

This copy is a consolidation of Zoning By-law 1150/97/81 (and as subsequently amended) as approved by the Ontario Municipal Board on March 19th, 1984 updated to January 13, 1992. This consolidation is intended for office use only and for convenience only. For accuracy, reference should be made to the amending by-laws and schedules on file in the Clerk's Department. Further, this office consolidation is provided as a courtesy only without municipal obligation to note and certify relevant municipal, regional, provincial and federal enactments nor to provide updates and excerpts of amendments to the text and schedules.

THE CORPORATION OF THE
CITY OF PORT COLBORNE

BY-LAW NUMBER 1150/97/81

Being a By-law to regulate the use of lands and the character, location and use of buildings and structures within the City of Port Colborne.

WHEREAS Section 39 of The Planning Act R.S.O. 1980 Chapter 379, as amended, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Planning and Development Committee of the City of Port Colborne has recommended that such a by-law be enacted;

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

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

INDEX

<u>SECTION</u>	<u>SYMBOL</u>	<u>TITLE</u>	<u>PAGE</u>
1		Application & Interpretation	3
2		Schedules to the By-law	6
3		Administration & Enforcement	
3.1		Requirements for Building Permits	7
3.2		Issuance of Building Permits	7
3.3		Occupancy Permits	7
3.4		Requests for Amendments	8
3.5		Inspection	8
3.6		Violations and Penalties	9
3.7		Remedies	9
3.8		Validity	9
3.9		By-laws Repealed	9
4		General Provisions	
4.1		Requirement for Lot	10
4.2		Reduction of Lot Area	10
4.3		Lots with More than One Use or Zone	10
4.4		Non-conforming Buildings, Structures and Lots	11
4.5		Replacement of Buildings Other Than Residential Buildings	12
4.6		Replacement of Residential Buildings	13
4.7		Reconstruction of Agricultural Buildings & Structures	13
4.8		Dwelling Units	14
4.9		Access Regulations	14
4.10		Accessory Uses in Residential Zones	15
		Home Occupations	16
		Accessory Apartments	19
4.11		Public Uses	20
4.12		Construction or Temporary Uses	21
4.13		Noxious Uses	21
4.14		Storage of Refuse	22
4.15		Landscaping	22
4.16		Servicing Requirements for Non- Residential Uses	23
4.17		Height Exceptions	23
4.18		Street Allowance Requirements - Schedule "B"	23
4.19		Separation Distances - Schedule "C"	
		Farm & Non-Farm Buildings	24
4.20		Yard Encroachments & Obstructions	24
4.21		Sight Triangles	26
4.22		Courts and Yards	27
4.23		Parking Regulations	27
4.24		Loading Space Regulations	33
4.25		Holding Provisions (By-law 5052/107/07)	36
4.26		Group Homes	37
5		Zones and Zone Symbols	39
6	RI	First Density Residential	41
7	R2	Second Density Residential	43
8	R3	Third Density Residential	44
9	R4	Fourth Density Residential	47

INDEX Page 2

<u>SECTION</u>	<u>SYMBOL</u>	<u>TITLE</u>	<u>PAGE</u>
10	RT	Residential Townhouse	49
11	LR	Lakeshore Residential	51
12	HR	Hamlet Residential	53
13	ER	Estate Residential	54
14	RD	Residential Development	55
15	HD	Hamlet Development	56
16	CC	Central Commercial	58
17	NC	Neighbourhood Commercial	61
18	HC	Highway Service Commercial	63
19	CM	Commercial Marine (By-law 3427/9/97)	66
20	SC	Shopping Centre Commercial	67
21	CD	Commercial Development	69
22	LI	Light Industrial	70
23	HI	Heavy Industrial	72
24	EI	Extractive Industrial	73
25	A	Agricultural	74
26	RU	Rural	77
27	P	Public and Park	79
28	I	Institutional	80
29	EP	Environmental Protection	82
30(a)		Special Exceptions	84
30(b)		Special Exceptions & Provisions	85
31		Definitions	167
32		Approval	193
33	OS	Private Open Space (By-law 1555/130/84)	194
34	MSC	Main Street Commercial (By-law 1613/38/85)	195
35	MSCD	Main Street Commercial Development (By-law 1613/38/85)	197
36	RR	Recreational Resort	199

SCHEDULE "B" - Street Allowance Requirements 203

SCHEDULE "C" - MDS Formula One

SCHEDULE "C" - MDS Formula Two

SCHEDULE "D" - Geometric Design Standard for Parking

SCHEDULE "E" - Laneways

For Information Purposes and does not form part of Zoning By-law 1150/97/81, as amended

1. Note on Metric Measures
2. Free-standing By-law 1321/14/83, as amended (land on N/S Elgin Street)
3. Summary of Zoning By-law Amendments

APPLICATION AND INTERPRETATION

SECTION 1

1.1 TITLE OF BY-LAW

This By-law may be cited as "The Zoning By-law."

1.2 SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the City of Port Colborne.

(b) CONFORMITY WITH BY-LAW

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

(c) EXISTING USES CONTINUED

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law provided that:

- i) such use, building or structure which was established prior to the date of passing of this By-law continues to be used for that purpose;
- ii) such use of a lot, building or structure has not ceased operation for a period of twelve (12) consecutive months. (By-law 5241/147/08)

(d) BUILDING PERMIT ISSUED

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

- (l) when the building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued; and

(e) COMPLIANCE WITH OTHER RESTRICTIONS

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Municipality or the Regional Municipality of Niagara, or from any law of the Province of Ontario or of Canada, including (By-law 1374/67/83) any regulation under the provisions of the Conservation Authorities Act, or any regulation or any other

applicable Act of the Province of Ontario or Canada. (By-law 1374/67/83)

Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the supply (By-law 1374/67/83) of public utilities as defined in this By-law and (By-law 1374/67/83) The Public Utilities Corporation Act, provided that any such use, building or structure shall be in compliance with the relevant provisions of this By-law.

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

- (f) All uses of land and the erection or use of any building or structure for a purpose not permitted under the "Uses Permitted" subsection of one or more zones established by this by-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted in such zone.

1.3 INTERPRETATION OF BY-LAW

(a) DEFINED AREAS

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

(b) ZONE BOUNDARIES

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

- (i) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centre line of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such right-of-way.
- (iii) A boundary indicated as following a shore line shall be construed as the 1-in-100 year flood line, or in the case of a watercourse, creek or stream, the centre line thereof. (By-law 5241/147/08)
- (iv) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- (v) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in clauses (i), (ii) or (iii) of this Subsection, and the distance from such street line or other feature is not indicated, and clause (iv) above is not applicable, such boundary shall be construed as being parallel to

such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.

- (vi) A boundary indicated as following the limits of the Municipality shall follow such limits.
- (vii) The limit of any map comprising any Schedule forming part of this By-law as shown on the Key Map of such Schedule shall be deemed to be the boundary of the Zone adjoining such limit. (By-law 3427/9/97)

(c) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 31 hereof shall apply.

(d) SINGULAR AND PLURAL WORDS AND GENDERS

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

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

(e) "SHALL" IS MANDATORY

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

(f) "USE" AND "OCCUPY"

In this By-law, unless the context requires otherwise: (By-law 3427/9/97)

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

SCHEDULES TO THE BY-LAW

SECTION 2

2.1 PART OF BY-LAW

Schedules "A", "B", "C" & "D", which are attached hereto and described in this Subsection, are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

2.2 SCHEDULE "A" - ZONE MAPS

The extent and boundaries of all zones are set out on Schedule "A" hereto and shall be interpreted in accordance with the provisions of Section 1.3, Clause (b).

2.3 SCHEDULE "B" - STREET ALLOWANCE REQUIREMENTS

Setbacks from the centre line of public streets are set out in Schedule "B" hereto.

2.4 SCHEDULE "C" - MINIMUM DISTANCE SEPARATION FORMULAE

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

2.5 SCHEDULE "D" - PARKING DESIGN STANDARDS

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

2.6 SCHEDULE "E" - LANEWAYS

ADMINISTRATION AND ENFORCEMENT

SECTION 3

3.1 REQUIREMENTS FOR BUILDING PERMITS

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

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

3.2 ISSUANCE OF BUILDING PERMITS

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

3.3 OCCUPANCY PERMITS

- (a) No building which is the principal use erected or altered hereafter on any lot in any part of the zoned area shall be occupied or used for any purpose unless an Occupancy Permit has been issued by the Chief Building Official in respect of the said building.
- (b) An Occupancy Permit shall be issued in respect of a building only after:
 - (i) an application for such Occupancy Permit has been submitted in writing to the Chief Building Official, at least 10 days prior to the intended date of occupancy, by the owner of the lot upon which the said building is being erected or altered or by a duly authorized representative thereof; and
 - (ii) the erection or alteration of the said building has been substantially completed in accordance with the provisions of this By-law, the non-completion of minor details not exceeding 10% of the value of the work as set out in the building permit issued therefore by the

Chief Building Official not to amount to, or be considered substantial non-completion; and shall certify that the said building complies in all respects with the provisions of this By-law.

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

3.4 REQUESTS FOR AMENDMENTS

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

3.5 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law Enforcement Officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of The Summary Convictions Act, R.S.O. 1970, or any successors thereto.

3.6 VIOLATIONS AND PENALTIES

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

3.7 REMEDIES

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

3.8 VALIDITY

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

3.9 BY-LAWS REPEALED

By-law No. 441 of the City of Port Colborne and all amendments thereto, plus By-laws No. 922, No.956, No. 959, No. 961, No. 995, No. 1018, No. 1024, No. 1074, No. 1108, No. 1154 and No.1192 of the former Township of Humberstone are hereby repealed.

GENERAL PROVISIONS

SECTION 4

4.1 REQUIREMENT FOR LOT

Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot, nor shall any land be used for any permitted use unless it comprises a lot; but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.

4.2 REDUCTION OF LOT AREA

(a) PROHIBITION

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

(b) LOTS REDUCED BY PUBLIC ACQUISITION

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place, provided that:

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

4.3 LOTS WITH MORE THAN ONE USE OR ZONE

(a) MORE THAN ONE USE:

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-law which are applicable to such use in the Zone in which the said lot is located as if such use existed independently of any other use.
- (ii) Where standards or provisions pertaining to 2 or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

- (b) MORE THAN ONE ZONE:
- (i) Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this Bylaw which are applicable to the zone wherein such portion of the said lot is located.
 - (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where the use or uses of a lot divided into 2 or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot except that this section shall not apply to the location of a single-detached dwelling and accessory uses, buildings or structures in the "NFR" (Non-Farm Residence) zone (By-law 2176/124/88) and "R1" (First Density Residential (By-law 3427/9/97) and "LR" (Lakeshore Residential) zones." (By-law 5413/10/10)

4.4 NON-CONFORMING BUILDINGS, STRUCTURES AND LOTS

(a) REBUILDING OR REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this Bylaw, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law, provided that such repair or restoration does not increase the height, size, volume or extent of nonconformity or non-compliance of the use, building or structure, except as required in order to comply with the requirements of the Ontario Building Code.

(b) EXTENSIONS PERMITTED (By-law 4915/140/06)

Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such building, structure, or lot does not conform to one or more of the requirements of this Bylaw, provided that:

- (i) such extension or addition does not further reduce any existing legal non-conforming yards but in no instance shall any extension or addition be permitted closer than 1.0 metres to any lot line,
- (ii) all other provisions of this Bylaw are satisfied, and
- (iii) no extensions or additions will be permitted in an Environmental Protection Zone. (By-law 4915/140/06)

(c) LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED

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

- (i) is the same as in a deed registered on or prior to the date of passing of this By-law, except that this requirement shall not exclude an existing lot which has increased in lot area or lot

frontage since the passing of this By-law. (By-law 2176/124/88) or

- (ii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lots, and (By-law 2176/124/88).
- (iii) (By-law 2176/124/88) complies with all relevant regulations made under The Public Health Act and The Environmental Protection Act and all relevant requirements of the Health Unit are complied with,

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

(d) Minor Yard Violations (By-law 2176/124/88)

Notwithstanding any other provision in this bylaw, where building or structure has been erected on a lot with yard setbacks which do not comply with the required yard setbacks set out in this Bylaw for the zone in which the lot is located, then the required front yard, rear yard and side yards for such lot shall be deemed to be the existing front yard, rear yard and side yards provided that:

- (a) such yards have existed continuously for ten years;
- (b) no yard deemed to be a required yard under this section shall be less than 65 percent of the required yard set out in this Bylaw for the zone in which the lot is located; and,
- (c) the buildings on such lot conform to the provisions of this Bylaw in every other respect.

4.5 REPLACEMENT OF BUILDINGS OTHER THAN RESIDENTIAL BUILDINGS

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

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

- (c) a building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied. (By-law 5241/147/08)

4.6 REPLACEMENT OF RESIDENTIAL BUILDINGS

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

- (a) such destroyed or demolished building was lawfully used at the date of its partial or complete destruction, or its demolition,
- (b) such building as replaced or reconstructed shall not contain a greater number of dwelling units than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition,
- (c) where the ground floor area of the destroyed or demolished building was less than the minimum ground floor area permitted in the applicable zone under this By-law, such building, as replaced or reconstructed, shall not contain a lesser floor area than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition,
- (d) where any yard existing at the date of the partial or complete destruction or demolition of such building does not comply with the minimum yard required in the applicable zone under this By-law, then such yard shall not be less than the yard existing at the date of the partial or complete destruction, or demolition, of such building,
- (e) the height of such building, as replaced or reconstructed, shall not exceed the maximum height permitted in the applicable zone under this By-law.
- (f) a building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied. (By-law 5241/147/08)

4.7 RECONSTRUCTION OF AGRICULTURAL BUILDINGS AND STRUCTURES

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

- (a) such building or structure, as replaced or reconstructed shall not have in total a greater livestock housing capacity than lawfully existed in the

destroyed or demolished building or structure at the date of its partial or complete destruction, or demolition; and

- (b) where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required in the Agricultural Zone, such yard shall not be reduced in size by reason of such reconstruction of such building or structure; or
- (c) if such building or structure is to be replaced or reconstructed so that it provides a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition, such building or structure shall not be replaced or reconstructed except in accordance with the provisions of the Agricultural Zone.
- (d) For the purpose of this Subsection, "livestock housing capacity" means the number of animal units per year in accordance with Schedule "C" hereof.
- (e) a building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied. (By-law 5241/147/08)

4.8 DWELLING UNITS

- (a) **LOCATION WITHIN NON-RESIDENTIAL BUILDING**
Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard provisions of this By-law which apply to the said non residential building, provided that any wall containing a window of a habitable room, where such room does not have any other window or windows in any other walls having a total glazed area of at least 10% of the floor area of the said room, shall be located not less than 2.5m from any side lot line.
- (b) **LOCATION ABOVE PRIVATE GARAGE**
No dwelling unit shall be located in its entirety above a private garage except where such private garage is located within a basement or a cellar of a dwelling.
- (c) **LOCATION WITHIN BASEMENT OR CELLAR**
 - (i) No part of any dwelling unit shall be located within a basement of a non- residential building.
 - (ii) Except as otherwise provided in Paragraph (iii) of this clause, nothing in this By-law shall prevent the location of a dwelling unit or a habitable room entirely within a basement of a residential building.
 - (iii) No habitable room shall be located within a cellar.

4.9 ACCESS REGULATIONS

No person shall erect any building or structure or otherwise use any lot in any zone unless such lot abuts an improved street or a reserve on the opposite side of which is located an improved street, and unless the Province, the Region or the Corporation has issued an entrance permit or otherwise granted permission to provide access for vehicular traffic from such lot to the said improved street, except that this provision shall not apply to a lot located on a plan of subdivision registered subsequent to the date of the passing of this By-law.

4.10 ACCESSORY USES

- (i) Accessory Uses in Residential, NFR, (By-law 1438/13/84) and Accessory Uses in Commercial Zones. (By-law 1374/67/83)

(a) **USES PERMITTED**

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except the following:

- (i) a gasoline retail outlet;
- (ii) a home occupation; or
- (iii) a salvage yard;

unless such use is specifically listed as a permitted use elsewhere in this By-law.

(b) **LOT COVERAGE (By-law 1374/67/83)**

- (i) a lot with municipal sanitary sewers and municipal water services;
the total lot coverage of all accessory buildings or structures shall not exceed 10% of the lot area of the said lot.

- (ii) a lot with municipal water services only or no municipal services;

the total lot coverage of all accessory buildings or structures shall not exceed 3.0% of the lot area of the said lot.

(c) **HEIGHT RESTRICTIONS (By-law 4915/140/06)**

No accessory building or structure shall exceed a height of 4.6 metres, except as otherwise permitted in Section 4.17.

(d) **LOCATION (By-law 4915/140/06)**

- (i) no accessory building or structure shall be erected in any yard other than a rear yard or an interior side yard.

- (ii) accessory uses on lots with lot line(s) at the Lake Erie shoreline:

notwithstanding anything to the contrary in Clause (i) of this Subsection, no accessory building or structure shall be erected in any required minimum front yard or required minimum exterior side yard.

- (iii) No accessory building or structure shall be located closer than 1.5 metres to a main building

(e) **YARD REQUIREMENTS (By-law 1374/67/83)**

Any accessory building or structure shall comply with the zone requirements for the zone in which such accessory building or structure is located, except that nothing in this By-law shall apply to prevent the erection of:

- (i) an accessory building or structure in a rear yard or interior side yard, provided that such accessory building or structure is not located closer to any lot line than 1m or closer to any

street than the setback required therefrom;(By-law 4915/140/06)

- (ii) a mutual garage astride a side lot line, provided that a 0.2m masonry fire-resistant wall extending the full length and from the floor to the underside of the roof sheathing of such mutual garage is constructed along the side lot line astride which such mutual garage is erected, and further provided that such mutual garage is not located in a required front yard or closer than 1.0m to any other lot line;
- (iii) a boat house in a Lakeshore Residential Zone may be permitted with no rear yard.

(ii) Accessory Uses in Residential, Agricultural, Rural, NFR, (By-law 1438/13/84) and Accessory Residential Uses in Commercial Zones (By-law 1374/67/83)

f) SWIMMING POOLS

(i) LOCATION

No open swimming pool, other than a public swimming pool, shall be erected or used except in accordance with the following provisions:

- (a) Such swimming pool shall be located only in an interior side yard or a rear yard of a lot.
- (b) No interior wall surface of any such swimming pool shall be located closer than 1m to any rear lot line or side lot line, or closer to any street than the setback required therefrom.
- (c) No water circulating or treatment equipment such as pumps or filters shall be located closer than 3m to any side lot line or 1m to any rear lot line.
- (d) Such swimming pool shall comply with any By-laws of the Corporation regulating swimming pools.

(ii) LOT COVERAGE EXEMPTION

A swimming pool shall not be considered as part of the lot coverage of a lot provided that no part of the swimming pool or any related structure protrudes more than 2m above the average level of the ground surrounding the swimming pool, except that this Subsection shall not apply to any building.

(iii) INDOOR AND COVERED SWIMMING POOLS

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

(iii) HOME OCCUPATIONS (By-law 4915/140/06)

Notwithstanding any other provision of this bylaw, home occupations are permitted in any zone that includes a dwelling unit as a permitted use subject to the standards set forth in this section. The following standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighbourhood.

- (a) The home occupation shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling.
- (b) The home occupation shall be conducted entirely within the dwelling unit and shall not occupy any portion of a private garage, carport, or accessory building or structure.
- (c) The total floor area of the home occupation(s) shall not exceed the lesser of 25% of the dwelling unit area or 23 square metres, except that this restriction shall not apply to private home day care and bed and breakfast establishments.
- (d) Notwithstanding subsection 4.10 (iii) (b), an accessory building or private garage may be used for the storage only of articles, materials and supplies accessory to the home occupation provided that the total combined floor area of the home occupation in both the dwelling unit and accessory building or private garage does not exceed the requirements of subsection 4.10 (iii)(c).
- (e) The home occupation shall be operated by the resident(s) of the dwelling unit and no more than one person who is not a resident of the dwelling may be employed by the home occupation regardless of the number of home occupations in the dwelling.
- (f) There shall be no exterior indication of the home occupation including no window display and no open or outside storage or display of advertising, goods, materials, or equipment associated with the home occupation other than one legal sign per property which complies with the following regulations:
 - (i) The sign shall only identify the name of the home occupation.
 - (ii) The sign shall not be internally illuminated.
 - (iii) The sign shall not exceed 0.37 square metres in area where there is one home occupation in the dwelling unit or 0.74 square metres in area where there is two or more home occupations in the dwelling unit.
 - (iv) The sign shall not be located within a sight triangle.
 - (v) The sign shall not be located closer than 1 metre to any property line.
- (g) The following home occupations are permitted in single detached dwellings only, which do not contain an accessory apartment:
 - i. Studios
 - ii. Physical fitness activities
 - iii. Private home day care
 - iv. Barber or hairdresser
 - v. Bed and breakfast establishments
- (h) No manufacturing activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a home occupation except for the fabrication of handmade goods or crafts associated with an artisan studio, home bakery, catering, or home sewing establishment. The assembly of fully processed goods shall be permitted and shall only occur within the dwelling unit.

- (i) Repair services shall be limited to the repair of personal effects and small household appliances such as electronic equipment, bicycles, apparel, furniture, toys and sporting goods. However, the repair of major household appliances, lawn care equipment, other power equipment, and vehicles shall not be permitted.
- (j) Retail sales shall be limited to those goods, merchandise, wares, products, and articles either produced by the home occupation or associated with a personal service conducted on the premises.
- (k) Not more than two clients or customers of the home occupation shall be present at any time on the lot occupied by the dwelling unit except that this restriction shall not apply to the following:
 - i. an instructional activity which may have up to three (3) students present at any time.
 - ii. a private home day care which may have up to five (5) children present at any time.
 - iii. a bed and breakfast establishment.
- (l) There shall be no commodities sold or services rendered to or by the home occupation that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.
- (m) Where a home occupation use is present, the following special parking restrictions shall apply in addition to the applicable parking provisions of this bylaw:
 - i. One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required for the dwelling unit.
 - ii. A bed and breakfast establishment shall provide one off-street parking space per guest room in addition to the minimum parking area required for the dwelling unit.
 - iii. Parking or storage of vehicles for the home occupation shall be prohibited in any required yard except on a driveway that has been graded and graveled or surfaced with concrete, asphalt, crushed stone or other hard surface and dustless materials.
 - iv. On site parking spaces may be stacked.
- (n) There shall be no exterior structural alterations or separate entrances to the dwelling unit or accessory building for the home occupation.
- (o) The home occupation shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment reception.
- (p) No material, substance, or liquid which is explosive, highly flammable, corrosive, radioactive, or toxic shall be stored,

created, utilized, or discarded in any way without prior knowledge and written approval of the City of Port Colborne Fire Chief.

