with ancillary office and/or commercial uses is permitted subject to the following provisions:

Minimum gross floor area for ancillary commercial and/ or office type uses (% of total gross residential floor area) 3% or 507 m² whichever is more

Notwithstanding the parking requirements of Section 4.1 the following parking regulations shall apply:

Dormitory 0.24 spaces per bed

Visitor 0.05 spaces

Commercial and office uses 3.43 spaces per 92m²

A maximum of 50% of the required parking spaces may be provided off site on the adjacent lot legally described as Plan 59M131 Part Lots 1 and 2 for which an easement for parking is registered.

Notwithstanding the definition of Dormitory under Part 2, the following definition shall apply:

Dormitory: means a building or part therefor used for the housing of people with independent bedrooms, independent or shared washroom facilities, with central kitchen and dining facilities and common indoor and outdoor amenity areas.

13.2 List of Holding (H) Provisions

Zone(s)	Location	By-law	Provision
R1B (H), RIC (H), R3A (H), R3D (H), OS1 (H), OS2 (H), U (H), I1 (H)	Rolling Meadows Draft Plan of Subdivision Phases 13 and Beyond		The lands identified as R1B (H), RIC (H), R3A (H), R3D (H), OS1 (H), OS2 (H), U (H), I1 (H) <i>zone</i> in the Rolling Meadows Draft Plan of Subdivision on Schedule “A”, attached hereto, shall not be <i>used</i> , nor any <i>building</i> or <i>structure</i> <i>used, altered or erected</i> until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i> , as amended, providing that all servicing, and the protection of aggregate resource matters (refer to Schedule A-3 in the Official Plan) have been resolved to the satisfaction of the City of Thorold.
R1D (H) R3A (H)	Proposed Artisan Ridge Phase 2 Draft Plan of Subdivision		The lands identified as R1D (H) and R3A (H) <i>zone</i> in the proposed Artisan Ridge Phase 2 Draft Plan of Subdivision on Schedule “A” attached hereto, shall not be <i>used</i> , nor any <i>building</i> or <i>structure</i> <i>used, altered or erected</i> until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i> , as amended, providing that access to the lands is obtained from Trillium Railway.
R2B (H), OS1 (H)	West Community Draft Plan		The lands identified as R2B (H) and OS1 (H) <i>zone</i> in the West Community Draft Plan, on Schedule “A”, attached hereto, shall not be <i>used</i> , nor any <i>building</i> or <i>structure</i> <i>used, altered or erected</i> until the holding (H) symbol is removed, pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i> , as amended, providing that a subdivision agreement has been executed.

13.3 List of Temporary Uses

Zone(s)	Location	By-law	Expires	Temporary Use
C6	Kottmeier Road (Port Robinson Estates Phase 1 Subdivision) PLAN 59M454 BLK 416	121-2016	Oct. 4 2019	<i>Temporary use</i> of lands for Sales Centre Complex on the south-east corner of the overall property.
FD/EP2	2711 Thorold Townline Rd (Roll Number 273100002433700) Part Twp Lt 66	29-2017	May 20, 2020	<i>Temporary use</i> of lands for a Paintball Facility and a Recreational Sports Field.

Part 14 | Area Specific Regulations

14.1 Area Specific Names

Table 14.1 – Area Specific Names	
Area Specific Names	
i)	Source Water Protection Area
ii)	Solid Waste Disposal Assessment Area
iii)	Greenbelt Natural Heritage Area
iv)	Natural Heritage Feature Buffer Area

14.2 Source Water Protection Area

- a) *Notwithstanding* any other regulations of this By-law, within the *Intake Protection Zone 1* (IPZ-1) shown as a Source Water Protection Area on Schedule “A” of this By-law, the Region’s *Risk Management Official* must provide written approval to the *City* prior to the issuance of a Building Permit.
- b) *Notwithstanding* any other regulations of this By-law, the Region’s Source Water Protection Plan outlines permitted *uses* within the Source Water Protection Area shown on Schedule “A” of this By-law. The Region’s *Risk Management Official* has jurisdiction in this regard.

14.3 Solid Waste Disposal Assessment Area

The following regulations apply to lands within the solid waste disposal assessment area:

- a) Prior to the issuance of a Building Permit for any new *building* or expansion to an *existing building* an assessment report shall be prepared by a qualified engineer in accordance with the *City’s* Official Plan Section C7 (Solid Waste Disposal Areas) and the *Province’s Guideline D-4*, or its successor, to the satisfaction of the *Region* and the *City*.
- b) Interior and exterior *alterations* that do not expand the *building* are not required to submit an assessment report in accordance with Section 14.2 a).
- c) All *uses* permitted in the applicable *zone* are permitted.

14.4 Greenbelt Natural Heritage Area

Permitted *uses* in the Greenbelt Natural Heritage Area shall be the *uses* in the applicable *zone* but shall be subject to the following regulations:

- a) Development and site alteration may occur within the Greenbelt Natural Heritage Area where an Environmental Impact Study (EIS) is prepared that satisfies the City's Official Plan Policy B3.5.4.1 and Section C6 to the satisfaction of the *City* and the *Region*.

Notwithstanding, agricultural *buildings* and *structures* including *agriculture-related* and *on-farm diversified uses* are not subject to the above requirements.

14.5 Natural Heritage Feature Buffer Area

- a) The Natural Heritage Feature Buffer Area as shown on Schedule "A" of this By-law shall take precedence over the regulations of the underlying zone.
- b) No person shall *use* or develop any *lot*, *building* or *structure*, or part thereof, within an area identified as Natural Heritage Feature Buffer Area on Schedule "A", for any purpose other than the following *uses* existing on the date of passing of this By-law:
 - i) *Agricultural uses*;
 - ii) *Wayside pit or quarry*; and,
 - iii) *Mineral aggregate operation*.
- c) *Notwithstanding* Section 14.53b), development may be permitted within an area identified as Natural Heritage Feature Buffer Area on Schedule "A", where an Environmental Impact Study (EIS), supporting the development has been accepted by the *City* and the *Region*.

An Environmental Impact Study (EIS) is required in the following cases:

- i) Within 120.0 m of the boundary of a Provincially Significant Wetland (PSW);
- ii) Within 50.0 m of the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI);
- iii) Within 50.0 m from the habitat of endangered species and threatened species;
- iv) Within 50.0 m of significant woodlands, significant wildlife habitat, significant valleylands, and other wetlands (non-provincially significant);
- v) Within 30.0 m of Critical (Type 1) fish habitat; and
- vi) Within 15 m of Important and Marginal (Types 2 and 3) fish habitat.