- (q) The salvage, repair, storage, maintenance, or sales of vehicles, the sale, repair, maintenance, or servicing of vehicle engines or parts, auto body repair or auto painting/detailing, vehicle parts or accessory installations, including audio, are not permitted as a home occupation.
- (r) In addition to home occupations or professions which do not comply with the above regulations, the following home occupations are not permitted:
 - i. adult entertainment or body rub parlour
 - ii. animal care or grooming
 - iii. animal hospital or shelter
 - iv. business offices
 - v. contractor's yard
 - vi. dating/escort service
 - vii. funeral home or parlour
 - viii. heavy machinery repair, sales, or service
 - ix. hospitals
 - x. kennel/animal boarding service
 - xi. mechanical repair
 - xii. medical office, clinic, or treatment facility
 - xiii. motor repair or rebuilding
 - xiv. noxious uses pursuant to subsection 4.13
 - xv. place of amusement or entertainment
 - xvi. public bath/whirlpool
 - xvii. refreshment rooms
 - xviii. restaurant (eat-in, take-out, and/or fast food)
 - xix. retail store
 - xx. schools (public or private)
 - xxi. scientific or medical laboratory
 - xxii. sheet metal shops
 - xxiii. taxi service
 - xxiv. vehicle towing
 - xxv. veterinarian clinic
 - xxvi. warehousing
 - xxvii. wholesaling
- (s) No person shall operate a home occupation in the City of Port Colborne until the home occupation has been registered by the Clerk of the City of Port Colborne.

(iv) ACCESSORY APARTMENTS (By-law 4915/140/06)

Notwithstanding any other provisions this bylaw, any single detached dwelling permitted in any zone may be internally converted or by way of an addition to the existing dwelling to provide an accessory apartment, subject to the zone requirements and the following regulations:

- (a) Only one accessory apartment is permitted per lot.
- (b) Where the parcel proposed for an accessory apartment is not serviced by a municipal sewer system and/or municipal water system, the minimum lot size of the parcel shall be 0.4 hectares.
- (c) The maximum floor area for the accessory

apartment shall not exceed 40% of the gross floor area of the dwelling.

- (d) One additional on site parking space shall be provided for the accessory apartment, and parking spaces may be stacked.
- (e) The external appearance and character of the single detached dwelling, landscaped area, and outdoor amenity areas is to be preserved.
- (f) Additions shall be architecturally similar to the existing dwelling and use similar exterior building materials wherever possible, and,
 - (i) The entrance to the accessory apartment shall be located only in the interior side or rear yard;
 - (ii) No exterior stairway to the second floor of the dwelling or accessory apartment shall be permitted in the front yard or exterior side yard.
- (g) The accessory apartment shall be clearly attached to and form part of the main dwelling unit. For the purposes of this subsection, "attached" shall mean that a roof and wall of the accessory apartment is shared in common with the main dwelling unit.
- (h) Any accessory apartment located in the basement of a single detached dwelling is subject to the following additional requirements:
 - i. Window openings to each bedroom and living room and the room heights of the accessory apartment must meet the minimum requirements of the Ontario Building Code; or,
 - ii. A secondary means of ingress/egress must be provided to the accessory apartment unit.

4.11 PUBLIC USES

(a) USES PERMITTED IN SPECIFIC ZONES

No public use shall be permitted in any zone unless such public use is specifically listed herein as (By-law 1374/67/83) permitted in the said zone, except that where "any public use" is listed herein as a permitted use in (By-law 1374/67/83) a specific zone, then any public use other than a public utility shall be permitted in the said zone.

(b) USES PERMITTED IN ALL ZONES

Notwithstanding anything to the contrary in Clause (a) of this Subsection, nothing in this By-law shall apply:

- (i) to prevent the use of land for a street, a public railway, a public park, a public cemetery, including any buildings or structures appurtenant thereto, or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain; or
- (ii) to prevent the installation of a watermain, sanitary sewer main, storm sewer main, pumping station, transformer station, gas main, pipeline, lighting fixture or overhead or underground electrical, cable television or telephone line or associated transformer, together with any installations or structures

appurtenant thereto, provided that the location of such facilities has been approved by the Corporation and that any lot or structure used, altered or erected by a public utility shall be designed, located, landscaped and maintained in general harmony with neighbouring uses.

4.12 CONSTRUCTION OR TEMPORARY USES (By-law 4915/140/06)

- (a) Nothing in this By-law shall prevent the use of any land, other than a sight triangle, in any zone for the erection of a legal sign or the erection or use of any temporary building or structure for a construction camp, work camp, tool shed, scaffold, or other temporary building or structure incidental to and necessary for construction work on the premises for which a building permit has been issued and not expired, or work relating to a public utility, provided that such sign, building, or structure meets the minimum requirements of the applicable zone and remains on the land only for so long as is necessary for such construction work and until the work is completed or abandoned.
- (b) Nothing in this By-law shall prevent the use of a mobile home, motor home, or tourist trailer for the temporary habitation in the case of complete or partial destruction of a dwelling, where the complete or partial destruction is caused by fire, lightning, explosion, tempest, flood, or Act of God, or where its demolition is ordered by the Corporation of the City of Port Colborne, the Regional Niagara Public Health Department, or other authority for safety, health, or sanitation requirements, for a period not to exceed 18 months provided that the property owner has first entered into an Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home, or tourist trailer.
- (c) Nothing in this By-law shall prevent the use of a mobile home, motor home, or tourist trailer for the temporary habitation during the construction of a new dwelling provided that the property owner has first entered into an Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home, or tourist trailer during the construction of a new dwelling.

4.13 NOXIOUS USES

- (a) **GENERAL PROHIBITION**
No use shall be permitted except as otherwise provided for in this By-law which, from its nature, materials used therein or emissions issuing therefrom, is declared to be a noxious trade, business or manufacture under The Public Health Act, as amended from time to time, or any regulations established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof.
- (b) **USES PROHIBITED IN ALL ZONES**
So as not to limit the generality of Section 4.13(a), no person shall within any zone use any lot or erect, alter or use any building or structure for any of the following prohibited uses:
 - (i) boiling blood, manufacture of grease, fat, lard;
 - (ii) boiling bones, poultry processing; refining coal oil;
 - (iv) extracting oil from fish;
 - (v) storing uncured hides;
 - (vi) boiling soap;

- (vii) melting tallow;
- (viii) boiling tripe;
- (ix) slaughtering animals;
- (x) tanning hides or skins;
- (xi) manufacturing gas, acids or chemicals;
- (xii) manufacturing glue, rubber;
- (xiii) manufacturing fertilizers from dead animals or from human or animal waste;
- (xiv) keeping, storing, manufacturing, refining or transporting dangerous inflammable or explosive substances including, but not so as to limit the generality of the foregoing, dynamite, dualin or naphtha, but not including gasoline, diesel fuel, heating and lubricating oil, propane, acetylene and lime;
- (xv) tracks for the racing of motorized vehicles;
- (xvi) paint manufacturing;
- (xvii) coke ovens;
- (xviii) asphalt manufacturing;
- (xix) mobile homes and mobile home parks;
- (xx) salvage yards;
- (xxi) trailer camps;
- (xxii) cement manufacturing;
- (xxiii) livestock yards;
- (xxiv) drop forge plants;
- (xxv) toxic waste disposal sites. (By-law 1374/67/83)
- (xxvi) locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body, or trailer without wheels, whether or not the same is situated on a foundation in all zones except industrial zones; (By-law 5241/147/08)

4.14 STORAGE OF REFUSE

No open storage of refuse shall be permitted anywhere within the zoned area except:

- (i) where refuse is to be collected within an 18-hour period after such refuse has been placed in an outdoor location;
- (ii) where the area used for the open storage of refuse or a refuse container is enclosed by a wall or an opaque fence not less than 1.8m in height; or
- (iii) in a Residential Zone, where such refuse is contained completely within a structure or in receptacles specifically intended for such purpose and having walls or sides and a door or lid.

4.15 LANDSCAPING

- (a) **LANDSCAPED AREA**
Landscaped area shall be provided in accordance with the zone provisions set out herein for each zone and shall be subject to the following general provisions:
 - (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, pools or permitted outdoor storage areas shall be maintained as landscaped area, except that this provision shall not apply to any farm.

- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped area.
- (iii) Where landscaped open space is required adjacent to a street line on a lot, nothing shall prevent such landscaped area from being traversed by any driveways or walkways necessary for providing access to such lot from an improved street, except that no driveway shall be considered part of the total area of landscaped area on a lot.

(b) **PLANTING STRIPS**

- (i) Where the lot line of a lot containing a non-residential use abuts a residential lot, then that part of the said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5m, measured perpendicularly to the said lot line.
- (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be in accordance with the applicable Fence By-law of the Corporation.
- (iii) The owner of any lot where upon a planting strip is required hereby shall be solely responsible for providing and maintaining such a planting strip in accordance with the provisions hereof.

4.16 **SERVICING REQUIREMENTS FOR NON-RESIDENTIAL USES**

Notwithstanding any other provisions hereof to the contrary, no person shall erect, alter or use any non-residential building on any lot within the zoned area, unless such lot is serviced by a public water system and a public sanitary sewer system, except that this provision shall not apply:

- (i) To any farm building, storage shed, accessory building, public use or public utility which by its nature does not require any water or sewer services; or
- (ii) to any non-residential building located on a lot having a lot area of no less than 0.4h, and a maximum lot coverage of 30%, provided that such building is serviced by private sanitary facilities and, where applicable, a private water supply system, approved by the Medical Officer of Health of the Niagara (Regional) Health Unit.

4.17 **HEIGHT EXCEPTIONS**

Nothing in this By-law shall apply to restrict the height of the following structures in any zone:

- (i) an antenna;
- (ii) a barn;
- (iii) a belfry;
- (iv) a chimney;

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

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

4.18 STREET ALLOWANCE REQUIREMENTS - SCHEDULE "B"

Where the regulations of a Zone include a minimum front yard or exterior side yard requirement of a lot or parcel of land, such minimum yard shall be determined by measuring at right angles from the centre line of the public street abutting such yard in the direction of such lot or parcel of land a distance equal to the sum of,

- (a) the said minimum front yard or exterior side yard requirement in the relevant regulations of such particular Zone, and
- (b) the distance in metres specified in said Schedule "B" for the public street abutting such lot or parcel of land,

but in no case shall the minimum yard be less than the minimum front yard or exterior side yard requirement in the relevant regulation of such particular Zone.

4.19 SEPARATION DISTANCES - SCHEDULE "C": FARM AND NON-FARM BUILDINGS

Notwithstanding anything contained in this By-law, except Sections 4.6, 4.7 and 15.5, no Residential, Commercial, Industrial, Institutional, Public or Agricultural building or structure (By-law 1374/67/83) shall be erected after the date of passing of this By-law except in accordance with the following requirements:

- (a) no non-farm use including a residential use accessory to an adjacent agricultural use shall be permitted (By-law 1374/167/83) adjacent to buildings or structures used for the raising of livestock or any fur bearing animals except in accordance with the separation requirements of MDS Formula 1 included herein as part of Schedule "C" or 300m, whichever is the greater.
- (b) no building or structure used for the raising of livestock or any fur bearing animal shall be erected, altered or remodelled adjacent to an existing non-farm use except in accordance with

the separation requirements of MDS Formula 2 included herein as part of Schedule "C".

- (c) Notwithstanding the 300m separation provision of Clause (a) of this section, any lot existing at the date of passing of this By-law and which is otherwise in compliance with the provisions of this By-law, including Subsection 4.4, may be used for the erection of a non-farm building or structure (By-law 1374/67/83) which shall be in compliance with MDS Formula 1.
- (d) any separation requirement from farm and non-farm buildings or structures of the Minimum Distance Separation Formula 2 shall also apply for farm and non-farm buildings or structures in adjacent municipalities.(By-law 1374/67/83)
- (e) The Minimum Distance Separation Formulae in Schedule "C" will be updated in accordance with any amendments or replacements made thereto by the Province of Ontario. Such updates shall not require an amendment to this By-Law (By-law 4951/7/07).

4.20 YARD ENCROACHMENTS AND OBSTRUCTIONS

(a) PROJECTION INTO REQUIRED YARDS

No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following:

- (i) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-law;
- (ii) architectural adornments including, but not necessarily restricted to sills, belt courses, chimneys, cornices, eaves, gutters, parapets, and pilaster, projecting not more than 0.5m into any required yard or required court;
- (iii) functional and ornamental structures including but not necessarily restricted to drop awnings, clothes poles, ornamental fountains, statues, monuments, cenotaphs, memorials, planters, garden trellises, fences, air conditioning units and heat pumps, boundary and retaining walls, hedgerows and legal signs;
- (iv) in residential zones, stoops, sun decks, porches, and verandahs, and exterior steps having a floor level less than 1.5 metres in height above finished grade and which provide access between the finished grade and which provide access between finished grade and either the basement or the first storey of a building, may project into required yards as follows: (By-law 4915/140/06)
 - (1) May project a maximum distance of 2 metres into the required front yard and/or exterior side yard but shall not be located closer than 1.5 metres
 - (2) Stoops and sundecks may project into the required rear yard or interior side yard but shall not be located closer than 1 metre to the rear lot line or interior side lot line

- (3) Stoops, sundecks, porches, and verandahs covered by a roof, pergola or similar structure, may project a maximum distance of 3.5 metres into a required rear yard but shall not be located closer than 2 metre to the rear lot line.
- (4) Stoops, sundecks, porches, and verandahs having a floor level greater than 1.5 metres in height above grade shall be considered part of the main building and be subject to the zone requirements set forth under the respective zone
- (v) unenclosed fire escapes in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than 1.5m into any required yard or required court; and
- (vi) balconies projecting not more than 1.5m into any required front yard or required exterior side yard and which do not project into any sight triangle. Notwithstanding the foregoing , a balcony located on top of a porch or verandah may project the same distance as the porch or verandah and may include vertical supports. (By-law 4915/140/06)
- (vii) A bay window having a maximum width of 3 metres may project not more than 1metre into a required front yard or a required exterior side yard, exclusive of eaves or cornices.(By-law4915/140/06)
- (viii) A canopy over the entrance to a dwelling may project a maximum distance of 3 metres into a required front or rear yard. (By-law 4915/140/06)
- (ix) An unenclosed ramp for wheelchair access may encroach into any required yard.(By-law 4915/140/06)
- (b) **PROJECTION BEYOND LOT LINES**
No part of any building or structure on any lot shall project beyond the lot linear street line, lot line, or lane line abutting such lot.
- (c) **SUN ROOMS**
Nothing in this By-law shall apply to prevent the conversion into a sun room of a stoop, porch or verandah existing in a required front yard, required exterior side yard or required rear yard, provided that:
 - (i) the said stoop, porch or verandah projects not more than 2m into such required yard;
 - (ii) the floor area of such sun room does not exceed the floor area of the original stoop, porch or verandah.

4.21 SIGHT TRIANGLES

- (a) **PROHIBITION OF OBSTRUCTIONS**

Except as otherwise provided in Clause (b) of this Subsection, within any area defined herein as a sight triangle:

- (i) no building or structure shall be erected and no vehicle shall be parked which would obstruct the vision of persons driving vehicles on a street;
 - (ii) no sign or any landscaping materials including, but not so as to limit the generality of the foregoing, fences, walls, berms, trees, hedges, or bushes, shall be greater than 0.75m in height above the elevation of the ground at the street line, regardless of whether or not any such landscaping materials form part of a required planting strip, and
 - (iii) no finished grade shall exceed the elevation of the street line by more than 0.5m.
- (b) **EXEMPTION FOR CENTRAL COMMERCIAL (CC) ZONE**
 Clause (a) of this Subsection shall not apply to any corner lot located within the Central Commercial (CC) Zone or on which no setbacks are required in accordance with Schedule "B" hereto.

4.22 COURTS AND YARDS

- (a) **WIDTH OF COURTS**
 The least horizontal dimension of any court shall be not less than the height of the building abutting such court having the greatest height.
- (b) **BUILDING ADDITIONS**
 Where the erection of one or more additional storeys is proposed on a building and where the existing court or yard areas appurtenant to such building would not conform to the requirements of this By-law subsequent to such erection, no such erection shall be permitted except where:
 - (i) the addition is located so as to comply with the requirements of this By-law with respect to courts and yards at the level of the base of such addition; and
 - (ii) the addition complies in all other respects with the provisions of this By-law.

4.23 PARKING REGULATIONS

- (a) **PARKING SPACES REQUIRED**
 Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of the Subsection, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection.
- (b) **PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (minima)**
 - (i) a block townhouse, an apartment dwelling
 -1.5 parking spaces per dwelling unit

- (ii) a public apartment dwelling
-1 parking space per 3 dwelling units
 - (iii) a boarding house dwelling
-1 parking space per dwelling unit plus 1 parking space per 3 guest rooms
 - (iv) a single dwelling, a duplex dwelling, a converted dwelling, a triplex dwelling, a street townhouse, a semi-detached dwelling, a semi-detached duplex dwelling, an accessory dwelling unit
-1 parking space per dwelling unit
 - (v) a nursing home
-1 parking space per 6 beds
 - (vi) a residential retirement home
-1 parking space for 4 beds (By-law 1615/40/85)
 - (vii) in the case of apartment dwellings, public apartment dwellings, a nursing home, and residential retirement homes regulated by Part 3, Section 3.7 (Barrier Free Design) of the Ontario Building Code, 1990, Ontario Regulation 413/90, as amended, one (1) parking space for physically handicapped persons with a width of at least 3.5m shall be provided at the rate of one (1) such space for every fifty (50) parking spaces required to be provided by the By-law, but not less than one(1) of the larger parking spaces shall be provided. These spaces shall be included in the calculation of the required parking. A parking space for physically handicapped persons shall be hard surfaced and level, located near and accessible to an entrance and identified for the use of physically handicapped persons by a sign consisting of the International Symbol of Accessibility for Handicapped persons and such other graphic or written directions as are needed to indicate clearly the intended facility.(By-law 3427/9/97)
- (c) PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (minima)
- (i) an auditorium
-the greater of either 1 parking space per 10 persons seating capacity or 1 parking space per 10m² of net floor area (By-law 3427/9/97)
 - (ii) an automobile service station, a vehicle sales or rental establishment, a vehicle repair shop
-1 parking space per 30m² of gross floor area
 - (iii) a bowling alley
-4 parking spaces per bowling lane
 - (iv) a business office, a professional office other than a clinic
-1 parking space per 50m² of net floor area
 - (v) a church
-1 parking space per 4 persons seating capacity (By-law 1374/67/83)

- (vi) a clinic
-1 parking space per 25m² of net floor area
- (vii) a day nursery
-1 parking space per 7 persons capacity
- (viii) a furniture store
-1 parking space per 100m² of net floor area
- (ix) a hospital
-1 parking space per 2 beds
- (x) a hotel, a motel
-1 parking space per guest room plus 1 parking space per 4 persons seating capacity of each refreshment room or dining room
- (xi) a manufacturing plant, a food processing establishment, a petty trade other than a merchandise service shop, a general industrial use, any use permitted in an Industrial Zone other than a use specifically named elsewhere in this Clause
-2 parking spaces per three employees
- (xii) a private club
-1 parking space per 6 persons that can be accommodated at any one time (By-law 1367/74/83)
- (xiii) a public school, a private school
- the greater of either 1.5 parking spaces per 35 students seating capacity or 1 parking space per 15m² of the area of any auditorium space therein
- (xiv) an eat-in restaurant, a refreshment room
-1 parking space per 4 persons seating capacity for (By-law 1367/74/83) each dining room or refreshment room
- (xv) a take-out restaurant, a drive-in restaurant
-1 parking space per 30m² of net floor area
- (xvi) a retail store other than a furniture store, a factory outlet
-1 parking space per 30m² of net floor area
- (xvii) a personal service shop, a merchandise service shop
-1 parking space per 30m² of net floor area
- (xviii) a shopping centre
-1 parking space per 17m² of the total net floor area of all uses therein
- (xix) an undertaker
-1 parking space per 7 persons seating capacity
- (xx) a warehouse, a showroom
-1 parking space per 100m² of net floor area
- (xxi) any non-residential use permitted by this By-law but not specifically mentioned in this Clause
-1 parking space per 30m² of net floor area
- (xxii) in the case of buildings regulated by Part 5 of Ontario Regulation No. 925/75 passed pursuant to The Building Code Act, R.S.O. 1974, Chapter 74 as amended, one (1)

parking space for physically handicapped persons with a width of at least 3.5m shall be provided at the rate of one (1) such space for every fifty (50) parking spaces required to be provided by the By-law, but not less than one (1) of the larger parking spaces shall be provided. These spaces shall be included in the calculation of the required parking. A parking space for physically handicapped persons shall be hard surfaced and level, located near and accessible to an entrance and identified for the use of physically handicapped persons by a sign consisting of the International Symbol of Accessibility for Handicapped persons and such other graphic or written directions as are needed to indicate clearly the intended facility.

(d) **CALCULATION OF PARKING REQUIREMENTS**

- (i) Where a part of a parking space is required in accordance with this By-law for the use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirement for the said use.
- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Clause (b) or Clause (c) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.
- (iii) Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire and gain, display or sale.
- (iv) Where the number of parking spaces required in accordance with Clause (c) of this Subsection is based upon the seating or other capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by the Ontario Building Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser, except that where seating is provided in the form of fixed benches or pews, 0.6m of each such bench or pew shall be considered as equalling one seat.

(e) **DIMENSIONS OF PARKING SPACES**

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

- (i) where the side of a parking space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3m; and

- (ii) as otherwise provided in this Clause, where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1m in width, the minimum width of such parking space shall be 2.4m.

(f) LOCATION OF PARKING AREA (By-law 1374/67/83)

All required parking spaces shall be provided:

- (i) on the same lot occupied by the building, structure or use for which the parking spaces are required (By-law 1374/67/83); or
- (ii) on any lot that is not a street or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.

(g) YARDS WHERE PERMITTED

Parking areas excluding parking structures shall be permitted in any yard other than a required yard, except that this provision shall not apply to prevent the location and use of a parking area:

- (i) in the case of a corner lot, in a required rear yard, other than in any part of a rear yard located closer to a street than the setback required therefrom;
- (ii) in the case of a lot containing a dwelling, in a required rear yard, other than in any part of a rear yard located closer to a street than the setback required therefrom, or in a required interior side yard, provided that any part of a parking area which is appurtenant to a converted dwelling or any dwelling other than a single dwelling, and which is located in a required rear yard or in a required interior side yard, shall be separated from any rear lot line or side lot line adjacent to such required yard by a planting strip having a minimum width of 1.5m measured perpendicularly to the said lot line;
- (iii) in the case of a lot abutting a street shown as having a width of at least 30m on Schedule "B" hereto, not less than 7.5m from the said street, provided that the land between such parking area and the said street is used for no purpose other than a planting strip.
- (iv) in the case of a lot located in a Heavy Industrial, Light Industrial, Highway Service Commercial, Marine Commercial, Neighbourhood Commercial, Central Commercial or Shopping Centre Commercial zones (By-law 1374/67/83) in a required front yard or exterior side yard, except within the area defined as a sight triangle, provided the parking area shall be separated from the said lot line by a planting strip having a

minimum width of 3m measured perpendicular to the said lot lines.

(h) **PARKING STRUCTURES**

- (i) Where a parking area located in a structure constitutes the main use on a lot, then such structure shall conform to all the zone provisions for the zone in which such lot is located.
- (ii) Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (1) of this Section.

(i) **UNDERGROUND PARKING AREAS**

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

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

(j) **ACCESS TO PARKING AREAS AND SPACES**

- (i) Access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways.
- (ii) Driveways shall have a minimum unobstructed width of 7.5m where two-way traffic is permitted and 3m where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a single dwelling shall be 2.4m.
- (iii) Subject to Paragraph (iv) of this Clause, each parking space shall be readily accessible at all times for the parking or removal of a vehicle, except that this provision shall not apply to any parking space accessory to a single dwelling, provided that no parking space obstructs access to a parking area on any other lot.
- (iv) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads all such gates and barriers should be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.
- (v) The minimum angle of intersection between a driveway and a street line shall be 70°.

(vi) Nothing in this Subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area provided the said right-of-way has been legally established for such purpose. (Bylaw 1374/67/83)

(k) **ADDITION TO EXISTING USE**

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

(l) **OTHER PARKING REGULATIONS**

(i) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5m in height and has a floor area of not more than 5m².

(ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.

(iii) No commercial vehicle of greater than one tonne maximum load carrying capacity and /or no bus used as a commercial vehicle designed for carrying 10 or more passengers and used for the transportation of persons, and/or the cab/tractor and/or the trailer portion of a tractor trailer vehicle, shall be parked or stored in a Residential Zone, except when such commercial vehicle is temporarily parked for the purpose of delivering to or servicing the premises. (By-law 3414/145/96)

(iv) No recreational vehicle, mobile home, motor home, trailer or tourist trailer may be parked or stored in any front yard or exterior side yard in a residential zone, except where no off street parking space is available or can be provided in the interior side or rear yard they may be permitted in the front yard or exterior side yard provided they are setback a minimum of 1.5m from the front lot line or exterior side lot line on an in-season basis from May 15 to October 15 of each year only, however in no case shall such vehicles be parked or stored within the required sight triangle on a corner lot. (By-law 5413/10/10)

4.24 LOADING SPACE REGULATIONS

(a) **LOADING SPACE REGULATIONS**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or

raw materials, other than a farm, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this Subsection.

(b) **LOADING SPACE REQUIREMENTS FOR INDUSTRIAL USES**

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

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

(c) **LOADING SPACE REQUIREMENTS FOR COMMERCIAL USES**

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

- (i) less than or equal to 185m² of gross floor area
- 0 loading spaces
- (ii) over 185m² up to and including 930m² of gross floor area
- 1 loading space
- (iii) over 930m² of gross floor area
- 2 loading spaces plus one
(1) additional loading space for each 1400m² of gross floor area or part thereof in excess of 930m². (By-law 3427/9/97)

SCHEDULE D

GEOMETRIC DESIGN STANDARD FOR PARKING

CORPORATION OF THE CITY OF PORT COLBORNE

PARKING TABLE (By-law 2176/124/88)

(d) CALCULATION OF LOADING SPACE REQUIREMENTS

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

(e) DIMENSIONS OF LOADING SPACES

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

(f) LOCATION OF LOADING SPACES

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

(g) YARDS WHERE PERMITTED

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

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

(h) ACCESS TO LOADING SPACES

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

(i) ADDITION TO EXISTING USE

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

Section 4.25 HOLDING PROVISIONS

(By-law 5052/107/07)

(a) Design Guidelines

- (l) Where a zone symbol is followed by a dash and the letters "HDG" the lands so zoned shall not be permitted for exterior development until such time that City Council has removed the "HDG" holding symbol upon:
 - (1) Completion of detailed exterior Urban Design Guidelines.
 - (2) Completion and adoption of a Community Improvement Plan addressing special design policies and programs.
 - (3) Amending the Official Plan to contain urban design policy framework and the requirement of Site Plan Control for new development.
 - (4) Amending the Site Plan Control By-law to require all development to be subject to Site Plan Control.

4.26 GROUP HOMES

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a group home, except in accordance with the following:

- a) the following group homes if first approved by the Province shall be permitted in any residential zone:

Approved Home: means a supervised community based group living arrangement for patients of Provincial psychiatric hospitals who, at certain stages of their recovery, can benefit from a family oriented living arrangement in the community.

Home for Special Care: means a supervised community based group living arrangement for individuals whom upon being discharged from Provincial psychiatric hospitals or Regional centres for the developmentally handicapped require a sheltered living arrangement.

Supportive Housing Program or Adult Community Mental Health Program: means a supervised community based group living arrangement for psychiatric or former psychiatric patients who lack the requisite life skills or emotional stability to manage under less supportive living arrangements.

Children's Residence: means a licensed, supervised community based group living arrangement for children under the age of 18 years whose needs cannot be met while living with parents or with other relatives, provided that no such residence shall include any child convicted under the Young Offenders Act who has been sentenced to a period of open custody of 2 years or more.

Accommodation Services for the Developmentally Handicapped: means a supervised community based group living arrangement for developmentally handicapped adults or children.

Satellite Residence for Seniors: means a community based group living arrangement for individuals over the age of 60 who are referred to satellite residences by municipal Homes for the Aged.

Homes for Physically Disabled Persons: means a community based group living arrangement for physically handicapped adults or children.

- b) except for those group homes listed in clause 4.26 (a), the following group homes are not permitted in any zone except by a site specific amendment to the Zoning By-law:

Halfway house for the Socially Disadvantaged: means a supervised community based group living arrangement for persons who are either socially disadvantaged or who have emotional problems.

Halfway house for Alcoholics: means a community based group living arrangement for persons recovering from alcoholism.

Halfway house for Ex-offenders: means a supervised community based group living arrangement for persons on probation or parole from Provincial Correctional facilities or Federal penitentiaries.

A Community Resource Centre: means a supervised community based group living arrangement for sentenced individuals who are deemed more likely to benefit from rehabilitation in a community residential program than they would from remaining in a correctional facility. Centres are administered by non-profit organizations or agencies and are subject to an

Agreement between the Ministry of Correctional Services and the agency responsible for the home.

- c) a minimum separation distance of 300 metres shall be required between group homes within the urban area boundary.
- d) a minimum distance separation of 1,000 metres shall be required between group homes located outside the urban area boundary.
- e) a minimum of 3 to a maximum of 6 persons are permitted in a group home in a single detached dwelling, exclusive of staff or the receiving family.
- f) a minimum of 3 to a maximum of 8 persons are permitted in a group home in a multiple dwelling, exclusive of staff or the receiving family.
- f) all group homes shall be subject to the requirements of the zone in which they are located unless otherwise specified by the By-law or amendments to the By-law.
- g) group homes shall provide on-site parking in accordance with the requirements of Section 4.23 (b) based on dwelling type.

4.27 RAILWAY RIGHT OF WAY

(By-law 5241/147/08)

Notwithstanding any other provisions of this by-law to the contrary, no building or structure for the purpose of human habitation shall be constructed any closer than 15 m to any functioning railway right of way.

ZONES AND ZONE SYMBOLS

SECTION 5

5.1 DIVISION INTO ZONES

For the purpose of this By-law, all lands within the zoned area are divided into zones and classified in accordance with Subsection (5.2) of this Section.

5.2 ZONE CLASSIFICATION

ZONE DESIGNATIONS	ZONE SYMBOLS
First Density Residential	RI
Second Density Residential	R2
Third Density Residential	R3
Fourth Density Residential	R4
Residential Townhouse	RT
Lakeshore Residential	LR
Hamlet Residential	HR
Estate Residential	ER
Residential Development	RD
Hamlet Development	HD
Central Commercial	CC
Neighbourhood Commercial	NC
Highway Service Commercial	HC
Marine Commercial	MC
Shopping Centre Commercial	SC
Commercial Development	CD
Light Industrial	LI
Heavy Industrial	HI
Extractive Industrial	EI
Agricultural	A
Rural	RU
Public and Park	P
Institutional	I
Environmental Protection	EP
Special Exceptions	SP
Private Open Space	OS
(By-law 1555/130/84)	
Main Street Commercial	MSC
(By-law 1613/38/85)	
Main Street Commercial Development	MSCD
(By-law 1613/38/85)	
Non Farm Residence	NFR
(By-law 1438/13/84)	

5.3 ZONE SYMBOLS AND DESIGNATIONS

(a) USE OF SYMBOLS AND DESIGNATIONS

The Zone symbols and designations listed in Subsection 5.2 of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this By-law in the said zones.

(b) INTERPRETATION OF SYMBOLS AND DESIGNATIONS

Wherever in this By-law the word "zone" is used, preceded by any of the said zone symbols and designations, such reference shall mean any part of the zoned area delineated on Schedule "A" and designated thereon by the said symbol.

5.4 ZONE PROVISIONS

(a) **USES PERMITTED AND ZONE REQUIREMENTS**

For each zone listed in Subsection 5.2 of this Section, there shall be a section of this By-law which sets out the uses permitted in and the specific provisions relating to such zone under the headings "USES PERMITTED" and "ZONE REQUIREMENTS", respectively.

(b) **SCOPE OF ZONE REQUIREMENTS**

Except as otherwise specifically provided herein, the zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 4 hereof.

5.5 **SPECIAL EXCEPTIONS**

(By-law 5052/107/07)

In addition, wherever a zone symbol on Schedule "A1" hereto is followed by a dash and the letters "HDG" the lands so zoned shall be subject to and used in accordance with all provisions of the zone represented by such symbol except as otherwise provided by the General Provisions as set out in Section 4.25 - Holding Provisions.

RI ZONE - FIRST DENSITY RESIDENTIALSECTION 66.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all First Density Residential (RI) Zones except as otherwise provided in Schedule "B".

6.2 USES PERMITTED

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

6.3 ZONE REQUIREMENTS

	<u>With Sanitary Sewers & Water</u>	<u>With Municipal Water or No Municipal Services</u>
(a) Minimum Lot Frontage	15m 17m on a	30m 32 m on a corner lot
(b) Minimum Lot Area	500m ²	0.4ha
(c) Maximum Lot Coverage	40 percent	10 percent
(d) Minimum Front Yard	8m	10m
(e) Minimum Interior Side Yard	1.5m	3m
(f) Minimum Exterior Side Yard	3.5m	4.5m
(g) Minimum Rear	7m except the minimum rear yard which includes the Environmental Protection (EP) Zone along Lake Erie shall be 30.0m from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority (By-law 5241/147/08)	7m except the minimum rear yard which includes the Environmental Protection (EP) Zone along Lake Erie shall be 30.0m from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority
(h) Maximum Height for a dwelling (By-law 4915/140/06)	11m	11m
(i) Minimum Ground Floor Area for a Dwelling		
(i) one storey	75m ²	75m ²
(ii) two storeys	45m ²	45m ²
(j) Minimum Landscaped Area	30 percent	30 percent

R2 ZONE - SECOND DENSITY RESIDENTIALSECTION 77.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Second Density Residential (R2) Zones except as otherwise Provided in Schedule "B".

7.2 USES PERMITTED

(a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.

7.3 ZONE REQUIREMENTS

- | | |
|--|---|
| (a) Minimum Lot Frontage | 12m except on a corner lot,
Frontage shall be 15 m |
| (b) Minimum Lot Area | 360m ² |
| (c) Maximum Lot Coverage | 50 percent |
| (d) Minimum Front Yard | 6.5m |
| (e) Minimum Interior Side Yard | 1.0m |
| (f) Minimum Exterior Side Yard | 3.5m |
| (g) Minimum Rear Yard | 6m |
| (h) Maximum Height for a
Dwelling
(By-law 4915/140/06) | 11m |
| (i) Minimum Ground Floor Area
for a Dwelling | |
| (i) one storey | 75m ² |
| (ii) two storeys | 45m ² |
| (j) Minimum Landscaped Area | 30 percent |
| (k) Notwithstanding the provisions of Sub-sections (e) and (f) above,
where no attached garage or attached carport is provided, a
minimum interior side yard on one side shall be 2.5m or a minimum
exterior side yard shall be 5m. | |

R3 ZONE - THIRD DENSITY RESIDENTIALSECTION 88.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Third Density Residential (R3) Zones except as otherwise provided in Schedule "B".

8.2 USES PERMITTED

- (a) Semi-detached dwellings and uses, buildings and structures accessory thereto.
- (b) Duplex dwellings and uses, buildings and structures accessory thereto.
- (c) One single-detached dwelling on one lot and uses, buildings and structures accessory thereto. (By-law 1374/67/83)
- (d) Converted dwelling on one lot and uses, buildings and structures accessory thereto. (By-law 1374/67/83)

8.3 ZONE REQUIREMENTS FOR SEMI-DETACHED DWELLINGS

With Both Municipal
Water & Sanitary Sewer

- (a) Minimum Lot Frontage 18m except on a corner lot, the minimum lot frontage shall be 21.5m
- (b) Minimum Lot Area 550m²
- (c) Maximum Lot Coverage 50 percent
- (d) Minimum Front Yard 6.5m
- (e) Minimum Interior Side Yard 1.5m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 2.5m on one side of such semi-detached dwelling; except that no interior side yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back not less than 1m from the side lot line separating such lots.
- (f) Minimum Exterior Side Yard 3.5m except where no attached garage or attached carport is provided the minimum exterior side yard shall be 5m.
- (g) Minimum Rear Yard 6m
- (h) Minimum Ground Floor Area for a Dwelling
 - (i) one storey 75m²

(ii) two storeys	45m ²
(i) Maximum Height for a dwelling (By-law 4915/140/06)	11m
(j) Minimum Landscaped Area	30 percent

8.4 DIVISION OF SEMI-DETACHED DWELLING LOTS

The provisions of this Zone shall not prevent the splitting of any lot on which is erected a semi-detached dwelling into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units in such dwelling provided each unit shall have a minimum lot area of 225m².

8.5 ZONE REQUIREMENTS FOR DUPLEX DWELLINGS

(a) Minimum Lot Frontage	18m
(b) Minimum Lot Area	550m ²
(c) Maximum Lot Coverage	50 percent
(d) Minimum Front Yard	6.5m
(e) Minimum Interior Side Yard	1.5m plus 0.5m for every storey or part thereof above the ground floor except garage or attached car-port is provided the minimum interior side yard on one side shall be 3m.
(f) Minimum Exterior Side Yard	3.5m
(g) Minimum Rear Yard	6m
(h) Minimum Floor Area	75m ² per dwelling unit
(i) Maximum Height for a Dwelling (By-law 4915/140/06)	11m
(j) Minimum Landscaped Area	30 percent

8.6 ZONE REQUIREMENTS FOR ONE SINGLE-DETACHED DWELLINGS (By-law 1374/67/83)

(a) Minimum Lot Frontage	12m except on a corner lot, frontage shall be 15m
(b) Minimum Lot Area	360m ²
(c) Maximum Lot Coverage	50 per cent
(d) Minimum Front Yard	6.5m
(e) Minimum Interior Side Yard	1.0m

- | | |
|--|------------------|
| (f) Minimum Exterior Side Yard | 3.5m |
| (g) Minimum Rear Yard | 6m |
| (h) Maximum Height for a Dwelling (By-law 4912/140/06) | 11m |
| (i) Minimum Ground Floor Area for a Dwelling | |
| (i) one storey | 75m ² |
| (ii) two storeys | 45m ² |
| (j) Minimum Landscaped Area | 30 per cent |
- (k) Notwithstanding the provisions of Sub-sections(e) and (f) above, where no attached garage or attached carport is provided, a minimum interior side yard on one side shall be 2.5m or a minimum exterior side yard shall be 5m.

8.7 ZONE REQUIREMENTS FOR CONVERTED DWELLINGS (By-law 1374/67/83)

- | | |
|---|---|
| (a) Minimum Lot Frontage | 12m except on a corner lot, frontage shall be 15m |
| (b) Minimum Lot Area | 125m ² /unit |
| (c) Maximum Lot Coverage | 50 per cent |
| (d) Minimum Front Yard | as existing |
| (e) Minimum Interior Side Yard | as existing |
| (f) Minimum Exterior Side Yard | as existing |
| (g) Minimum Rear Yard | 6m |
| (h) Maximum Height (By-law 4915/140/06) | 11m |
| (i) Minimum Floor Area | 55m ² /dwelling unit |
| (j) Minimum Landscaped Area | 40 per cent |

R4 - FOURTH DENSITY RESIDENTIALSECTION 99.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Fourth Density Residential (R4) Zones except as otherwise provided in Schedule "B".

9.2 USES PERMITTED

- (a) Boarding houses, converted dwellings, one single-detached dwelling per lot, semi-detached dwellings, duplex dwellings, semi-detached duplex dwellings, and triplex dwellings, and uses, buildings and structures accessory thereto. (By-law 2176/124/88)
- (b) Apartment Dwellings (By-law 1374/67/83), and uses, buildings and structures accessory thereto. (By-law 2176/124/88)

9.3 ZONE REQUIREMENTS FOR SEMI-DETACHED, DUPLEX AND CONVERTED DWELLINGS (By-law 2176/124/88)

The zone requirements of the Third Density Residential (R3) zone shall apply.

9.4 ZONING REQUIREMENTS FOR TRIPLEX DWELLINGS, SEMI-DETACHED DUPLEX DWELLINGS AND APARTMENT DWELLINGS (By-law 1374/67/83) (By-law 2176/124/88)

- (a) Minimum Lot Frontage 18m
- (b) Minimum Lot Area 125m²/unit
- (c) Maximum Lot Coverage 40 percent
- (d) Minimum Front Yard 9m
- (e) Minimum Interior Side Yard One-half of the building height or 3m, whichever is the greater
- (f) Minimum Exterior Side Yard One-half the building height or 7m, whichever is the greater
- (g) Minimum Rear Yard 20 percent of the lot depth
- (h) Maximum Building Height (By-law 4915/140/06)
 - i) Triple or Semi detached Duplex dwellings 11m
 - ii) Apartment dwellings 20m

- | | |
|-----------------------------|------------------|
| (i) Minimum Floor Area | |
| (By-law 2176/124/88) | |
| Bachelor | 40m ² |
| One Bedroom | 50m ² |
| Two Bedroom | 60m ² |
| (j) Minimum Landscaped Area | 25 percent |

9.5 ZONE REQUIREMENTS FOR SINGLE DETACHED DWELLINGS
(By-law 2176/124/88)

The zone requirements of the First Density Residential (R1) zone shall apply.

RT ZONE - RESIDENTIAL TOWNHOUSESECTION 1010.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Residential Townhouse (RT) Zones except as otherwise provided in Schedule "B".

10.2 USES PERMITTED

- (a) Street townhouse dwellings and uses, building and structures accessory thereto (By-law 2176/124/88)
- (b) Block townhouse dwellings and uses, building and structures accessory thereto (By-law 2176/124/88)

10.3 ZONE REQUIREMENTS FOR STREET TOWNHOUSE DWELLINGS

- (a) Minimum Interior Lot Frontage 6m except that in the case of an interior lot containing a dwelling attached on one side only, the minimum lot frontage required shall be 9m
- (b) Minimum Corner Lot Frontage 14m
- (c) Minimum Lot Area 230m²
- (d) Minimum Front Yard 7.5m
- (e) Minimum Exterior Side Yard 7.5m
- (f) Minimum Interior Side Yard 4.5m, except that no interior side yard shall be required where single attached dwellings on adjacent lots are attached together by a common masonry wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be located not less than 1m from the side lot line separating such lots
- (g) Minimum Rear Yard 7.5m
- (h) Maximum Building Height 11 metres
(By-law 4915/140/06)
- (i) Minimum Ground Floor Area for a Dwelling:
 - (i) one storey 75m²
 - (ii) two storeys 45m²
- (j) Minimum Landscaped Area 25 percent
- (k) Planting Strip In addition to the requirements of Clause (b) of Subsection 4.15 here- of, a planting strip 1.5m in width shall be provided where the boundary of a (RT) Zone abuts an (RI), (R2), or (R3) Zone

10.4 ZONE REQUIREMENTS FOR BLOCK TOWNHOUSE DWELLINGS

- | | |
|-------------------------------|---|
| (a) Minimum Lot Frontage | 30m |
| (b) Minimum Lot Area | 2000m |
| (c) Maximum Density | 35 dwelling units per ha |
| (d) Minimum Front Yard | 7.5m on either a street or an internal roadway |
| (e) Minimum Side Yard | 4.5m, except the minimum side yard abutting a street or an internal roadway shall be 7.5m |
| (f) Minimum Rear Yard | 7.5 |
| (g) Maximum Building Height | 11 metres |
| | (By-law 4915/140/06) |
| (h) Minimum Ground Floor Area | |
| (i) one storey | 75m ² |
| (ii) two storeys | 45m ² |

(i) DISTANCE BETWEEN BUILDINGS on the same lot:

A FACE OF A BUILDING MEANS one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE OF A BUILDING MEANS one or other of the shortest walls of a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 9m.

Any face of any townhouse shall be no closer than 15m to any face of another townhouse.

Any side of any townhouse shall be no closer than 9m to any side of another townhouse.

- | | |
|-----------------------------|---|
| (j) Minimum Landscaped Area | 25 percent |
| (k) Planting Strip | In addition to the requirements of Clause (b) of Sub-section 4.15 hereof, a planting strip 1.5m in width shall be provided where the boundary of a (RT) Zone abuts a (R1), (R2) or (R3) Zone. |

LR ZONE - LAKESHORE RESIDENTIALSECTION 1111.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Lakeshore Residential (LR) Zones except as otherwise provided in Schedule "B" and Schedule "C".

11.2 USES PERMITTED

- (a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.
- (b) One cottage or seasonal dwelling on one lot and uses, buildings and structures accessory thereto.

11.3 ZONE REQUIREMENTS

- | | |
|---|---|
| (a) Minimum Lot Frontage | 30m on either a street or lane
notwithstanding Section 4.9 |
| (b) Minimum Lot Area | 0.4ha |
| (c) Maximum Lot Coverage | 10 percent |
| (d) Minimum Front Yard | 10m |
| (e) Minimum Interior Side
Yard | 3m |
| (f) Minimum Exterior Side
Yard | 4.5m |
| (g) Minimum Rear Yard | 7m except the minimum rear yard
which includes the Environmental
Protection (EP) Zone along Lake
Erie shall be 30m from the 1-in-
100 year flood line as determined
by the Niagara Peninsula
Conservation Authority (By-law
5241/147/08) |
| (h) Maximum Height for
Dwelling or Cottage
(By-law 4915/140/06) | 11m |
| (i) Minimum Ground Floor
Area for a Dwelling: | |
| (a) one storey | 70m ² |
| (b) two storey | 40m ² |

11.4 REQUIREMENTS FOR CONVERSION FROM A SEASONAL COTTAGE TO A PERMANENT DWELLING

A one-family detached cottage may be converted and occupied as a one-family detached dwelling not with-standing the subject lot or parcel of land lacks the required frontage or the required area for a lot in the Lakeshore Residential (LR) Zone provided that -

- (a) the description of such parcel is the same as in a deed, registered on or prior to the date of passing of this Bylaw, and
- (b) such parcel could have been conveyed legally on the date of the passing of this By-law by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under Section 29 of The Planning Act being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, and
- (c) all relevant regulations made under The Public Health Act and The Environmental Protection Act and all relevant requirements of the Health Unit are complied with, and
- (d) all other requirements of the Lakeshore Residential (LR) Zone shall be complied with if a change is made in the ground floor area of the one-family detached cottage being converted, and
- (e) an occupancy permit as required in Section 3.3 has been issued, and
- (f) all requirements of Section 4.19, Minimum Distance Separation Formulae for Livestock Buildings, are complied with, and
- (g) automobile access is by a street or lane maintained year round.

HR ZONE - HAMLET RESIDENTIALSECTION 1212.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Hamlet Residential (HR) Zones, except as otherwise provided in Schedule "B" and Schedule "C".

12.2 USES PERMITTED

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

12.3 ZONE REQUIREMENTS

- | | | |
|-----|--|------------------|
| (a) | Minimum Lot Frontage | 45m |
| (b) | Minimum Lot Area | 0.4ha |
| (c) | Maximum (By-law 1374/67/83)
Lot Coverage | 10 percent |
| (d) | Minimum Front Yard | 10m |
| (e) | Minimum Interior Side Yard | 4m |
| (f) | Minimum Exterior Side Yard | 7.5m |
| (g) | Minimum Rear Yard | 9m for dwellings |
| (h) | Maximum Height for a
Dwelling
(By-law 4915/140/06) | 11m |
| (i) | Minimum Ground Floor Area
for a Dwelling | |
| | (i) one storey | 75m ² |
| | (ii) two storeys | 45m ² |

ER ZONE - ESTATE RESIDENTIALSECTION 1313.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Estate Residential (ER) Zones except as otherwise provided in Schedule "B" and Schedule "C".

13.2 USES PERMITTED

- (a) One single detached dwelling on one lot.
- (b) Uses, buildings and structures accessory to the foregoing permitted use.

13.3 ZONE REQUIREMENTS

- | | | |
|-----|---|------------------|
| (a) | Minimum Lot Frontage | 60m |
| (b) | Minimum Lot Area | 0.4ha |
| (c) | Maximum Lot Coverage | 10 percent |
| (d) | Minimum Front Yard | 15m |
| (e) | Minimum Interior Side Yard | 7.5m |
| (f) | Minimum Exterior Side Yard | 9m |
| (g) | Minimum Rear Yard | 15m |
| (h) | Minimum Ground Floor Area | |
| | (i) one storey | 90m ² |
| | (ii) two storeys | 60m ² |
| (i) | Maximum Height for a Dwelling
(By-law 4915/140/06) | 11m |

RD ZONE - RESIDENTIAL DEVELOPMENTSECTION 1414.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Residential Development (RD) Zones except as otherwise provided in Schedule "B".

14.2 USES PERMITTED

- (a) one single detached dwelling on one lot (By-law 1374/67/83)
- (b) uses, buildings and structures accessory to the foregoing permitted use (By-law 1374/67/83)

14.3 ZONE REQUIREMENTS

- | | | |
|-----|---|---|
| (a) | Minimum Lot Frontage | 30m or as existing, except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88) |
| (b) | Minimum Lot Area | as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88) |
| (c) | Maximum Lot Coverage | 10 percent |
| (d) | Minimum Front Yard | 8m |
| (e) | Minimum Interior Side Yard | 5m |
| (f) | Minimum Exterior Side Yard | 8m |
| (g) | Minimum Rear Yard | 8m |
| (h) | Maximum Height for a Dwelling
(By-law 4915/140/06) | 11m |
| (i) | Minimum Ground Floor Area for a Dwelling | |
| | (i) one storey | 75m ² |
| | (ii) two storeys | 45m ² |

HD ZONE - HAMLET DEVELOPMENTSECTION 1515.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Hamlet Development (HD) Zones except as otherwise provided in Schedule "B" and Schedule "C".

15.2 USES PERMITTED

- (a) one single detached dwelling on one lot (By-law 1374/67/83)
- (b) uses, buildings and structures accessory to the foregoing permitted use (By-law 1374/67/83)

15.3 ZONE REQUIREMENTS

- (a) Minimum Lot Frontage 45m or as existing, except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88)
- (b) Minimum Lot Area as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)
- (c) Maximum Lot Coverage 10 percent
- (d) Minimum Front Yard
 - (i) 15m for dwellings and buildings accessory thereto.
- (e) Minimum Interior Side Yard
 - (i) 7.5m for dwellings
- (f) Minimum Exterior Side Yard
 - (i) 15m for dwellings
- (g) Minimum Rear Yard
 - (i) 15m for dwellings
- (h) Maximum Height for a Dwelling 11m (By-law 4915/140/06)
- (i) Minimum Floor Area for a Dwelling 95m²

15.4 REQUIREMENTS FOR NEW DWELLINGS

For any single-family residential lot created by consent of the Land Division Committee, after the date of passing of this By-law, the provisions of Section 12 shall apply.

15.5 SUPPLEMENTARY SEPARATION DISTANCES FOR SINGLE DETACHED DWELLINGS

The erection of a single detached dwelling and uses, buildings and structures accessory thereto shall be in accordance with the requirements of Schedule "C" Formula 1, or the minimum yard requirements of Section 15.3 whichever is the greater.

CC ZONE - CENTRAL COMMERCIALSECTION 1616.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Central Commercial (CC) Zones except as otherwise provided in Schedule "B".

16.2 USES PERMITTED

(a) Commercial Uses

- (i) an animal hospital or shelter located entirely within a building on a lot other than a lot abutting a Residential Zone;
- (ii) an auditorium;
- (iii) an existing automobile service station; (By-law 1374/67/83)
- (iv) a bank or trust company;
- (v) a bus station;
- (vi) a caterer;
- (vii) a church;
- (viii) a private club;
- (ix) an existing motor fuel retail outlet; (By-law 1418/111/83)
- (x) a hotel;
- (xi) a commercial library;
- (xii) a business or professional office; (By-law 1374/67/83)
- (xiii) a personal service shop;
- (xiv) assembly halls, studios, theatres;
- (xv) a refreshment room;
- (xvi) an eat-in and take-out restaurant; (By-law 2176/124/88)
- (xvii) a retail building supply outlet in a wholly enclosed building;
- (xviii) a retail store, produce markets;
- (xix) a private or commercial school;
- (xx) a showroom;
- (xxi) an undertaker's establishment;

- (xxii) an existing vehicle repair shop; (By-law 1374/67/83)
- (xxiii) an existing vehicle sales or rental establishment (By-law 1374/67/83)
- (xxiv) any public use;
- (xxv) bake shop;
- (xxvi) day nursery;
- (xxvii) parking lots;
- (xxviii) electrical appliance sales & service.
- (xxviii) Pet Grooming Establishment (By-law 5241/147/08)

(b) Accessory Residential Uses

Dwelling units in a building in combination with one or more of the uses listed in clause (a) above, except subsection (iii) existing automobile service stations (By-law 3427/9/97);(v) bus station; (ix) an existing motor fuel retail (By-law 1418/111/83) outlet; (xxii) existing vehicle repair shops (By-law 3427/9/97); and (xxiii) existing vehicle sales or rental establishments (By-law 3427/9/97), provided that not more than 80% of the gross floor area of such building is used for dwelling units, and further provided that such dwelling units, except entrances thereto, are located entirely above the ground floor.

(c) Other Accessory Uses

Uses, buildings and structures accessory to any permitted commercial or residential use.

16.3 ZONE REQUIREMENTS

- | | | |
|-----|----------------------------|---|
| (a) | Minimum Lot Area | no minimum |
| (b) | Minimum Lot Frontage | no minimum except where any part of the building is used for residential purposes, minimum lot frontage will be 6m |
| (c) | Minimum Lot Depth | no minimum |
| (d) | Minimum Front Yard | no minimum |
| (e) | Minimum Interior Side Yard | no minimum except that where an interior side yard abuts a Residential Zone, the minimum interior side yard width shall be 2.5m |
| (f) | Minimum Exterior Side Yard | no minimum |
| (g) | Minimum Rear Yard | no minimum except where any part of the building is used for residential purposes or where a rear yard abuts a Residential |

zone, the minimum rear yard shall be 10m (By-law 2176/124/88)

- (h) Maximum Gross Floor area the greater of 100 percent of the lot area or 1000m²
- (i) Maximum Building Height (By-law 4915/140/06) 20 metres
- (j) MOTOR FUEL PUMP ISLAND LOCATION:
(By-law 1418/111/83)
Nothing in this By-law shall prevent the location in a (CC) Zone of a motor fuel pump island in any part of a required or other front yard or side yard provided that:
- (i) the minimum distance between any portion of a motor fuel pump island and any street line or other lot line shall be 5.0m; and
 - (ii) the minimum distance between any post or support column of a motor fuel pump island canopy and any street line or other lot line shall be 5.0m; and
 - (iii) the minimum distance between any kiosk accessory to a motor fuel pump island and any street line or other lot line shall be 9.0m; and
 - (iv) the maximum ground floor area for a kiosk accessory to a motor fuel pump island shall be 50m²; and
 - (v) in the case of a corner lot, no portion of any motor fuel pump island, kiosk, post or supporting column for a canopy shall be located closer than 3.0m to a sight triangle.
- (k) Parking Exceptions all lands zoned CC-31 shall be exempted from the parking and loading requirements of this by-law with the exception of buildings containing dwelling units where the residential provisions of Section 4.23 shall apply
- (l) Minimum Floor Area per Dwelling Unit (By-law 1374/67/83)
- (i) Bachelor 40m²
 - (ii) One Bedroom 50m²
 - (iii) Two Bedroom 60m²

NC ZONE - NEIGHBOURHOOD COMMERCIALSECTION 1717.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Neighbourhood Commercial (NC) Zones except as otherwise provided in Schedule "B".

17.2 USES PERMITTED

(a) Commercial Uses

- (i) convenience type retail stores
- (ii) personal service shops
- (iii) day nursery
- (iv) a take out restaurant
(By-law 3427/9/97)
- (v) Pet Grooming Establishment (By-law
5241/147/08)

(b) Accessory Residential Uses

- (i) a maximum of one dwelling unit per commercial use and located in the same building as the permitted commercial use(s) provided that not more than 50% of the gross floor area of such building is used for a dwelling unit(s), further provided that such dwelling unit(s) except entrances thereto, are located entirely above the ground floor.

(c) Other Accessory Uses

- (i) uses, buildings and structures accessory to any permitted commercial or residential use except an eat-in or drive-in restaurant.(By-law 2176/124/88)

17.3 ZONE REQUIREMENTS

- (a) Minimum Lot Area 550m²
- (b) Minimum Lot Frontage 15m except on a corner lot the minimum lot frontage shall be 17m
- (c) Minimum Lot Depth 35m
- (d) Minimum Front Yard 9m
- (e) Minimum Interior Side Yard no minimum except that:
 - (i) where an interior side yard abuts a Residential Zone, the minimum interior side yard width shall be 2.5m;
 - (ii) notwithstanding anything to the contrary in Paragraph (i) of this Clause, any wall containing the window of a habitable room, where such habitable room does not have any other window or windows in any other walls having a total glazed area of at least 10 percent of the floor area of the said room, shall be located not less than 2.5m from the side lot line where such habitable

room is located in a basement or first storey, or 2m where such habitable room is located in any other storey.

- | | | |
|-----|---|---|
| (f) | Minimum Exterior Side Yard | 2m |
| (g) | Minimum Rear Yard | 4.5m |
| (h) | Maximum Building Height
(By-law 4915/140/06) | 8m |
| (i) | Maximum Gross Floor Area | 230m ² for each permitted use described in Clause (a) of Section 17.2 above (By-law 3427/9/97) |
| (j) | Minimum Floor Area
per Dwelling Unit | |
| | (i) Bachelor | 40m ² |
| | (ii) 1 Bedroom | 50m ² |
| | (iii) 2 Bedroom | 60m ² |

HC ZONE - HIGHWAY SERVICE COMMERCIALSECTION 1818.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Highway Service Commercial (HC) Zones except as otherwise provided in Schedule "B".

18.2 USES PERMITTED

(a) Commercial Uses

- (i) an animal hospital or shelter
- (ii) car wash
- (iii) beer store
- (iv) bowling alleys
- (v) automobile service station
- (vi) dry cleaning plant and laundries
(By-law 1374/67/83)
- (vii) electrical appliance sales and/or service establishment
- (viii) florist shops
- (ix) garden and produce centres
- (x) liquor stores
- (xi) motels
- (xii) motor hotels
- (xiii) theatres
- (xiv) plumbing & heating sales
and service establishments
- (xv) public uses of any kind
- (xvi) merchandise service shop
- (xvii) private clubs
- (xviii) restaurants (eat-in, take-out or
drive-in) and/or refreshment rooms
- (xix) studios
- (xx) taxi establishments
- (xxi) drive-in theatres
- (xxii) vehicle repair shops

- (xxiii) vehicle sales or rental establishments
- (xxiv) caterer
- (xxv) dairy operation
- (xxvi) banks
- (xxvii) furniture refinishing and/or sales and/or upholstery shop
- (xxviii) building & construction supplies
- (xxix) professional & business Offices
- (xxx) a motor fuel retail outlet
(By-law 1374/67/83)
(By-law 1418/111/83)
- (xxxi) convenience type retail store
(By-law 1418/111/83)
- (xxxii) water supply outlet
(By-law 2176/124/88)
- (xxxiii) personal service shop
(By-law 3427/9/97)
- (xxxiv) Pet Grooming Establishment
(By-law 5241/147/08)

(b) Accessory Residential Uses

Dwelling units in a building in combination with one or more of the uses listed in clause (a) above, except subsections (ii) car wash; (v) automobile service stations; (vi) drycleaning plants; (xx) taxi establishments; (xxi) drive-in theatres; (xxii) vehicle repair shops; (xxiii) vehicle sales or rental establishments; and (xxviii) furniture refinishing and/or sales and/or upholstery shops; (xxx) motor fuel retail outlet (By-law 1418/111/83); provided that not more than 50% of the gross floor area of such building is used for dwelling units and further provided that such dwelling units, except entrances thereto, are located entirely above the ground floor.

(c) Other Accessory Uses

Uses, buildings and structures accessory to any permitted commercial use.

18.3 ZONE REQUIREMENTS

- | | |
|--------------------------|--------------------|
| (a) Minimum Lot Area | 1400m ² |
| (b) Minimum Lot Frontage | 27m |
| (c) Minimum Lot Depth | 45m |
| (d) Minimum Front Yard | 9m |

- (e) Minimum Interior Side Yard 5m
- (f) Minimum Exterior Side Yard 7.5m
- (g) Minimum Rear Yard 5m
- (h) Maximum Building Height 8m
(By-law 4915/140/06)
- (i) Maximum Gross Floor Area 75 percent of the lot area

(j) MOTOR FUEL PUMP ISLAND LOCATION:
(By-law 1418/111/83)

Nothing in this By-law shall prevent the location in an (HC) Zone of a motor fuel pump island in any part of a required or other front yard or side yard, provided that:

- (i) the minimum distance between any portion of a motor fuel pump island and any street line or other lot line shall be 5.0m; and
- (ii) the minimum distance between any post or support column of a motor fuel pump island canopy and any street line or other lot line shall be 5.0m; and
- (iii) the minimum distance between any kiosk accessory to a motor fuel pump island and any street line or other lot line shall be 9.0m; and
- (iv) the maximum ground floor area for a kiosk accessory to a motor fuel pump island shall be 50.0m²; and
- (v) in the case of a corner lot, no portion of any motor fuel pump island, kiosk, post or supporting column for a canopy shall be located closer than 3.0m to a sight triangle.

(k) CAR WASH STACKING LANES

Every car wash shall be provided with a minimum of five vehicle waiting spaces measuring 2.5m in width and 6m in length for each washing bay.

(l) Minimum Floor Area per Dwelling Unit (By-law 1374/67/83)

- (i) Bachelor 40m²
- (ii) One Bedroom 50m²
- (iii) Two Bedroom 60m²

CM ZONE - COMMERCIAL MARINESECTION 1919.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Commercial Marine (CM) Zones except as otherwise provided in Schedule "B".

19.2 USES PERMITTED

- (a) marinas, dockage, sales and service for pleasure boats, yacht clubs, parking lots, restaurants.
- (b) uses, buildings and structures accessory to the foregoing permitted uses.

19.3 ZONE REQUIREMENTS

- | | | |
|-----|--|--|
| (a) | Minimum Lot Frontage | as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law.
(By-law 2176/124/88) |
| (b) | Minimum Lot Area | as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law.
(By-law 2176/124/88) |
| (c) | Minimum Front Yard | 6m |
| (d) | Minimum Interior Side Yard | no minimum except where the interior side yard abuts a Residential Zone, the minimum side yard shall be 3.5m |
| (e) | Minimum Exterior Side Yard | 3.5m |
| (f) | Minimum Rear Yard | no minimum except where the rear yard abuts a Residential Zone or a street, the minimum rear yard shall be 3.5m |
| (g) | Maximum Lot Coverage | 50 per cent |
| (h) | Maximum Building Height (By-law 4915/140/06) | 8metres |

SC ZONE SHOPPING CENTRE COMMERCIALSECTION 2020.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Shopping Centre (SC) Zone except as otherwise provided in Schedule "B"

20.2 USES PERMITTED

(a) Shopping Centre Uses

- (i) an automobile service station
- (ii) a bank or trust company
- (iii) a car wash
- (iv) a department store
- (v) a motor fuel retail outlet
(By-law 1418/111/83)
- (vi) a hotel
- (vii) a business or professional office
- (viii) a personal service shop
- (ix) a refreshment room
- (x) an eat-in restaurant
- (xi) a retail building supply outlet
in a wholly enclosed building
- (xii) a retail store
- (xiii) a bake shop
- (xiv) day nursery
- (xv) bowling alley
- (xvi) a theatre
- (xvii) a library
- (xviii) arcade (By-law 1200/23/82)
- (xix) private club (By-law 1374/67/83)
- (xx) any public use (By-law 1374/67/83)
- (xxi) Pet Grooming Establishment
(By-law 5241/147/08)

(b) Accessory Uses

- (i) uses, buildings and structures
accessory to any permitted
commercial use.

20.3 ZONE REQUIREMENTS

- (a) Minimum Lot Area no minimum
- (b) Minimum Lot Frontage no minimum
- (c) Minimum Lot Depth no minimum

- | | | |
|-----|--|------------|
| (d) | Minimum Front Yard | 23m |
| (e) | Minimum Interior Side Yard | 15m |
| (f) | Minimum Exterior Side Yard | 23m |
| (g) | Minimum Rear Yard | 15m |
| (h) | Maximum Building Height
(By-law 4915/140/06) | 8 metres |
| (i) | Maximum Lot Coverage | 33 percent |
| (j) | Minimum Landscaped Area | 10 percent |
| (k) | AUTOMOBILE SERVICE STATION LOCATION:
(By-law 1418/111/83) | |

Notwithstanding any other provision hereof to the contrary, a detached automobile service station, excluding motor fuel retail outlets, shall not be located closer than 15.0m to any street line.

- (l) MOTOR FUEL PUMP ISLAND LOCATION:
(By-law 1418/111/83)
Nothing in this By-law shall prevent the location in a (SC) Zone of a motor fuel pump island in any part of a required or other front yard or side yard, provided that:
- (i) the minimum distance between any portion of a motor fuel pump island and any street line or other lot line shall be 5.0m; and
 - (ii) the minimum distance between any post or support column of a motor fuel pump island canopy and any street line or other lot line shall be 5.0m; and
 - (iii) the minimum distance between any kiosk accessory to a motor fuel pump island and any street line or other lot line shall be 9.0m; and
 - (iv) the maximum ground floor area for a kiosk accessory to a motor fuel pump island shall be 50m²; and
 - (v) in the case of a corner lot, no portion of any motor fuel pump island, kiosk, post or supporting column for a canopy shall be located closer than 3.0m to a sight triangle.
- (m) CAR WASH STACKING LANES
Every car wash shall be provided with a minimum of five vehicle waiting spaces measuring 2.5m in width and 6m in length for each washing bay.

CD ZONE - COMMERCIAL DEVELOPMENTSECTION 2121.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Commercial Development (CD) Zones except as otherwise provided in Schedule "B".

21.2 USES PERMITTED

- (a) parking lots
- (b) existing single-detached dwelling and buildings and structures accessory thereto. (By-law 1374/67/83)

21.3 ZONE REQUIREMENTS

- | | |
|--------------------------------|--|
| (a) Minimum Lot Frontage | as existing or as created by the Land Division Committee except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88) |
| (b) Minimum Lot Area | as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88) |
| (c) Maximum Lot Coverage | 5 percent |
| (d) Minimum Front Yard | 10 m |
| (e) Minimum Interior Side Yard | 7m |
| (f) Minimum Exterior Side Yard | 10m |
| (g) Minimum Rear Yard | 10m |

LI - LIGHT INDUSTRIALSECTION 2222.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Light Industrial (LI) Zones except as otherwise provided in Schedule "B".

22.2 USES PERMITTED

(a) (By-law 2176/124/88)

- (i) repair shops for automobiles, including body shops, household furnishings, household appliances, commercial appliances;
- (ii) yards for the concealed storage of lumber, brick, cement blocks, materials used for building construction;
- (iii) laundries and dry cleaning plants; (By-law 1374/67/83)
- (iv) cleaning plants;
- (v) food processing establishments;
- (vi) scientific or medical establishments;
- (vii) general industrial uses;
- (viii) dyers;
- (ix) printers;
- (x) publishing establishments;
- (xi) ship chandlers;
- (xii) storage warehouses;
- (xiii) machine shops;
- (xiv) tinsmiths shops;
- (xv) plumbing shops;
- (xvi) electrical appliance sales and service establishments;
- (xvii) knitting and woollen mills;
- (xviii) establishments for the manufacture of stationary, office equipment, household furnishings, appliances, clothing, shoes;
- (xix) assembly plants for the assembling of finished components;
- (xx) transport trucking and/or truck terminal (By-law 2176/124/88);
- (xxi) fabricating;
- (xxii) wholesaling and showrooms accessory to the foregoing permitted uses;

(xxiii) any public use (By-law 2176/124/88)

(xxiv) water supply outlet (By-law 2176/124/88)

(b) and uses, building and structures accessory to any permitted industrial use (By-law 2176/124/88).

22.3 ZONE REQUIREMENTS

- | | | |
|-----|--|---|
| (a) | Minimum Lot Frontage | 30m |
| (b) | Minimum Front Yard | 7.5m except where opposite a Residential or Agricultural zone the minimum front yard shall be 15m |
| (c) | Minimum Side Yard | 10 percent of lot frontage or 3m which - ever is the lesser except: |
| | (i) | where abutting a Residential or Agricultural Zone where the minimum side yard shall be 15m, or |
| | (ii) | where abutting a railroad right-of-way or Hydro right-of-way where the minimum side yard shall be 1.5m. |
| (d) | Minimum Rear Yard | 8m |
| (e) | Maximum Building Height
(By-law 4915/140/06) | 11metres except where abutting a Residential Zone where the maximum building height shall be 8 metres |
| (f) | Outside storage is permitted only in the rear yard and interior side yard. | |

HI ZONE - HEAVY INDUSTRIAL

SECTION 23

23.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Heavy Industrial (HI) Zones except as otherwise provided in Schedule "B".

23.2 USES PERMITTED

All Light Industrial uses permitted in Section 22 plus open outside storage and establishments for manufacturing, extracting, processing, refining, milling, forging, pressing, casting, smelting, fabricating, erecting, assembling, forming, producing, shaping, storing, shipping, repairing, machining, cleaning and servicing.

23.3 ZONE REQUIREMENTS

The provisions of Subsection 22.3 shall apply to the uses permitted in Subsection 23.2.

EI ZONE - EXTRACTIVE INDUSTRIAL

SECTION 24

24.1 SCOPE

No person shall within any Extractive Industrial (EI) Zone, make or establish any pit or quarry, or use any land, or erect, alter or use any building or structure except in accordance with the following provisions.

24.2 USES PERMITTED

Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals, and including the following;

- (a) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation and uses, buildings and structures accessory thereto, saving and excepting any building or structure used for human habitation.
- (b) Agricultural uses, excluding intensive animal operations, and uses, buildings and structures accessory thereto, saving and excepting any building or structure used for human habitation.

24.3 ZONE REQUIREMENTS

(a) Yard Requirements:

- (i) No building or structure other than a fence shall be located within 30 metres of any lot line or within 90 metres of any occupied dwelling or Residential Zone.
- (ii) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street, or 90 metres of any lot line which abuts a Provincial Highway, or 30 metres of any lot line which abuts any other public street.

A ZONE - AGRICULTURALSECTION 2525.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Agricultural (A) Zones except as otherwise provided in Schedule "B" and Schedule "C".

25.2 USES PERMITTED

- (a) Agricultural uses, and uses, buildings and structures accessory thereto including greenhouses.
- (b) One single detached dwelling on one lot, and uses, buildings and structures accessory thereto accessory to an agricultural use.
- (c) One single detached dwelling and uses, buildings and structures accessory thereto on each lot existing at the date of passing of this By-law.
- (d) Conservation of plant and wildlife.
- (e) Kennels.
- (f) Farm machinery sales and service establishments.
- (g) Wayside pits subject to the provisions of the Pits and Quarries Control Act.

25.3 ZONE REQUIREMENTS EXCEPT FOR KENNELS AND FARM PRODUCE STANDS

- (a) Minimum Lot Frontage 75m
- (b) Minimum Lot Area as existing or as created by consent of the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)
- (c) Maximum Lot Coverage 10 percent, except no maximum for greenhouses
- (d) Minimum Front Yard
 - (i) 15m for dwellings and buildings accessory thereto
 - (ii) 30m for agricultural buildings and structures
- (e) Minimum Interior Side Yard
 - (i) 7.5m for dwellings
 - (ii) 23m for agricultural buildings and structures
- (f) Minimum Exterior Side Yard
 - (i) 15m for dwellings
 - (ii) 30m for agricultural buildings

- (g) Minimum Rear Yard
 - (i) 15m for dwellings
 - (ii) 30m for agricultural buildings and structures
- (h) Maximum Height 11metres
for a Dwelling
(By-law 4915/140/06)
- (i) Minimum Ground Floor Area for a dwelling
(By-law 1374/67/83)
 - (I) One Storey 75m²
 - (ii) Two Storeys 45m²

25.4 SUPPLEMENTARY SEPARATION DISTANCES FOR FARM AND NON-FARM BUILDINGS

Any permitted use in the Agricultural (A) Zone, including any building used for the containment of livestock shall only be erected, altered or remodelled in accordance with the requirements of Subsections 25.3 and 4.19, whichever is the greater.

25.5 REQUIREMENTS FOR KENNELS

- (a) Minimum Lot Area 1.6ha
- (b) Minimum Lot Frontage 75m
- (c) Minimum Front Yard 50m or behind the front building line of the main building on the lot, which -ever is the greater;
- (d) Minimum Side Yard 25m
- (e) Minimum Rear Yard 30m
- (f) Minimum Distance from Adjacent Dwellings 150m
- (g) Maximum Lot Coverage 20 percent

25.6 REQUIREMENTS FOR BUILDINGS AND STRUCTURES(By-law 4915/140/06) ACCESSORY TO DWELLINGS

- (a) Maximum Lot Coverage One percent provided the lot coverage of all buildings and structures on the lot does not exceed 10 percent (By-law 4915/140/06)
- (b) Minimum Side Yard and Minimum Rear Yard 3m except the minimum side yard abutting street shall be 7.5m
- (c) Minimum Distance from Dwelling 3m
- (d) Maximum Building Height 4.6 metres
(By-law 4915/140/06)

25.7 REQUIREMENTS FOR FARM PRODUCE STANDS

The provisions of Section 25.3 related to dwellings shall apply except the maximum floor area shall be 55m².

RU ZONE - RURALSECTION 2626.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Rural (RU) Zones, except as otherwise provided in Schedule "B" and Schedule "C"

26.2 USES PERMITTED

- (a) Agricultural uses, and uses, buildings and structures accessory thereto, including greenhouses.
- (b) One single detached dwelling on one lot and uses, buildings and structures accessory thereto accessory to an agricultural use.
- (c) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.
- (d) Conservation of plant and wildlife.
- (e) Farm machinery sales and service establishments.

26.3 ZONE REQUIREMENTS EXCEPT FOR FARM PRODUCE STANDS

- (a) Minimum Lot Frontage 45m
- (b) Minimum Lot Area the lesser of 0.4ha or as existing at the date of passing of this By-law, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)
- (c) Maximum Lot Coverage 10 percent except no maximum for greenhouses
- (d) Minimum Front Yard
 - (i) 15m for dwellings and buildings accessory thereto
 - (ii) 30m for agricultural buildings and structures
- (e) Minimum Interior Side Yard
 - (i) 7.5m for dwellings
 - (ii) 23m for agricultural buildings and structures
- (f) Minimum Exterior Side Yard
 - (i) 15m for dwellings
 - (ii) 30m for agricultural buildings and structures
- (g) Minimum Rear Yard
 - (i) 15m for dwellings
 - (ii) 30m for agricultural buildings and structures
- (h) Maximum Height 8metres
for a Dwelling
(By-law 4915/140/06)

(i) Minimum Ground Floor Area for a Dwelling
(By-law 1374/67/83)

(i) One Storey	75m ²
(ii) Two Storeys	45m ²

26.4 SUPPLEMENTARY SEPARATION DISTANCES FOR FARM AND NON-FARM BUILDINGS

Any permitted use in the Rural (RU) Zone, including any building used for the containment of livestock, shall only be erected, altered or remodelled in accordance with the requirements of Subsections 26.3 and 4.19, whichever is the greater.

26.5 REQUIREMENTS FOR BUILDINGS AND STRUCTURES (By-law 4915/140/06) ACCESSORY TO DWELLINGS

(a) Maximum Lot Coverage	One percent provided the lot coverage of all buildings and structures on the lot does not exceed 10 percent (By-law 4915/140/06).
(b) Minimum Side Yard and	3m, except the minimum rear yard minimum side yard abutting a street shall be 7.5m
(c) Minimum Distance from Dwelling	3m
(d) Maximum Building Height (By-law 4915/140/06)	4.6 metres

26.6 REQUIREMENTS FOR FARM PRODUCE STANDS

The provisions of Section 26.3 related to dwellings shall apply except the maximum floor area shall be 55m².

P ZONE - PUBLIC AND PARKSECTION 2727.1 SCOPE

The provisions of this Section shall apply in all Public and Park (P) Zones.

27.2 USES PERMITTED

(a) NON-RESIDENTIAL USES

- (i) an auditorium;
- (ii) a public day nursery; (By-law 1555/130/84)
- (iii) a public park; (By-law 3427/9/97)
- (iv) a school; (By-law 3427/9/97)
- (v) any public use; (By-law 1555/130/84)

27.3 ZONE REQUIREMENTS

- | | |
|---|--|
| (a) Minimum Lot Area | no minimum |
| (b) Minimum Lot Frontage | no minimum |
| (c) Minimum Lot Depth | no minimum |
| (d) Minimum Interior Side Yard | the greater of either one/half the height of any building or structure adjacent to such yard or 4.5m |
| (e) Minimum Rear Yard Depth | 7.5m |
| (f) Minimum Front Yard | 8m |
| (g) Maximum Lot Coverage | 20 percent |
| (h) Maximum Building Height | no maximum |
| (i) Maximum Main Building Per Lot | no maximum |
| (j) Minimum Landscaped Open Space | 30 percent |
| (k) Minimum Exterior Side Yard (By-law 2176/124/88) | 7.5m |

I ZONE - INSTITUTIONALSECTION 2828.1 SCOPE

The Provisions of this Section shall apply in all Institutional (I) Zones.

28.2 USES PERMITTED

(a) RESIDENTIAL USES

- (i) an accessory dwelling unit;
- (ii) a public nursing home; or
- (iii) senior citizen apartment house

(b) NON-RESIDENTIAL USES

- (i) an auditorium;
- (ii) a cemetery;
- (iii) a fairground;
- (iv) a public or private hospital;
- (v) a school;
- (vi) a public or private park;
- (vii) a private club;
- (ix) any public use; (By-law 1374/67/83)
- (x) a church;
- (xi) a library;
- (xii) a day nursery.

28.3 ZONE REQUIREMENTS

- (a) Minimum Lot Frontage as existing or as created by the Land Division Committee (By-law 374/67/83), except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88)
- (b) Minimum Lot Area as existing or as created by the Land Division Committee (By-law 1374/67/83) except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)

(c)	Minimum Lot Depth	no minimum
(d)	Minimum Interior Side Yard	the greater of either one-half the height of any building or structure adjacent to such yard or 4.5m.
(e)	Minimum Rear Yard Depth	7.5m
(f)	Minimum Front Yard	8m
(g)	Maximum Lot Coverage	40 percent
(h)	Maximum Building Height	11 m
(i)	Minimum Dwelling Unit Area	55m ²
(j)	Minimum Landscaped Open Space	35 percent
(k)	Minimum Exterior Side Yard (By-law 2176/124/88)	7.5m

EP ZONE - ENVIRONMENTAL PROTECTION

SECTION 29

29.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Environmental Protection (EP) Zones, except as otherwise provided in Schedule "B".

29.2 USES PERMITTED

- (a) Agricultural uses, and buildings and structures accessory thereto saving and excepting human habitation.
- (b) Dwellings existing at the date of the passing of this By-law and enlargement thereof and uses, buildings and structures accessory thereto.
- (c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat houses and docking facilities, together with necessary accessory structures, saving and excepting human habitation.
- (d) Control structures to prevent flooding and/or erosion by water or wind.

29.3 ZONE REQUIREMENTS

- (a) Minimum Lot Frontage as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88)
- (b) Minimum Lot Area as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)
- (c) Minimum Front Yard 15m
- (d) Minimum Side Yard 7m
- (e) Minimum Rear Yard
 - (i) 7m, except the minimum rear yard along Lake Erie shall be 30m from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority (By-law 5241/147/08)
 - (ii) No minimum for boat houses and docking facilities.

29.4 REQUIREMENTS FOR CONTROL STRUCTURES

- | | |
|-----------------------------------|--|
| (a) All Yards and Other Provision | no municipal requirements except for compliance with the regulations of the appropriate Federal and Provincial government agencies |
|-----------------------------------|--|

SPECIAL EXCEPTIONS

SECTION 30(a) (By-law 1374/67/83)

SP-28 (Minister's Official Plan Deferrals)

Uses of all lands zoned Special Exception SP-28 shall only be as existing at the date of passing of this By-law.

SPECIAL EXCEPTIONS AND PROVISIONS

SECTION 30 (b)

Where a zone symbol is followed by a dash and a number, the lands so zoned shall be subject to and used in accordance with all the provisions of the zone represented by such symbol except as otherwise specifically provided herein by the special provisions of the special zone, as represented by such a dash and a number. Nothing in this Bylaw shall apply to prevent the use (including the expansion thereto) of any lot, building, or structure as represented by the special provisions of the special zone.

NFR (Non-Farm Residence)

(By-law 1438/13/84)

Notwithstanding the provisions of the Agricultural (A) zone to the contrary, this land shall only be used for a one single detached dwelling on one lot and uses, buildings and structures accessory thereto and the following special regulations shall apply:

(i)	Minimum Lot Frontage	45m
(ii)	Minimum Lot Area	0.4ha
(iii)	Maximum Lot Coverage (By-law 2176/124/88)	10 percent
(iv)	Minimum Front Yard	10m
(v)	Minimum Interior Side Yard	4m
(vi)	Minimum Exterior Side Yard	7.5m
(vii)	Minimum Rear Yard	9m for dwellings
(viii)	Maximum Height for a Dwelling	2.5 storeys
(ix)	Minimum Ground Floor Area for a dwelling:	
	(i) One storey	75m ²
	(ii) Two storeys	45m ²

A-3 (Golf Course)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used as a golf course, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

Maximum Lot Coverage for all buildings 1 per cent

A-4 (Septic Tanks)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the manufacture, storage and sale of septic tanks and septic tiles and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

(i)	Maximum Lot Coverage	30 per cent
(ii)	Minimum Front Yard	15 m
(iii)	Minimum Exterior Side Yard	15 m
(iv)	Minimum Rear Yard	30.0m
(v)	Maximum Height	1.5 storeys
(vi)	Outside storage is permitted in the rear yard and interior side yard.	

A-6 (Poultry Processing)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the raising and processing of poultry, and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

(i)	Minimum Lot Frontage	150m
(ii)	Minimum Lot Area	6 ha
(iii)	Maximum Lot Coverage	25 per cent
(iv)	Minimum Front Yard	24m
(v)	Minimum Interior Side Yard	23m
(vi)	Minimum Rear Yard	30m
(vii)	Maximum Building Height	2 storeys

LI-9 (Concrete Products)

In addition to the uses permitted in the Light Industrial (LI) Zone, this land may also be used for the manufacturing, outdoor storage and sales of concrete products and uses, buildings and structures accessory thereto.

HD-12 (Saw Mill)

(By-law 1374/67/83)

In addition to the uses permitted in the Hamlet Development (HD) Zone, this land may also be used for a saw mill and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

(i)	Maximum Lot Coverage (By-law 1418/111/83)	10 per cent
(ii)	Minimum Front Yard	60.0m
(iii)	Minimum Rear Yard	30.0m
(iv)	Minimum Side Yard	15.0m
(v)	Outside storage is permitted in the rear yard and interior side yard only.	

A-14 (Manufacturing of Construction Lifting Devices and Maintenance Depot and Equipment Storage) By-law 4598/129/04

In addition to the uses permitted in the "A (Agricultural)" Zone this land may be also be used for the manufacturing of construction lifting devices, cranes and other related hydraulic equipment and for the maintenance and storage of heavy equipment and uses and buildings and structures accessory thereto, and the following special regulations shall apply:

i)	Minimum Front Yard	92 m
ii)	Minimum Westerly Interior Side Yard	as existing
iii)	Minimum Easterly Interior Side Yard	5 m
iv)	Minimum Rear Yard	15 m
v)	Maximum Lot Coverage	25 percent
vi)	Maximum Building Height	2 storeys
vii)	No building or structure is permitted in the westerly interior side yard separated from the westerly lot line by a yard having a minimum width of 22.8m measured perpendicular to the said lot line and shall be separated from the rear yard having a minimum width of 18.3m measured perpendicular to said rear yard.	
viii)	No building or structure is permitted in the rear yard having a rear yard depth of 126m extending easterly 22.8m from the westerly lot line measured perpendicular to the said lot line,	
ix)	Outside storage to be permitted only in the rear yard and easterly interior side yard separated from the easterly lot line by a yard having a minimum width of 22.8m measured perpendicular to the said lot	

line and shall be separated from the rear yard having a minimum width of 18.3m measured perpendicular to said rear yard.

NC-15 (Machinery Sales)

(By-law 1374/67/83)

In addition to the uses permitted in the Neighbourhood Commercial (NC) Zone, this land may be used for a service station, a gasoline retail outlet, the sales and servicing of farm equipment and the sale of automobiles and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|--|--|
| (i) | Maximum Lot Coverage | 10 per cent |
| (ii) | Minimum Front Yard | 10.0m |
| (iii) | Minimum Interior Side Yard | 7.5m |
| (iv) | Minimum Rear Yard | 15.0m |
| (v) | Maximum Building Height | 1.5 storeys |
| (vi) | Outside storage shall be permitted in the rear yard and interior side yard only. | |
| (vii) | Gasoline pump island | the minimum location distance between any portion of a gasoline pump island and any street line or other lot line shall be 5m. |

HD-16 (Monument Sales)

(By-law 1374/67/83)

In addition to the uses permitted in the Hamlet Development (HD) Zone, this land may also be used for the manufacture and sale of monuments and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|--|----------------------------|
| (i) | Maximum Lot Coverage | 15 per cent |
| (ii) | Minimum Front Yard | 10.0m |
| (iii) | Minimum East Side Yard | 7.5m (By-law 1418/111/83) |
| | Minimum West Side Yard | 15.0m (By-law 1418/111/83) |
| (iv) | Minimum Rear Yard | 15.0m |
| (v) | Maximum Building Height | 1.5 storeys |
| (vi) | Outdoor storage shall be permitted in the east side yard and rear yard and shall not be permitted in the required west side yard setback. (By-law 1418/111/83) | |
| (vii) | Out door display shall be permitted in the front yard. | |

RU-17 (Trailer Park)

(By-law 1374/67/83)

In addition to the uses permitted in the Rural (RU) Zone, this land may also be used for a trailer and camping park, an accessory dwelling unit, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------------|-----------|
| (i) | Maximum Lot Coverage | 1 percent |
| (ii) | Minimum Front Yard | 30.0m |
| (iii) | Minimum Interior Side Yard | 7.5m |

R1-19 (Residential Retirement Home) (By-law 1646/71/85)

In addition to those uses permitted in the First Density Residential (R1) zone, this land may also be used for:

- i) one residential retirement home containing not more than 23 beds in 14 bedroom units, or

- ii) one nursing home containing not more than 23 beds in 14 bedroom units,
- iii) one accessory dwelling unit located within the main building located on this land,
- iv) uses, buildings and structures accessory thereto,
- v) a public diningroom or restaurant is specifically not permitted.

The following special regulations shall apply thereto:

- i) Notwithstanding Definition (184) Residential Retirement Home, of Section 31, for the purposes of this zone category a residential retirement home may or may not include nursing or medical care.
- ii) Minimum Lot Frontage as existing
- iii) Minimum Lot Area as existing
- iv) Minimum Lot Depth as existing
- v) Minimum Front Yard as existing
- vi) Minimum North Side Yard as existing
- vii) Minimum South Side Yard 7.5m
- viii) Minimum Rear Yard except as set out in Section (xiii) as existing
- ix) Minimum Landscaped Area 50%
- x) Maximum Lot Coverage for Main Building 15%
- xi) Maximum Building Height as existing
- xii) Minimum Accessory Amenity Area 42m²
- xiii) Zone Requirements for Accessory Buildings and structures and for the erection of a covered sidewalk or ramp:
 - a) no part of the required rear yard shall be obstructed by any alteration of the main building except to permit the addition of an enclosed ramp or sidewalk, where such enclosed ramp or sidewalk shall not project more than 3.0m into the required rear yard and shall not have a floor area in excess of 15m².
 - b) Minimum Side Yard 3.0m
 - c) Maximum Lot Coverage of all accessory buildings or structures 2.5%
 - d) No detached accessory building or structure shall be erected in the required front yard or required rear yard

xiv) Minimum Parking Spaces Required 15

NC-20 (Service Station) (By-law 1374/67/83)

In addition to the uses permitted in the Neighbourhood Commercial (NC) Zone, this land may also be used for an automobile service station and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | |
|---------------------------------|---------------------|
| (i) Minimum Lot Area | 1620 m ² |
| (ii) Minimum Lot Frontage | 34.0 m |
| (iii) Minimum Front Yard | 18.0 m |
| (iv) Minimum Interior Side Yard | 7.5 m |
| (v) Minimum Rear Yard | 15.0 m |
| (vi) Minimum Exterior Side Yard | 7.5 m |
| (vii) Gas pump island location: | |

Nothing in this By-law shall prevent the location of a gasoline pump island in any part of a required or other front yard or side yard provided that:

- (i) the minimum distance between any portion of a gasoline pump island and any street line or other lot line shall be 5m; and
- (ii) in the case of a corner lot, no portion of any gasoline pump island shall be located closer than 3m to a sight triangle.

A-21 (Motel, Restaurant and Gasoline Retail Outlet)
(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a motel, restaurant and gasoline retail outlet and one accessory dwelling unit, and uses, buildings and structures accessory thereto and the following special regulations shall apply:

- | | |
|----------------------------------|-------------|
| (i) Minimum Lot Frontage | 52.0m |
| (ii) Minimum Lot Area | 0.6ha |
| (iii) Minimum Front Yard | 15.0m |
| (iv) Minimum Side Yard | 15.0m |
| (v) Minimum Rear Yard | 42.0m |
| (vi) Maximum Lot Coverage | 8.5 percent |
| (vii) Maximum Height for a Motel | 1 storey |

I-23 (Mentally Retarded Association)

In addition to the uses permitted in the Institutional (I) Zone, this land may also be used for the residential accommodation and administration of the Port Colborne Association for the Mentally Retarded.

I-24 (Senior Citizens Apartment House)

In addition to the uses permitted in the Institutional (I) Zone, this land may also be used for a senior citizens home, and uses, buildings and structures accessory thereto.

R2-26 (Bank)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a bank, and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | | |
|-------|------------------------------|---|
| (i) | Minimum Front Yard | as existing |
| (ii) | Minimum Interior Side Yard | 3.5m |
| (iii) | Minimum Exterior Side Yard | 3.5m |
| (iv) | Minimum Rear Yard | 3.5m |
| (v) | Maximum Building Height | 2 storeys |
| (vi) | Minimum Parking Requirements | in accordance with Section 4.23 of this By-law. |
| (vii) | Minimum Landscaped Area | 5 per cent |

R4-27A (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall be used only for an apartment house and buildings, uses or structures accessory thereto.

In addition, the following special regulations shall apply thereto:

- | | | |
|-------|--|--------------------------------------|
| (i) | Maximum Density | 70 units/hectare |
| (ii) | Minimum Rear Yard | 12.5m |
| (iii) | Maximum Building Height | 3 storeys |
| (iv) | Minimum Parking Provision | 1.2 parking spaces/
dwelling unit |
| (v) | Minimum Side Yard | 7.5m |
| (vi) | Minimum Front Yard | 7.0m |
| (vii) | Minimum Width of Interior
side yard Parking Lot
Planting Strip | 0.5m |

R4-27B (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall be used only for:

- (a) an apartment house and buildings, uses or structures accessory thereto:

In addition, the following special regulations shall apply thereto:

- | | | |
|-------|----------------------------|-------------------------|
| (i) | Maximum Density | 53 units/hectare |
| (ii) | Maximum Building Height | 5 storeys |
| (iii) | Minimum Side Yard | 7.0m |
| (iv) | Minimum Parking Provisions | 1.1 parking spaces/unit |

- (b) block townhouse dwellings and buildings, uses or structures accessory thereto:

- | | | |
|-------|----------------------------|---|
| (i) | Maximum Density | 15.5 units/ hectare |
| (ii) | Maximum Building Height | 2.5 storeys |
| (iii) | Minimum Side Yard | 7.0m |
| (iv) | Minimum Rear Yard | One-half the height of the
dwelling or 5.0m whichever is
the larger |
| (v) | Minimum Parking Provisions | 1.2 parking spaces/
Dwelling unit |

R3-27C (Third Density Residential)

Notwithstanding the provisions of the Third Density Residential (R3) Zone to the contrary, this land shall be used only for semi-detached dwellings and buildings, uses or structures accessory thereto.

A-29 (Machine Shop, Fabrication) (By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the operations of ship repair, machine shop and fabrication and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

(i)	Maximum Lot Coverage	20 per cent
(ii)	Minimum Lot Frontage	37.4m
(iii)	Minimum Lot Area	0.28ha
(iv)	Minimum Front Yard	15.0m
(v)	Minimum Side Yard	7.5m
(vi)	Minimum Rear Yard	3.0m
(vii)	Maximum Height	1 storey

Outdoor storage shall be permitted in the rear yard only.

R2-30 (Machine Shop)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a machine shop and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

(i)	Minimum Front Yard	2.5m
(ii)	Minimum Interior Side Yard	0.5m
(iii)	Minimum Exterior Side Yard	1.0m
(iv)	Minimum Rear Yard	as existing
(v)	Maximum Building Height	as existing
(vi)	Maximum Lot Coverage	as existing
(vii)	Minimum Landscaped Area	no minimum
(viii)	Minimum Parking Requirements	no minimum
(ix)	Outside Storage not Permitted	

CC-31 (Parking and Loading) (By-law 1374/67/83)

All lands zoned CC-31 shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the residential provisions of Section 4.23 shall apply.

R2-33 (Auto and Truck Repair)
(By-law 1374/67/83, amended by By-law 2048/169/87)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for minor auto and truck repairs and maintenance essential to their operation and uses, buildings and structures accessory thereto and the following special regulations shall apply:

(i)	Minimum Lot Frontage	45.0m ²
(ii)	Minimum Lot Area	2800m ²
(iii)	Maximum Lot Coverage	32 percent
(iv)	Minimum Front Yard	9.0m
(v)	Minimum Interior Side Yard	5.0m
(vi)	Minimum Exterior Side Yard	7.5m
(vii)	Minimum Rear Yard	12.0m

- | | |
|------------------------------|------------|
| (viii) Maximum Height | 1 storey |
| (ix) Minimum Landscaped Area | 10 percent |

RU-34 (Equipment Storage) (By-law 1374/67/83)

In addition to the uses permitted in the Rural (RU) Zone, this land may also be used for buying, selling and storing of industrial equipment and supplies, ship chandling and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | |
|----------------------------|-------------|
| (i) Minimum Lot Frontage | 68 m |
| (ii) Minimum Lot Area | 1.25ha |
| (iii) Maximum Lot Coverage | 15 per cent |
| (iv) Minimum Front Yard | 60.0 m |
| (v) Minimum Side Yard | 35.0 m |
| (vi) Minimum Rear Yard | as existing |
| (vii) Maximum Height | 1.5 storeys |

R2-35 (Duplex) (By-law 1374/67/83 amended by By-law 2450/66/90)

In addition to the uses permitted in the Second Density Residential Zone (R2), this land may also be used for a duplex dwelling and uses, buildings and structures accessory thereto, subject to the following special regulations:

- | | |
|--|----------------------|
| (i) Minimum Lot Frontage | 53.0 m |
| (ii) Minimum Lot Area | 600.0 m ² |
| (iii) Minimum Front Yard | 1.0 m |
| (iv) Minimum Interior West
Sideyard for any habitable
additions or extensions after
the passing of this by-law. | 10.0 m |

R2-37 (Marine Diesel Repair) (By-law 1374/67/83)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a marine diesel repair business, and uses, buildings and structures accessory thereto.

LI-37 (Restricted Industrial Commercial) (By-law 1700/125/85)

Subject to the provisions of Section 4 of this by-law and notwithstanding the requirements of the Light Industrial (LI) zone to the contrary, the provisions of this section shall apply to the LI-37 (Restricted Industrial/ Commercial) zone except as otherwise provided in Schedule `B' of this by-law:

a) Uses Permitted

- i) animal hospital or shelter
- ii) automobile service station
- iii) drycleaning plant
- iv) electrical appliance sales and/or service establishment
- v) plumbing and heating sales and/or service establishments
- vi) merchandise service shop
- vii) vehicle repair shop
- viii) vehicle sales or rental establishments
- ix) furniture refinishing and/or sales and/or upholstery shop
- x) building and construction supplies
- xi) yards for the concealed storage of lumber, brick, cement blocks, materials used for building construction

- xii) laundries
- xiii) scientific or medical establishments
- xiv) printers
- xv) publishing establishments
- xvi) ship chandlers
- xvii) storage warehouse
- xviii) tinsmith shops
- xix) plumbing shops
- xx) assembly plants for the assembling of finished components
- xxi) establishments for the manufacture, assembly and storage of vinyl windows and doors
- xxii) contractor's or tradesman's shop
- xxiii) motor vehicle body shop
- xxiv) wholesaling, showrooms and accessory uses, buildings and structures to the foregoing permitted uses.

b) Zone Requirements

- | | |
|---------------------------------------|---|
| i) minimum lot area | 0.5 ha |
| ii) minimum lot frontage | 50 m |
| iii) minimum front yard | 15 m |
| iv) minimum rear yard | 1.5m |
| v) minimum south side yard | 30 m |
| vi) minimum east and north side yards | 15m except where abutting a railroad right-of-way or hydro right-of-way where the minimum side yard shall be 1.5m |
| vii) maximum building height | 2 storeys |
| viii) maximum lot coverage | 60% |
| ix) minimum landscaped open space | 5% of lot area |
- x) outside storage and display areas shall not be located within any required yard. Open storage and display areas shall be screened by a combination of wire fence and evergreen hedge, or a decorative masonry wall, or wooden screen fence.

HI-38 (Port Colborne Drop Forge)

In addition to the uses permitted in the Heavy Industrial (HI) Zone, this land may also be used for a drop forge operation and uses, buildings and structures accessory thereto.

In addition, the following special provisions shall apply thereto:

- | | |
|-------------------------------|------------|
| (i) Minimum Rear Yard | 7.5m |
| (ii) Maximum Lot Coverage | 70 percent |
| (iii) Maximum Building Height | 12.0m |

RD-39 (Dairy)

(By-law 1640/65/85)

In addition to the uses permitted in the Residential Development (RD) zone, this land may also be used for a dairy operation and uses, buildings and structures accessory thereto, and the following special provisions shall apply:

- | | | |
|------|----------------------------|--------------------|
| i) | Minimum Front Yard | 9m |
| ii) | Minimum Interior Side Yard | 5m |
| iii) | Minimum Rear Yard | 5m |
| iv) | Maximum Building Height | 2 storeys |
| v) | Minimum Lot Area | 4400m ² |
| vi) | Minimum Lot Frontage | 70m |
| vii) | Maximum Gross Floor Area | 15% of lot area |

HC-40 (Sheet Metal)

(By-law 1374/67/83)

In addition to the uses permitted in the Highway Service Commercial (HC) Zone, this land may also be used for a sheet metal business and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------------|------------------------|
| (i) | Minimum Lot Area | 1000m ² |
| (ii) | Minimum Lot Frontage | 30.0m |
| (iii) | Minimum Rear Yard | 10.0m |
| (iv) | Maximum Floor Area | 25 percent of lot area |
| (v) | Minimum Interior Side Yard | 5.0m |

LR-41 (Banquet Hall)

(By-law 1374/67/83)

In addition to the uses permitted in the Lakeshore Residential (LR) Zone, this land may also be used for a banquet hall and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------------|-------------|
| (i) | Minimum Lot Frontage | as existing |
| (ii) | Minimum Lot Area | as existing |
| (iii) | Maximum Lot Coverage | 10 per cent |
| (iv) | Minimum Front Yard | as existing |
| (v) | Minimum Interior Side Yard | 5.0 m |
| (vi) | Maximum Building Height | 2 storeys |

A-42 (Private Club)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a private club and uses, buildings and structures accessory thereto and the following special regulations apply thereto:

- | | | |
|--------|--|--------------|
| (i) | Maximum Lot Coverage
for all buildings | 5.0 per cent |
| (ii) | Minimum Front Yard | 70.0m |
| (iii) | Minimum North Side Yard | 18.0m |
| (iv) | Minimum South Side Yard | 70.0m |
| (v) | Minimum Rear Yard | 240.0m |
| (vi) | Maximum Height | 1.5 storeys |
| (vii) | Maximum Lot Coverage for
Accessory Buildings and
Structures | 0.5 percent |
| (viii) | Minimum Side and Rear Yard
for Accessory Buildings
and Structures | 18.0m |
| (ix) | Accessory Buildings and Structures shall be permitted in the interior side and rear yard only. | |

A-43 (Excavation Equipment Rental and Leasing)

(By-law 1374/67/83)

(By-law 1487/62/84)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for an excavation equipment rental business and uses, buildings and structures accessory thereto and for the indoor storage of excavation equipment and the following special regulations shall apply thereto:

By-law 1487/62/84)

- | | |
|--|--------------|
| (i) Maximum Lot Coverage | 12 per cent |
| (ii) Minimum Front Yard | 70.0m |
| (iii) Minimum South Side Yard | 12.0m |
| (iv) Minimum North Side Yard | 4.5m |
| (v) Minimum Rear Yard | 3.0m |
| (vi) Maximum Height | 1.5 storeys |
| (vii) Minimum Landscaped Area | 25.0 percent |
| (viii) No outside storage of materials and equipment shall be permitted. | |

LI-44 (Restricted Light Industrial)

Notwithstanding the provisions of the Light Industrial (LI) Zone to the contrary, this land shall be used only for automobile service stations, restaurants, electrical, plumbing and heating sales and service establishments, merchandise service shops, vehicle repair shops, buildings and construction supply sales in wholly enclosed buildings, storage warehouses, printers, publishing establishments, machine shops, tinsmith shops and uses, buildings and structures accessory thereto, and the following special regulation shall apply:

- (i) Outside storage not permitted

R2-45 (Private Club)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a private club and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | |
|-----------------------------------|--|
| (i) Minimum Lot Frontage | 50.0m |
| (ii) Minimum Lot Area | 5000m ² |
| (iii) Minimum Front Yard | 9.0m |
| (iv) Minimum Interior Side Yard | as existing |
| (By-law 1374/67/83) | |
| (v) Minimum Rear Yard | 60.0m |
| (vi) Maximum Building Height | 2 storeys |
| (vii) Maximum Lot Coverage | 30 per cent |
| (viii) Minimum Landscaped Area | as existing |
| (ix) Minimum Parking Requirements | 1 parking space per 10m ² of net floor area |

HC-46 (Wholesale Marine & Mill Supply)

In addition to the uses permitted in the Highway Service Commercial (HC) Zone, this land may also be used for wholesale marine and mill supply, and uses, buildings and structures accessory thereto.

R2-47 (Service Station)

(By-law 1374/67/83)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for an automobile service station and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|--------|----------------------------|--------------------|
| (i) | Minimum Lot Frontage | 30.0m |
| (ii) | Minimum Lot Area | 1065m ² |
| (iii) | Maximum Lot Coverage | 30 per cent |
| (iv) | Minimum Front Yard | 9.0m |
| (v) | Minimum Interior Side Yard | 5.0m |
| (vi) | Minimum Rear Yard | 6.0m |
| (vii) | Maximum Building Height | 1 storey |
| (viii) | Minimum Landscaped Area | 10 per cent |

- (ix) Gasoline Pump Island Location:

Nothing in this By-law shall prevent the location of a gasoline pump island in any part of a required or other front yard or side yard, provided that:

- (i) that minimum distance between any portion of a gasoline pump island and any street line or other lot line shall be 5m.

R2-48 (Lumber Yard)

(By-law 1374/67/83)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for the indoor storage of lumber products and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------------|-------------|
| (i) | Minimum Lot Frontage | 40.0m |
| (ii) | Maximum Height | 1.5 storeys |
| (iii) | Minimum Interior Side Yard | 3.0m |

LI-49 (Machine Shops)

Notwithstanding the provisions of the Light Industrial (LI) Zone to the contrary, this land shall be used only for a machine shop and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | | |
|-------|----------------------------|---|
| (i) | Minimum Lot Frontage | 10m |
| (ii) | Minimum Front Yard | 5m |
| (iii) | Minimum Interior Side Yard | 3m or one-half of the building height which-ever is greater except that the westerly interior side yard shall be 0.3m (By-law 1227/50/82) |
| (iv) | Minimum Exterior Side Yard | 3m or one-half of the building height which-ever is greater |
| (v) | Minimum Rear yard | 3m or one-half of the building height which-ever is greater |

LI-49A (Machine Shops)

(By-law 1711/136/85)

Notwithstanding the provisions of the Light Industrial (LI) zone and General Provisions of the by-law on the contrary, this land shall only be used for a machine shop and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

i)	Minimum Lot Frontage	10m
ii)	Minimum Front Yard	5m
iii)	Minimum Interior Side Yard	1m
iv)	Minimum Exterior Side Yard	3m or one-half of the building height whichever is the greater
v)	Minimum Rear Yard	3m one-half of the building height whichever is the greater
vi)	Planting Strips	No planting strip shall be required along the westerly lot line provided an opaque fence or wall is constructed on or immediately adjacent said lot line.

A-50 (Service Station)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for an automobile service station and one accessory residential unit and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

(i)	Maximum Lot Coverage	5.5 percent
(ii)	Minimum Front Yard	as existing
(iii)	Minimum West Side Yard	30.0m
(iv)	Minimum East Side Yard	7.5m
(v)	Minimum Rear Yard	140.0m
(vi)	Maximum Height	2.5 storeys

A-51 (Motel)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a motel and one accessory residential unit and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

(i)	Minimum Lot Frontage	60.0m
(ii)	Maximum Lot Coverage	7.0 percent
(iii)	Minimum Front Yard	as existing
(iv)	Minimum West Side Yard	15.0m
(v)	Minimum East Side Yard	25.0m
(vi)	Minimum Rear Yard	70.0m
(vii)	Maximum Building Height	1.5 storeys

R3-52 (Machine Shop)

In addition to the uses permitted in the Third Density Residential (R3) Zone, this land may also be used for a machine shop and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

(i)	Minimum Front Yard	5m
(ii)	Minimum Interior Side Yard	0.5m
(iii)	Minimum Exterior Side Yard	2.5m
(iv)	Minimum Rear Yard	0.5m

NC-53 (Bakery)

(By-law 1374/67/83)

In addition to the uses permitted in the Neighbourhood Commercial (NC) Zone, this land may also be used for a bakery and uses, buildings and structures accessory thereto and the following special regulation shall apply thereto:

- (i) no accessory residential dwelling units are permitted.

R4-54A (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall be used only for an apartment house and buildings, uses or structures accessory thereto:

In addition, the following special regulations shall apply thereto:

(i)	Maximum Density	50 units/ hectare
(ii)	Maximum Building Height	3 storeys

R4-54B (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall be used only for an apartment house and buildings, uses or structures accessory thereto.

In addition, the following special regulations shall apply thereto:

(i)	Maximum Density	30 units/ hectare
(ii)	Maximum Building Height	3 storeys

R4-54C (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall only be used for an apartment house and buildings, uses or structures accessory thereto.

In addition, the following special regulations shall apply thereto:

(i)	Maximum Density	60 units/ hectare
-----	-----------------	-------------------

RT-54D (Residential Townhouse)

Notwithstanding the provisions of the Residential Townhouse (RT) Zone to the contrary, this land shall only be used for street townhouse dwellings and buildings, uses or structures accessory thereto.

R3-54E (Third Density Residential)

Notwithstanding the provisions of the Third Density Residential (R3) Zone to the contrary, this land shall only be used for:

- (a) semi-detached dwellings and buildings, uses or structures accessory thereto;
- (b) duplex dwellings and buildings, uses or structures accessory thereto;

- (c) street townhouse dwellings and buildings, uses or structures accessory thereto and subject to the provisions of Section 10.3 of this By-law.

R4-55 (Multiple Residential)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, this land shall only be used for an apartment house and buildings, uses or structures accessory thereto.

In addition, the following special regulations shall apply thereto:

(i)	Minimum Lot Area	2540m ²
(ii)	Minimum Lot Area/ Dwelling Unit	120.0m ²
(iii)	Minimum Lot Frontage	62.0m
(iv)	Minimum Front Yard	6.0m
(v)	Minimum North Side Yard	6.0m
(vi)	Minimum South Side Yard	0.5m
(vii)	Minimum Rear Yard	2.0m
(viii)	Maximum Building Height	4 storeys
(ix)	Minimum Floor Area	56m ² /dwelling unit
(x)	Minimum Parking Provision	1 parking space/ dwelling unit

RD-56A (Residential Development)

Notwithstanding the provisions of the Residential Development (RD) Zone to the contrary, no building, structure or land shall be used on this land and no building or structure erected, structurally altered or enlarged on this land except for the following uses:

- (i) general farming uses which shall mean the cultivation of soil and growing of grains, vegetables, fruits, staple crops, trees, sod and woodlots;
- (ii) public utility buildings subject to the provisions of Section 28.3 of this By-law.

This exception should be regarded as an interim land use control as it is anticipated that this land will ultimately be used for Multiple Residential usage. The extent and distribution of these uses will be determined after due consideration of the various applications for development pursuant to this By-law after proper notice to all parties concerned for each such application. Accordingly, the limitations to the use of this land and the regulation pertaining thereto should only be regarded as temporary.

R3-56B

Notwithstanding the provisions of the Third Density Residential (R3) Zone to the contrary, this land shall only be used for semi-detached dwellings and buildings, uses or structures accessory thereto.

R4-61 (Small Appliance Sales & Service Shop) (By-law 1987/106/87)

In addition to the uses permitted in the Fourth Density Residential (R4) zone, this land may also be used for a small appliance sales and service shop, and, one (1) residential dwelling unit and uses, buildings and structures accessory thereto. In addition, the following special regulations shall apply thereto:

- i) Minimum Lot Frontage as existing
- ii) Minimum Front Yard as existing
- iii) Minimum Interior Side Yard as existing

- | | | |
|-----|--|---------------|
| iv) | Number of parking spaces
required for small appliance
sales and service shop | none required |
|-----|--|---------------|

R4-62 (Professional Office)

(By-law 1374/67/83)

In addition to the uses permitted in the Fourth Density Residential (R4) Zone, this land may also be used for a professional office and uses, buildings and structures accessory thereto and one dwelling unit and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------|--------------------|
| (i) | Minimum Lot Area | 1010m ² |
| (ii) | Minimum Lot Frontage | 20.0m |
| (iii) | Maximum Height | 2 Storeys |

NC-63 (Service Station)

(By-law 1374/67/83)

In addition to the uses permitted in the Neighbourhood Commercial (NC) zone, this land may also be used for an automobile service station and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|----------------------|-------------------|
| (i) | Minimum Lot Area | 750m ² |
| (ii) | Minimum Lot Frontage | 20.0m |
| (iii) | Minimum Lot Depth | 37.5m |

R2-64 (Wholesale Marine and Mill Supply)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for wholesale marine and mill supply, and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | | |
|-------|-----------------------------|--|
| (i) | Minimum Front Yard | as existing |
| (ii) | Minimum Interior Side Yard | as existing |
| (iii) | Minimum Exterior Side Yard | as existing |
| (iv) | Minimum Rear Yard | 5m |
| (v) | Maximum Building Height | 1 storey |
| (vi) | Minimum Landscaped Area | no minimum |
| (vii) | Minimum Parking Requirement | in accordance with Section
4.23 of this by-law. |

CC-65 (Wholesale Marine and Mill Supply)

In addition to the uses permitted in the Central Commercial (CC) Zone, this land may also be used for wholesale marine and mill supply, and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | | |
|-------|---------------------------------|---|
| (i) | Minimum Front Yard | as existing |
| (ii) | Maximum Building Height | 1 storey |
| (iii) | Minimum Parking
Requirements | in accordance with Section
4.23 of this By-law |

A-66 (Vinyl and Canvas Products)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the manufacturing, storage, installation and retailing of vinyl, canvas and related products and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

(i)	Minimum Lot Frontage	50m
(ii)	Maximum Lot Coverage	30 per cent
(iii)	Minimum Front Yard	15m
(iv)	Minimum Interior Side Yard	4.5m
(v)	Minimum Exterior Side Yard	15m
(vi)	Minimum Rear Yard	21m
(vii)	Maximum Building Height	1 storey
(viii)	Minimum Parking Requirements	in accordance with Section 4.23 of this By-law

R1-67 (First Density Residential)

Notwithstanding the provisions of the First Density Residential (R1) Zone to the contrary, the following special regulation shall apply:

(i)	Minimum Front Yard	6.5m
-----	--------------------	------

R1-68 (First Density Residential)

Notwithstanding the provisions of the First Density Residential (R1) Zone to the contrary, the following special regulation shall apply:

(i)	Minimum Front Yard	8.5m
-----	--------------------	------

ER-69 (Estate Residential)

Notwithstanding the provisions of Section 4.19 Separation Distances Schedule "C": Farm and Non-Farm Buildings to the contrary, this land zone ER-69 shall be exempted from the 300m separation requirement of this Bylaw.

A-70 (Restricted Agricultural)

(By-law 1374/67/83)

Notwithstanding the provisions of the Agricultural (A) Zone to the contrary, this land shall only be used for the raising of livestock, and uses, buildings and structures accessory thereto and the following special provisions shall apply thereto:

- (i) the maximum housing capacity of the existing farm building shall be 7.8 animal units, calculated using the following:
 - (a) livestock production is hogs
 - (b) manure system is dry bedded
 - (c) land base is 12.5ha

R2-71 (Vehicle Repair Shop)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a vehicle repair shop, and uses, buildings and structures accessory thereto.

A-72 (Take-out Restaurant)

(By-law 1374/67/83)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a take-out restaurant and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|-------------------------|----------|
| (i) | Minimum Front Yard | 12m |
| (ii) | Minimum West Side Yard | 15m |
| (iii) | Minimum East Side Yard | 40m |
| (iv) | Minimum Rear Yard | 25m |
| (v) | Maximum Building Height | 1 storey |

I-73 (Parking Lot)

(By-law 1301/124/82)

Notwithstanding the provisions of the Institutional (I) zone to the contrary, this land shall be used only for a parking area ancillary to a Church.

IN ADDITION THE FOLLOWING REGULATION SHALL APPLY THERETO:

- (i) the parking area may be located in the required west yard setback provided the parking area shall be separated from the said lot line by a planting strip having a minimum width of 3.0 m measured perpendicular to the said lot lines.

NC-74 (Convenience Retail Establishment)

(By-law 1292/115/82)

Notwithstanding the provisions of the Neighbourhood Commercial zone to the contrary, the following special regulations shall apply:

- | | | |
|-----|-------------------|------|
| (i) | minimum rear yard | 2.4m |
|-----|-------------------|------|

R4-75 (Multiple Residential)

(By-law 1374/67/83)

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone to the contrary, the following special regulations shall apply thereto:

- | | | |
|------|---------------------------|-------------------------|
| (i) | Minimum Lot Area | 110m ² /unit |
| (ii) | Minimum Parking Provision | 1.2 spaces/unit |

R4-76 (Multiple Residential)

(By-law 1770/35/86)

Notwithstanding the provisions of the Fourth Density Residential (R4) zone to the contrary, the following special regulation shall apply to these lands:

- | | | |
|----|------------------|-------------------------|
| i) | Minimum Lot Area | 123m ² /unit |
|----|------------------|-------------------------|

R2-77 (Parking Lot)

(By-law 1374/67/83)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a parking area ancillary to a Church only and the following special regulations shall apply thereto:

- (i) the parking area may be located in any required yard provided the parking area is separated from the interior side lot lines by a planting strip having minimum width of 3.0m measured perpendicularly to the said lot lines.

RU-78 (Woodworking Shop and Sand, Stone and Topsoil Stockpiling and Transport) (By-law 1374/67/83)

In addition to the uses permitted in the Rural (RU) Zone, this land may also be used for the manufacture of sashes, frames and doors and for the stockpiling and transport of sand, stone and topsoil and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|--|--------------|
| (i) | Minimum North Side Yard | as existing |
| (ii) | Minimum South Side Yard | 15.0m |
| (iii) | Minimum Rear Yard | 100.0m |
| (iv) | Maximum Building Height | 1.5 storeys |
| (v) | Maximum Lot Coverage for
Accessory Buildings | 2.0 per cent |
| (vi) | Minimum Front Yard | 15.0m |
| (vii) | Outside storage and stockpiling of sand, stone
and topsoil is permitted in the rear yard
only. | |

HR-79 (Cider Mill)

(By-law 1374/67/83)

In addition to the uses permitted in the Hamlet Residential (HR) Zone, this land may also be used as a cider mill for the receiving and processing of fruit for pulp and juice and uses, buildings, and structures accessory thereto and the following special regulations shall apply thereto:

- | | | |
|-------|-------------------------|-------------|
| (i) | Minimum Lot Frontage | 20.0m |
| (ii) | Minimum Lot Area | 0.3ha |
| (iii) | Minimum Front Yard | 75.0m |
| (iv) | Maximum Building Height | 1.5 storeys |

LI-80 (Casting Operation)

(By-law 1418/111/83)

In addition to the uses permitted, in the Light Industrial (LI) Zone, this land may also be used for casting and uses, buildings and structures accessory thereto.

HC-81 (Special Highway Commercial) (By-law 1418/111/83)

Subject to the general provisions of Section 4, the provisions of this section shall apply in the HC-81 (Special Highway Commercial) Zone except as otherwise provided in Schedule "B" and Schedule "C".

(a) Uses Permitted

- | | |
|--------|-----------------------------------|
| (i) | florist |
| (ii) | retail store |
| (iii) | garden and produce centre |
| (iv) | liquor store |
| (v) | restaurant |
| (vi) | professional and business offices |
| (vii) | personal service shop |
| (viii) | convenience type retail store |
| (ix) | caterer |

(b) Zone Requirements

(i)	minimum lot area	2500m ²
(ii)	minimum lot frontage	50m
(iii)	minimum front yard	15m
(iv)	minimum lot depth	50m
(v)	minimum interior side yard	12m
(vi)	minimum exterior side yard	5m
(vii)	minimum rear yard	5m
(viii)	maximum building height	1.5 storeys
(ix)	maximum lot coverage	30 per cent

A-82 (CONSERVATION CLUB)

(By-law 1436/11/84)

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a private club for the purposes of conservation including but not so as to limit the generality of the foregoing, one assembly hall for banquet, meeting and seminar purposes (related to the conservation of plant and wildlife); trap-shooting and trap-shooting house, skeet-shooting and high and lowskeet houses and an archery range and uses, buildings and structures accessory thereto.

In addition, the following special regulation shall apply thereto:

(i)	Maximum lot coverage	one per cent
-----	----------------------	--------------

SP-83 (RESTAURANT AND DINING LOUNGE)

(By-Law 1440/15/84)

Notwithstanding the provisions of the SP-28 (Minister's Official Plan Deferrals) zone to the contrary, this land shall only be used for a restaurant and dining lounge and the following special regulations shall apply:

- | | | |
|-------|--|---|
| (i) | Lot Coverage | 5.5 per cent |
| (ii) | Minimum Parking Requirements - one parking space/4 persons seating capacity for each dining room or refreshment room | |
| (iii) | Location of Parking Area: Parking area shall be provided: | |
| | (a) | on this land; or |
| | (b) | on any lot that is not a street or land, is an existing parking area and is located within 105 metres of this land; |
| | (c) | notwithstanding the provisions of subsection (a) and (b) above, a minimum 56 parking spaces shall be provided on this land and shall be included in the calculation of the required parking spaces; |
| (iv) | Minimum Landscaped Area - | 40 per cent |
| (v) | Maximum Building Height - | 1 storey |

A-84 (Agricultural Uses)

(By-law 1468/43/84)

Notwithstanding the provisions of the Agricultural (A) zone to the contrary, this land shall only be used for agricultural uses.

NFR-85 (Non-Farm Residence)

(By-law 1469/44/84)

In addition to the provisions of the NFR (Non-Farm Residence) zone, this land may also be used as a converted dwelling containing two dwelling units and uses, buildings and structures accessory thereto, and the following special zone regulations shall apply:

- | | | |
|------|----------------------|--------------|
| (i) | Minimum Lot Frontage | 105m |
| (ii) | Minimum Lot Area | 1.4 hectares |

R3-86 (Apartment Building)

(By-law 1467/42/84)

In addition to the uses permitted in the Third Density Residential (R3) zone, this land may also be used for a building containing four (4) dwelling units and uses, buildings and structures accessory thereto. In addition the following special regulations shall apply:

- | | | |
|-------|---------------------------|-------------------------|
| (i) | Minimum Lot Area | 105m ² /unit |
| (ii) | Minimum Rear Yard Setback | 8.5m |
| (iii) | Minimum Parking Area | 1 space/ dwelling unit |

A-87 (Concrete Products) (By-law 1488/63/84 as amended by By-law 3314/45/96)

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used for the manufacture of concrete products including, but not so as to limit the generality of the foregoing, sidewalk slabs, patio slabs, steps, septic tanks, catch basins, cisterns, curbstones, and buildings, structures and uses accessory thereto, and the following special regulations shall apply:

- | | | |
|--------|---|--|
| (i) | Minimum Lot Frontage | 9.0m |
| (ii) | Minimum Front Yard | 75.0m |
| (iii) | Minimum South Interior Side Yard | 18.0m |
| (iv) | Minimum North Interior Side | 50.0m |
| (v) | Minimum West Interior Side Yard | 15.0m |
| (iii) | Minimum Rear Yard | 130.0m |
| (vii) | Maximum Building Height | 1 storey |
| (viii) | Maximum Lot Coverage | 3.5% |
| (ix) | Outside Storage shall be permitted in, and subject to the following yards and setbacks: | |
| | (a) | Rear yard 50.0m |
| | (b) | The South Interior Side Yard 3.0m |
| | (c) | The North Interior Side Yard 9.0m |
| (x) | Outside Display shall be permitted in the Rear Yard and subject to: | |
| | (a) | Rear Yard 18.0m |
| | (b) | Minimum North Interior Side Yard 91.0m |
| | (c) | Minimum South Interior Side Yard 3.0m |

(d) Maximum Height 3.0m

(xi) Outside Storage of commercial vehicles shall not be located in the required front yard.

HD-88 (Artist's Studio)

(By-law 1520/95/84)

In addition to the uses permitted in the Hamlet Development (HD) zone, this land may also be used for an artist's studio conducted for gain or profit within a dwelling or accessory residential building or structure by occupant(s) residing in such dwelling. An artist's studio means the workshop or atelier or an artist including but not so as to limit the generality of the foregoing, a glassblower, a painter, a sculptor, a person who works in one of the performing arts, a designer, an artisan or other similar occupations and uses, buildings and structures accessory thereto. In addition, the following special regulations shall apply thereto:

- (i) The gross floor area occupied by the artist's studio shall not exceed 580m² and shall not be considered part of the required dwelling unit area.
- (ii) There shall be no external display or advertising of the artist's studio other than a ground sign of maximum 5.0m² size and a fascia sign of maximum 6.0m² size erected in accordance with the Municipal Sign By-law.
- (iii) There shall be no external storage of goods or materials.
- (iv) Maximum Lot Coverage 7 percent
- (v) Minimum Parking Requirement 1space/25m² of gross floor area
- (vi) Parking area for not more than two (2) commercial vehicles shall be permitted on the subject property.

RU-89 (Trucking Contractor)

(By-law 1476/51/84)

In addition to the uses permitted in the Rural (RU) zone, this land may also be used for a trucking contractor's office and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- (i) No outside storage of materials shall be permitted.
- (ii) Parking area for not more than ten (10) commercial vehicles shall be provided.
- (iii) The gross floor area occupied by the contractor's office shall not exceed 25 per cent of the dwelling unit area and shall not be considered part of the required dwelling unit area.

R3-90 (Taxi Dispatch Office)

(By-law 1486/61/84)

Notwithstanding the Third Density Residential (R3) zone to the contrary, this land may also be used for a taxi dispatch office and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- (i) There shall be no external display or advertising of the taxi dispatch office other than a sign of maximum 0.05m² size erected in accordance with the municipal Sign By-law.
- (ii) The gross floor area occupied by the taxi dispatch office shall not exceed 15m² and shall not be considered part of the required dwelling unit area.

RD-91 (Highway Commercial Special) (By-law 1606/31/85)

In addition to the uses permitted in the Residential Development (RD) zone, this land may also be used for the following uses including buildings, uses or structures accessory thereto:

- i) animal hospital or shelter
- ii) electrical appliance sales and/or service establishment
- iii) garden and produce centre
- iv) plumbing and heating sales and service establishment
- v) florist shop
- vi) vehicle sales or rental establishment
- vii) variety store
- viii) gift shop
- ix) merchandise service shop
- x) studio
- xi) taxi establishment
- xii) caterer
- xiii) bank
- xiv) furniture refinishing
- xv) professional and business office
- xvi) mini-putt golf course.

The following special zone requirements will apply thereto:

- | | | |
|----|----------------------------|------------|
| a) | minimum lot area | 0.3ha |
| b) | minimum lot frontage | 65m |
| c) | minimum lot depth | 50m |
| d) | minimum front yard | 9m |
| e) | minimum interior side yard | 5m |
| f) | minimum rear yard | 5m |
| g) | maximum building height | 2 storeys |
| h) | maximum building coverage | 30 percent |

I-93 (Special Institutional)

(By-law 1615/40/85 as amended by
By-law 3427/9/97)

Subject to the provisions of Section 4 of this by-law and notwithstanding the requirements of the Institutional (I) zone to the contrary, the provisions of this section shall apply in the I-93 (Special Institutional) zone except as otherwise provided in Schedule `B' of this by-law:

- a) Uses Permitted:
 - i) those uses permitted in Section 28.2(a) Residential Uses of the Institutional (I) zone;
 - ii) a Residential Retirement Home containing not more than 100 beds in 80 bedroom units;
 - iii) a public diningroom or restaurant is specifically not permitted;

iv) uses, buildings and structures accessory thereto.

b) Zone Requirements:

i)	Minimum Lot Area	1.13ha
ii)	Minimum Lot Frontage	95.0m
iii)	Minimum Lot Depth	118.0m
iv)	Minimum Side Yard	the greater of either one-half the height of any building or structure adjacent to such yard or 4.5m
v)	Minimum Rear Yard	30.0m
vi)	Minimum Front Yard	8.0m
vii)	Maximum Lot Coverage for buildings	40 per cent
viii)	Maximum Building Height	11.0m
ix)	Minimum Bedroom Size	26.0m ²
x)	Minimum Landscaped Open Space	35 per cent

c) Zone requirements for accessory buildings and structures:

i)	Minimum rear yard	7.5m
ii)	Minimum side yard	3.0m
iii)	Maximum Building Height	1.5 storeys

R4-94 (Multiple Residential)

(By-law 1617/42/85)

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the use of this land shall comply with the following special regulations:

- i) for apartment dwellings:
- a) minimum lot area - 118m²/unit
 - b) minimum rear yard - 9.0m
 - c) parking area shall be permitted in the required front yard provided the parking area shall be separated from the front lot line and the side lot lines by a planting strip having a minimum width of 1.5m measured perpendicular to the said lot lines.
- ii) for converted dwellings:

The zone requirements of the Third Density Residential (R3) zone pertaining to converted dwellings shall apply.

1-96 (Cemetery)

(By-law 1705/130/85)

Subject to the General Provisions of Section 4, and notwithstanding the provisions of the Institutional (I) zone to the contrary, this land shall be used only for cemetery purposes and uses, buildings and structures accessory thereto.

In addition, the following special regulations shall apply thereto:

i) Minimum Lot Area	0.5 ha.
ii) Minimum Lot Frontage	10.0 metres
iii) Maximum Lot	2 per cent
iv) Maximum Building Height	1-1/2 storeys
v) Minimum Yard Setback	3.0 metres

R1-97 (Beauty Salon)(By-law 1739/4/86)

In addition to the uses permitted in the First Density Residential (R1) zone, this land may also be used for a beauty salon carried on as an accessory use to the single-detached dwelling, provided the dwelling is the principal private residence of the person carrying on the beauty salon occupation. In addition, the following special regulations shall apply thereto.

- i) The gross floor area occupied by the beauty salon shall not exceed 25m sq. and shall not be considered part of the required dwelling unit area.
- ii) The beauty salon shall not be located in an accessory building or structure.
- iii) No outdoor storage of material, goods and equipment relating to the beauty salon will be permitted.
- iv) There shall be no external display or advertising of the beauty salon other than a legal sign.
- v) No person other than a resident of the dwelling on this land shall be employed in the beauty salon.

NC-98 (Reduced Lot Size)(By-law 1740/5/86)

Notwithstanding the provisions of the Neighbourhood Commercial (NC) zone to the contrary, this land may have a minimum lot area of 0.15 hectares.

LR-99 (Reduced Lot Size)(By-law 1740/5/86)

Notwithstanding the provisions of the Lakeshore Residential (LR) zone to the contrary, this land may have a minimum lot area of 0.30 hectares.

R1-100 (Reduced Lot Size)(By-law 1740/5/86)

Notwithstanding the provisions of the First Density Residential (R1) zone to the contrary, this land may have a minimum lot area of 0.20 hectares.

CC-101 (Special Exception)By-law 3806/92/99

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, the following uses and special regulations shall apply to this property:

- i) Permitted uses:
 - a) a caterer
 - b) a business or professional office
 - c) a personal service shop
 - d) a refreshment room

- e) an eat-in and take-out restaurant
 - f) a retail store
 - g) a produce market
 - h) a bake shop
-
- ii) Minimum lot area 800m²
 - iii) Minimum lot frontage 20m
 - iv) Minimum lot depth 40m
 - v) Minimum front yard 10m
 - vi) Minimum interior side yard as existing
 - vii) Minimum exterior side yard 2m
 - viii) Minimum rear yard 10m
 - ix) Maximum building height 2.5 storeys
 - x) Maximum lot coverage 50%
 - xi) Minimum landscaped area 25%

R2-102 (Parking Lot)(By-law 1763/28/86)

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a parking lot for passenger automobiles excluding recreational vehicles, commercial vehicles, mobile homes and trailers, and the following special regulations shall apply to the parking lot:

- i) minimum rear yard 7.5m
- ii) minimum north side yard 1.0m
- iii) minimum front yard for the northerly ½ of the lot 6.5m
- iv) minimum front yard for the southerly ½ of the lot 3.0m
- v) minimum landscaped area 40%

A-103 (Golf Course)(By-law 1762/27/86)

In addition to the uses permitted in the Agricultural (A) zone this land may also be used for a golf course and accessory uses, buildings and structures thereto, including a club house.

R2-104 (Reduced Lot Size)(By-law 1769/34/86)

Notwithstanding the provisions of the Second Density Residential zone (R2) to the contrary, the following special regulations shall apply:

- i) Minimum Lot Area 296.54m sq.
- ii) Minimum East Interior Side Yard 2.5m

R2-105 (Office & Indoor Storage)(By-law 1781/46/86)

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for office purposes relating to A.R.C. Industries, and, uses, building and structures accessory thereto including the storage of wood and wood products totally enclosed within a building.

In addition, the following special regulations shall apply thereto:

- i) Maximum Lot Coverage 30%

- | | | |
|------|--|-------------|
| ii) | Minimum Interior Side Yard | 5.0m |
| iii) | Minimum Rear Yard | 1.0m |
| iv) | Maximum Height for Accessory Building and Building for Storage of Wood and Wood products | 1.5 storeys |
| v) | Maximum Height for Office Bldg. | as existing |

NC-106 (Neighbourhood Commercial Special) (By-law1783/48/86 as amended by By-Law 3496/77/97)

In addition to the uses permitted in the Neighbourhood Commercial (NC) zone, this land may also be used for a motor fuel retail outlet and an eat-in restaurant.

In addition, the following special regulations shall apply to all uses permitted on these lands:

- | | | |
|------|---|---|
| i) | maximum gross floor area | 400m ² |
| ii) | maximum lot coverage | 30% |
| iii) | minimum interior side yard | 15m |
| iv) | minimum rear yard | 6m |
| v) | maximum seating capacity for a restaurant use | 24 persons |
| vi) | maximum gross floor area for a restaurant use | 47m ² |
| vii) | MOTOR FUEL PUMP ISLAND LOCATION: | |
| | Nothing in this By-law shall prevent the location of a motor fuel pump island in any part of required or other front yard or exterior side yard, provided that: | |
| | i) | the minimum distance between any portion of a motor fuel pump island and any street line or other lot line shall be 5.0m; and |
| | ii) | the minimum distance between any post or support column of a motor fuel pump island canopy and any street line or other lot line shall be 5.0m; and |
| | iii) | the minimum distance between any kiosk accessory to a motor fuel pump island and any street line or other lot line shall be 9.0m; and |
| | iv) | the maximum ground floor area for a kiosk accessory to a motor fuel pump island shall be 50m ² ; and |
| | v) | in the case of a corner lot, no portion of any motor fuel pump island, kiosk, post or supporting column for a canopy shall be located closer than 3.0m to a sight triangle. |

HC-107 (Commercial Greenhouse)(By-law 1788/50/86)

In addition to the uses permitted in the Highway Service Commercial (HC) zone, this land may also be used for a commercial greenhouse, one single-detached dwelling per lot and uses, buildings and structures accessory thereto.

The following special regulations will apply thereto:

- i) "Commercial Greenhouse" means a building or structure for
 - the growing of flowers, plants, shrubs, trees and similar vegetation either for farm or commercial purposes;
 - the wholesale or retail sale of the flowers, plants, shrubs, trees and similar vegetation produced on the premises;
 - a garden centre;
 - landscaping business.
- ii) Maximum Lot Coverage for all buildings and structures - 60%
- iii) Minimum Front Yard Setback for the single-detached dwelling - as existing
- iv) Minimum Side Yard for the Commercial Greenhouse abutting lands zoned Hamlet Residential
 - on the side where discharge fans are located - 25m
 - on the side where no discharge fans are located - 15m

R3-108 (Apartment Building)(By-law 1815/80/86)

In addition to the uses permitted in the Third Density Residential (R3) zone, this land may also be used for a building containing not more than four (4) dwelling units and uses, buildings and structures accessory thereto. In addition, the following special regulations shall apply:

- i) Minimum Lot Area 115m sq./dwelling unit
- ii) Minimum Rear Yard as existing
- iii) Minimum Parking Space Requirement 0.75 space/ dwelling unit
- iv) Minimum Floor Area/Bachelor Dwelling Unit 40m²/ dwelling unit

R2-109 (A.R.C. Industries)(By-law 1879/146/86)

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a woodworking shop for the purposes of A.R.C. Industries and uses, buildings and structures accessory thereto including offices and the storage of wood, wood products and by-products. In addition, the following special regulations shall apply thereto:

- i) front yard setback as exiting

- | | | |
|------|---|---|
| ii) | easterly side yard | 15.0m except for an accessory building with maximum floor area of 15m sq used for purposes other than processing or storage of wood, wood products, wood by-products - 1.0m |
| iii) | side yard abutting Mellanby Avenue | as existing |
| iv) | rear yard setback | as existing except for a building for accessory storage - 1.0m |
| v) | height | 1 storey |
| vi) | no open outdoor storage shall occur in the front yard. | |
| vii) | open outdoor storage shall be separated from the lot line abutting Mellanby Avenue by a yard having a minimum width of 10.0m measured perpendicular to the said lot line and shall be separated from the north and south lot lines extending perpendicular from Mellanby Avenue by a yard having a minimum width of 1.5m measured perpendicular the said lot lines. | |

R4-110 (Apartment Dwelling)(By-law 1826/91/86)

Notwithstanding the provisions of the Fourth Density Residential (R4) zone to the contrary, the use of this land shall comply with the following special regulations:

- | | | |
|-------|---|---|
| i) | minimum lot area
(By-law 1924/43/87) | 150m ² / dwelling unit |
| ii) | minimum lot frontage | 30m |
| iii) | minimum west side yard | 2.5m |
| iv) | minimum east side yard | 15m |
| v) | maximum height | 2 storeys |
| vi) | minimum front yard | as existing |
| vii) | minimum rear yard | as existing |
| viii) | maximum lot coverage | 50% |
| ix) | minimum landscaped area | 20% |
| x) | minimum floor area/dwelling unit: | |
| | i) | for maximum of two dwelling units 40m sq. |
| | ii) | for all remaining dwelling units: |
| | - Bachelor | 40m sq. |
| | - One Bedroom | 50m sq. |
| | - Two Bedroom | 55m sq. |
| xi) | Parking area shall be permitted in the required front yard provided the parking area is separated from the front lot line by a planting strip having a minimum width of 3.0m measured perpendicular to the said lot line. | |
| xii) | minimum parking requirement
(By-law 1924/43/87) | 1.1 spaces/1 dwelling unit |

R4-111 (Apartment Building)(By-law 1820/85/86)

Notwithstanding the provision of the Fourth Density Residential(R4) zone to the contrary, this land may be used for an apartment dwelling with a maximum of eight (8) dwelling units contained therein, and the following special regulations shall apply:

- | | | |
|-------|---|-----------------------|
| i) | lot area | 90m sq./unit |
| ii) | lot frontage | 15.0m |
| iii) | front yard | 2.2m |
| iv) | side yard (south) | 2.4m |
| v) | side yard (north) | 0m |
| vi) | min. number of parking spaces | 1 space/dwelling unit |
| vii) | maximum building height | 2 storeys |
| viii) | minimum landscaped area | 7.5% |
| ix) | maximum lot coverage | 55% |
| x) | minimum unobstructed two-way access to parking area | 4.4m |
| xi) | the parking area shall be permitted in the rear yard and required interior side yard and shall not require the provision of planting strips adjacent to the rear lot line or side lot line. | |

CC-112 (Business Office)By-law 3695/121/98

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, this land may be used for a maximum of four (4) dwelling units in combination with a business or professional office, and the following special regulations shall apply:

- | | | |
|-------|--|-------------------|
| i) | minimum lot area | 795m ² |
| ii) | minimum lot frontage | 15.0m |
| iii) | minimum front yard | 2.2m |
| iv) | minimum side yard (north) | 2.1m |
| v) | minimum side yard (south) | 0m |
| vi) | minimum number of parking spaces | 7 |
| vii) | minimum landscaped area | 6% |
| viii) | maximum lot coverage | 35% |
| ix) | minimum unobstructed two-way access to parking area | 4.4m |
| x) | maximum building height | 2 storeys |
| xi) | the parking area shall be permitted in the rear yard and required interior side yard and shall not require the provision of planting strips adjacent to the rear lot line or side lot line | |
| xii) | maximum floor area for business and professional office use | 124m ² |
| xiii) | maximum number of dwelling units | 4 |

CM-114 (Restricted Commercial Marine) (By-law 1845/110/86)

Notwithstanding the provisions of the Commercial Marine (CM) zone to the contrary, this land shall only be used for boat sales and storage, boat launching ramps and docking facilities, a restaurant, and uses, building and structures accessory thereto and the following special regulations shall apply:

(a)	minimum lot area	0.7 ha
(b)	minimum lot frontage	30m
(c)	maximum building height	2 storeys
(d)	maximum lot coverage	15%
(e)	minimum landscaped area	15%
(f)	minimum front yard	20m
(g)	minimum rear yard	5m
(h)	minimum south side yard	5m
(i)	minimum north side yard	13.5m

CC-115 (Motor Fuel Retail Outlet)(By-law 1853/120/86)

In addition to the uses permitted in the Central Commercial (CC) zone, this land may also be used for a motor fuel retail outlet. This land shall be exempted from the parking and loading requirements of the By-law with the exception of buildings containing dwelling units where the residential provisions of Section 4.23 shall apply.

HD-116 (Poultry Farm)(By-law 1851/116/86)

Notwithstanding the provisions of the Hamlet Development (HD) zone to the contrary, this land may be used for a farm for the raising of poultry, and the following special regulations shall apply thereto:

i)	maximum gross floor area for the raising of poultry	1500m sq.
ii)	minimum west side yard	50m
iii)	minimum setback to Hamlet Residential zone	130m

R3-117 (Apartment Building)(By-law 1884/3/87)

Notwithstanding the provisions of the Third Density Residential zone to the contrary, the use of this land shall comply with the following special regulations:

i)	minimum lot area	65m square/dwelling unit
ii)	minimum lot frontage	11.5m
iii)	minimum west side yard	as existing
iv)	minimum east side yard	as existing

- | | | |
|-------|-------------------------|-------------|
| v) | maximum height | 2.5 storeys |
| vi) | minimum front yard | as existing |
| vii) | maximum lot coverage | 60% |
| viii) | minimum landscaped area | 11% |

CC-118 (Accessory Residential Unit) (By-law 1886/5/87)

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, this land may be used for one accessory dwelling unit in a building in combination with an automobile service station, an existing motor fuel retail outlet, a vehicle repair shop and a vehicle sales or rental establishment.

In addition, the following special regulations shall apply thereto:

- | | | |
|----|--|-----|
| a) | minimum landscaped area | 10% |
| b) | no accessory dwelling unit shall be located above an area used for the storage of vehicle fuels or for the repair and maintenance of vehicles. | |

LI-119 (Machine Shop)

(By-law 2021/142/87)

Notwithstanding the provisions of the Light Industrial (LI) zone to the contrary, this land may only be used for a machine shop and uses, buildings and structures accessory thereto.

In addition, the following special regulations shall apply thereto:

- | | | |
|-------|--|-----------------|
| i) | The provisions of Section 4.3(b)(ii) shall not apply. | |
| ii) | Minimum lot area | 4500m sq.metres |
| iii) | Minimum lot frontage | 40 metres |
| iv) | Minimum yard setback: | |
| | -to the north lot line | 15 metres |
| | -to lands zoned Residential | 15 metres |
| | -to lands zoned Highway Service Commercial | 5 metres |
| | -to lands zoned Heavy Industrial | 3 metres |
| | -to the east lot line abutting a street | 5 metres |
| v) | Maximum building height | 1 storey |
| vi) | Minimum landscaped open space | 10% |
| vii) | Maximum lot coverage | 35% |
| viii) | Open storage and display areas shall not be located within any yard. | |
| ix) | Parking areas may be located in any yard provided a planting strip is provided where any yard abuts a street or lands which are zoned residential. Said planting strip shall have a minimum width measured perpendicular to the lot line as follows: | |

- | | | |
|------|--|------------|
| i) | planting strip abutting
the north lot line | 9.0 metres |
| ii) | planting strip abutting lands
zoned residential | 9.0 metres |
| iii) | planting strip in all other
cases | 3.0 metres |
- x) Loading spaces shall not be located in any required yard.

R4-120 (Apartment)(By-law 1922/29/87)

Notwithstanding the provisions of the Fourth Density Residential zone to the contrary, this land may only be used for an apartment building and uses, buildings and structures accessory thereto.

In addition, the following special regulations shall apply thereto:

- | | | |
|-------|--|--------------|
| i) | minimum lot frontage | 30 metres |
| ii) | minimum front yard | as existing |
| iii) | minimum interior side yard | as existing |
| iv) | minimum exterior side yard | as existing |
| v) | maximum rear yard | as existing |
| vi) | minimum floor area/unit: | |
| | 2 Bedroom | 55 sq.metres |
| | 1 Bedroom | 40 sq.metres |
| | Bachelor | 30 sq.metres |
| vii) | maximum number of dwelling units: | 8 |
| viii) | parking may be permitted in the required front yard provided the parking area is separated from the front lot line by a planting strip having a minimum width of 3.0 metres measured perpendicular to the said lot line. | |
| ix) | minimum number of parking spaces | 10 |

A-121 (Antique Farm Machinery Display) By-law 1941/61/87)

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used as an exhibition grounds for the display of antique farm equipment, and uses, buildings, and structures accessory thereto, and the following special regulations shall apply thereto:

- | | | |
|----|----------------------------|------|
| i) | minimum exterior side yard | 9.0m |
|----|----------------------------|------|

R4-122 (Converted Dwelling)(By-law 1948/68/87)

Notwithstanding the provisions of the Fourth Density Residential (R4) zone to the contrary, this land shall only be used for one converted dwelling per lot and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- | | | |
|------|---|-------------|
| i) | minimum yard setback to the north lot line which is perpendicular to the front lot line | 0.4 metres |
| ii) | minimum rear yard | 4.5 metres |
| iii) | minimum south interior side yard | 4.5 metres |
| iv) | maximum height | as existing |

R3-123 (Converted Building)(By-law 1969/88/87)

Notwithstanding the provisions of the Third Density Residential (R3) zone category to the contrary, this land shall only be used for one building containing not more than four (4) dwelling units. In addition, the following special regulations shall apply thereto:

- | | | |
|-------|---|--|
| i) | minimum lot frontage | 11.5 metres |
| ii) | minimum front yard | as existing |
| iii) | minimum side yards | as existing except that the south side yard shall have a minimum 0.3 metre setback |
| iv) | minimum rear yard | as existing |
| v) | minimum floor area | 55 sq. metres per dwelling unit |
| vi) | maximum height | one storey |
| vii) | minimum driveway width | 2.4 metres |
| viii) | minimum planting strip on the north side of the parking lot | 0.8 metres |
| ix) | minimum landscaped area | 40% |
| x) | Maximum lot coverage | 50% |

R3-124 (Converted Dwelling)(By-law 1969/88/87)

Notwithstanding the provisions of the Third Density Residential (R3) zone category to the contrary, this land shall only be used for one single-detached dwelling or one converted dwelling containing two (2) units. In addition, the following special regulations shall apply thereto:

- | | | |
|------|-------------------------|------------|
| i) | minimum north side yard | 1.8 metres |
| ii) | minimum landscaped area | 30% |
| iii) | minimum driveway width | 2.4 metres |

MSC-125 (Reduced Driveway)(By-law 1971/90/87)

Notwithstanding the provisions of the Main Street Commercial (MSC) zone to the contrary, the use of this land shall comply with the following special regulations:

- i) minimum width for driveway for two-way access 7.3 metres

R3-127 (Semi-Detached Dwelling) (By-law 1986/105/87)

Notwithstanding the provisions of the Third Density Residential (R3) zone to the contrary, the use of this land shall comply with the following special regulation:

- i) minimum exterior side yard 3.65 metres

R4-128 (Apartment Dwelling) (By-law 2505/121/90)

Notwithstanding the provisions of the Fourth Density Residential zone to the contrary, the use of this land shall comply with the following special regulations:

- i) minimum lot area 190 square metres/unit
- ii) minimum lot frontage 29 metres
- iii) maximum height 2 storeys
- iv) maximum lot coverage 30%
- v) minimum easterly sideyard 2.4m
- vi) minimum parking requirement 1.3 spaces/ dwelling unit
- vii) parking shall be permitted in the required front yard.

The erection or use of buildings or structures on this land is prohibited unless the following municipal services are available to service this land, namely:

- (a) sanitary sewers within the uncommitted sewage treatment capacity of the Port Colborne - Seaway Sewage Treatment Plant as determined solely by the Council of the Corporation of the City of Port Colborne in accordance with the provisions of any applicable policy or legislation of any government authority, entity or agency, including any by-law or resolution of that Council.

R3-129 (Converted Building) (By-law 2005/124/87)

Notwithstanding the provisions of the Third Density Residential zone to the contrary, the use of this land shall only be for a dwelling containing up to four units and uses, buildings and structures accessory thereto. In addition, the use of this land shall comply with the following special regulations:

- i) minimum landscaped area 30%
- ii) minimum unobstructed driveway width as existing

I-130 (Recreation Hall) (By-law 2036/157/87)

Notwithstanding the provisions of the Institutional zone to the contrary, the use of this land shall only be for an auditorium and uses, buildings and structures accessory thereto. In addition, the use of this land shall comply with the following special regulations:

- i) minimum rear yard as existing or as created by the consent of the Land Division Committee

- | | | |
|------|----------------------------|---|
| ii) | minimum interior side yard | as existing or as created by the consent of the Land Division Committee |
| iii) | minimum landscaped open | as existing or as space created by the consent of the Land Division Committee |

I-131 (Holding Provisions - Sewage Treatment Capacity)
(By-law 2013/133/87 as amended by By-law 2602/74/91)

Notwithstanding the provisions of the Institutional zone to the contrary, the use of this land shall be restricted to a Church, an Auditorium and a Senior Citizen's Apartment House with a maximum of 40 dwelling units.

Notwithstanding the provisions of the HST (Holding Provisions - Sewage Treatment Capacity) zone to the contrary, holding provisions shall not apply to the use of these lands for a church or an auditorium.

SC-132 (Special) (By-law 2028/149/87)

Notwithstanding the provisions of the Shopping Centre Commercial (SC) zone to the contrary, this land shall only be used for the following:

1. Uses Permitted:
 - (a) business or professional office
 - (b) bank or trust company
 - (c) personal service shop
 - (d) restaurant
 - (e) retail store
 - (f) bake shop
 - (g) library
 - (h) arcade
 - (i) convenience type retail store
 - (j) day nursery

In addition, the following special regulations shall apply:

2. Zone Requirements:

(a)	minimum lot area	1.0 hectare
(b)	minimum lot frontage	92 metres
(c)	minimum front yard	27 metres
(d)	minimum exterior side yard	27 metres
(e)	minimum rear yard	9 metres
(f)	maximum building height	1 storey
(g)	lot coverage	25%
(h)	minimum landscaped area	15%

- | | | |
|-----|--------------------------|--|
| (i) | maximum gross floor area | 230m ² for permitted uses described in Section 1(a) to (j) above. |
|-----|--------------------------|--|

R3-133 (Converted Building)(By-law 2032/153/87)

Notwithstanding the provisions of the Third Density Residential zone to the contrary, the use of this land shall only be for a dwelling containing up to four units and uses, buildings and structures accessory thereto. In addition, the use of this land shall comply with the following special regulations:

- | | | |
|------|--|-----------------------|
| i) | minimum lot area | 105square metres/unit |
| ii) | minimum front yard | as existing |
| iii) | minimum landscaped area | 30% |
| iv) | No minimum planting strip is required to separate a parking area and the rear lot line or the side lot line. | |

R3-134 (Duplex)(By-law 2034/155/87)

Notwithstanding the provisions of the Third Density Residential (R3) zone to the contrary, the use of this land shall only be for a duplex dwelling or a single-detached dwelling. In addition, the use of this land shall comply with the following special regulations:

- | | | |
|------|---|-------------------|
| i) | minimum lot area | 540 square metres |
| ii) | minimum front yard | as exiting |
| iii) | minimum north side yard | as existing |
| iv) | no minimum planting strip is required to separate a parking area and the side lot line. | |

EP-135 (Special)(By-law 2042/162/87)

In addition to the provisions of the Environmental Protection (EP) zone, this land may also be used for one single-detached dwelling including buildings, uses or structures accessory thereto. In addition, the use of this land for a single-detached dwelling and accessory buildings, uses or structures shall comply with the following special regulations:

- | | | |
|----|---|---------------|
| a) | minimum lot frontage | as existing |
| b) | minimum lot area | as existing |
| c) | maximum lot coverage | 10% |
| d) | minimum front yard | 15m |
| e) | minimum exterior side yard | 15m |
| f) | minimum interior side yard | 7.5m |
| g) | minimum rear yard | 250m |
| h) | maximum height | 2.5 storeys |
| i) | minimum ground floor area for a dwelling: | |
| | i) one-storey | 75 sq. metres |
| | ii) two-storey | 45 sq. metres |
| j) | maximum lot coverage for accessory buildings | 1% |
| k) | maximum building height for accessory buildings | 1.5 storeys |

NC-136 (Special)(By-law 2043/163/87)

Notwithstanding the provisions of the Neighbourhood Commercial (NC) zone to the contrary, the following special regulations shall apply:

- | | | |
|----|--|-------------------|
| a) | minimum front yard | 12.0m |
| b) | minimum interior side yard | 4.5m |
| c) | maximum exterior side yard | 12.0m |
| d) | minimum rear yard | 6.0m |
| e) | maximum building height | 1 storey |
| f) | maximum gross floor area | 375 square metres |
| g) | minimum planting strip
separating the west lot line
and the parking area | 1.8m |

R2-137 (Special)(By-law 5057/112/07)

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a Bed & Breakfast establishment, seniors lodging and a refreshment "tea room" as accessory uses to the single-detached dwelling, provided, the single-detached dwelling is the principal residence of the person carrying on the Bed & Breakfast establishment, seniors lodging and refreshment "tea room". In addition, the following special regulations shall apply thereto:

- a) A maximum of 4 guest rooms be permitted for the use of seniors lodging only.
- b) A maximum of 2 guest rooms be permitted for the use of either seniors lodging or bed and breakfast patrons
- c) The refreshment "tea room" shall not contain more than 16 seats total.
- d) A minimum of 2 parking spaces be provided on-site.

R3-138 (Third Density Residential)By-law 2057/4/88

Notwithstanding the provisions of the Third Density Residential (R3) zone to the contrary, the following special regulations shall apply thereto:

- (1) minimum lot frontage 17.5 metres.

HC-139(By-law 2655/128/91 as amended by By-law 2830/9/93)

Notwithstanding the provisions of the Highway Service Commercial (HSC) zone to the contrary this land shall only be used for the following:

- i) A building with a minimum of one (1) and a maximum of two (2) commercial units on the ground floor used for any of the following purposes:
 - a) public uses of any kind
 - b) studios
 - c) bank
 - d) business or professional offices
 - e) convenience type retail store
 - f) laundromat
 - g) beer and/or liquor store
 - h) electrical appliance and/or plumbing sales and/or service establishment

- i) merchandise service shop
 - j) caterer
- ii) Accessory Residential Uses
- Dwelling units in a building in combination with one or more of the uses listed above; to a maximum of fifteen dwelling units and the provisions of section 18.2(b) shall not apply.
- (iii) Other Accessory Uses
- Uses, buildings and structures accessory to any permitted commercial use.

In addition, the following special regulations shall apply thereto:

- i) Notwithstanding Subsection(97) of Section 31 entitled 'Definitions', "Lot" shall be defined as the lands described as Part 2 on Plan 59R-5819 as registered in the Welland Registry Office and having a lot frontage of 117.8' and lot depth of 209.5'.
- ii) Minimum side yard setback to the west lot line 12.0m
- iii) The parking area shall be permitted in the west interior side yard with a planting strip of minimum 0.5m in width measured perpendicular to the west lot line.
- iv) Parking for the dwelling units will be required at a ratio of 1.5 spaces/unit."

NFR-140 (Special)

(By-law 2077/24/88)

Notwithstanding the provisions of the NFR (Non-Farm Residence) zone to the contrary, the use of this land shall comply with the following special regulations:

- | | | |
|------|---|---------------|
| i) | minimum lot frontage | 35.0 metres |
| ii) | minimum lot area | 0.12 hectares |
| iii) | maximum lot coverage | 20% |
| iv) | maximum accessory building lot coverage | 6% |

NC-141 (Special)

(By-law 2083/30/88)

Notwithstanding the provisions of the Neighbourhood Commercial (NC) zone to the contrary, the following special regulations shall apply:

- | | | |
|----|--|---------------|
| a) | maximum gross floor area | 290 sq.metres |
| b) | minimum rear yard | 3.0m |
| c) | minimum planting strip abutting north lot line | 1.2m |
| d) | minimum parking aisle width | 6m |
| e) | minimum sight triangle measured from the junction of the two street lines along the front lot line and exterior side lot line of 4.5m. | |
| f) | maximum height | 1 storey |

R1-142 (Satellite Dish Consultant & Service Contractor)

(By-law 2108/55/88)

In addition to the uses permitted in the First Density Residential (R1) zone, this land may also be used for the office of a satellite dish consultant and service contractor provided the office is located entirely within the existing dwelling. In addition, the outside storage of goods and/or materials related to the business/office shall not be permitted on the land.

R3-143 (Converted Dwelling/Parking) (By-law 2101/48/88)

Notwithstanding the provisions of the Third Density Residential (R3) zone to the contrary, the use of this land shall only be for a converted dwelling. In addition, the use of this land shall comply with the following special regulations:

- i) minimum number of parking spaces - 1.5 parking spaces/dwelling unit.

CC-143 (Parking Access & One Ground Floor Residential Unit) (By-law 2107/54/88)

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, the following special regulations shall apply:

- i) minimum unobstructed one-way access to parking area - 2.43m
- ii) commercial use(s) of the property is/are exempt from the parking and loading requirements of the by-law.
- iii) One residential dwelling unit may be permitted on the ground floor.

CC-144 (Rear Yard & Parking) (By-law 2129/76/88)

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, the following special regulations shall apply:

- i) minimum required rear yard - 0.5 metres
- ii) minimum required parking spaces - as existing

R2-145 (Dwelling Unit over Garage) (By-law 2137/84/88)

Notwithstanding the provisions of the Second Density Residential (R2) zone to the contrary, the use of this land shall only be for a single-detached dwelling and uses, buildings and structures accessory thereto including one garage with an upper residential unit.

HC-145 (Special) (By-law 2130/77/88)

Notwithstanding the provisions of the Highway Service Commercial (HC) zone to the contrary, this land shall comply with the following special regulation:

- i) minimum west interior side yard - 3m

HC-146 (Special)(By-law 2131/78/88)

Notwithstanding the provisions of the Highway Service Commercial (HC) zone to the contrary, this land shall comply with the following special regulation:

- i) minimum west interior side yard - 3 metres

HC-147 (Trucking Business & Ground Floor Residential Unit)(By-law 2141/88/88)

In addition to the uses permitted in the Highway Service Commercial (HC) zone to the contrary, this land may also be used for a trucking business and a ground floor residential unit, and uses, buildings and structures accessory thereto, and the following special regulations shall apply:

- i) Minimum Lot Frontage 20.7 metres
- ii) Minimum Front Yard 6 metres
- iii) Minimum Lot Area 695 sq. metres
- iv) Minimum West Interior Side Yard 1.5 metres
- v) Zone requirement for Accessory Buildings & Structures:
 - a) Minimum Rear Yard 0.6 metres
 - b) Minimum Side Yard 0.3 metres
- vi) Parking Regulations:
 - a) Front Yard Planting Strip not required.
 - b) Side Yard Planting Strip not required.

R3-148 (Dwelling Units)(By-law 2142/89/88)

Notwithstanding the provisions of the Third Density Residential (R3) zone to the contrary, the use of this land shall only be for a converted dwelling and uses, buildings and structures accessory thereto. In addition, the use of this land shall comply with the following special regulations:

- i) Minimum Floor Area - 48.6 square metres/dwelling unit.

CC-149 (Ground Floor Residential Units) (By-law 2143/90/89)

Notwithstanding the provisions of the Central Commercial (CC) zone to the contrary, the following special regulations shall apply:

- i) Maximum Number of Ground Floor Residential Units - 3
- ii) Maximum Gross Floor Area of Residential Units - 86.5%
- iii) Minimum Dwelling Unit Floor Area - 43 square metres.

NC-150 (Office Uses)(By-law 2163/111/88)

In addition to the uses permitted in the Neighbourhood Commercial (NC) zone, this land may also be used for the following uses including buildings, uses or structures accessory thereto:

- i) professional office

- ii) business office

R4-151 (Increased Unit Size) (By-law 2163/111/88)

Notwithstanding the provisions of the Fourth Density Residential (R4) zone to the contrary, the following special regulations shall apply:

- | | | |
|-----|--------------------|-------------------------------------|
| i) | Minimum Rear Yard | One-half the height of the building |
| ii) | Minimum Floor Area | |
| | One bedroom unit | -80 sq.metres |
| | Two bedroom unit | - 95 sq. metres |
| | Three bedroom unit | - 110 square metres |

R2-152 (Stained Glass Studio) (By-law 2171/119/88)

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a studio for the creation of stained glass windows provided the studio is located entirely within the dwelling. In addition, the outside storage of goods and/or materials and/or outside signage/ advertisement related to the studio shall not be permitted on the land.

CC-153 (Car Wash) (By-law 2177/125/88)

In addition to the uses permitted in the Central Commercial (CC) zone, this land may also be used for one automatic car wash provided that the car wash is located entirely within the existing building.

R1-154 (Rear Yard Setback) (By-law 2188/137/88)

Notwithstanding the provisions of the First Density Residential (R1) Zone to the contrary, the following special regulation shall apply:

- | | | |
|----|---|------|
| i) | minimum rear yard setback for
all buildings and structures | 7.5m |
|----|---|------|

HR-155 (Residential) (By-law 2189/138/88)

Notwithstanding Section 4.19(a) (Separation Distances of Farm and Non-Farm Buildings), this land may be developed in accordance with the requirements of M.D.S. Formula 1 only and in accordance to the Hamlet Residential (HR) zone requirements.

EP-156 (Special) (By-law 2215/15/89)

In addition to the provisions of the Environmental Protection (EP) zone, this land may also be used for one single-detached dwelling including buildings, uses or structures accessory thereto. In addition, the use of this land for a single-detached dwelling and accessory buildings, uses or structures shall comply with the following special regulations:

- | | | |
|----|----------------------------|-------------|
| a) | Minimum Lot Frontage | as existing |
| b) | Minimum Lot Area | as existing |
| c) | Maximum Lot Coverage | 10% |
| d) | Minimum Front Yard | 15m |
| e) | Minimum Exterior Side Yard | 15m |
| f) | Minimum Interior Side Yard | 55m |
| g) | Minimum Rear Yard | 355m |
| h) | Maximum Height | 2.5 storeys |

- | | | |
|----|---|---------------|
| i) | Minimum Ground Floor Area for a Dwelling: | |
| | i) one-storey | 75 sq. metres |
| | ii) two-storey | 45 sq. metres |
| j) | Maximum Lot Coverage for Accessory Buildings | 1% |
| k) | Maximum Building Height for Accessory Buildings | 1.5 storeys |

R2-158 (Yard Setbacks)(By-law 2236/35/89)

Notwithstanding the provisions of the Second Density Residential (R2) zone to the contrary, the use of this land shall comply with the following special regulations:

- | | | |
|------|---|-------------|
| i) | minimum rear yard | 3.5m |
| ii) | minimum front yard | as existing |
| iii) | minimum exterior side yard | as existing |
| iv) | for the purposes of this zone category "as existing" shall mean existing on March 13, 1989. | |

R4-159(Multiple Residential Regulations) By-law 2236/35/89

Notwithstanding the provisions of the Fourth Density Residential (R4) zone to the contrary, the use of this land shall comply with the following special regulations.

- | | | |
|-------|---|------------------------------|
| i) | Front lot line shall mean the street lot line fronting onto King Street | |
| ii) | For the purposes of this zone category "as existing" shall mean existing on March 13, 1989. | |
| iii) | Minimum lot area | 105m sq./dwelling unit |
| iv) | Minimum west yard | as existing |
| v) | Minimum south side yard | as existing |
| vi) | Minimum front yard | as existing |
| vii) | Minimum north side yard | 1.5m |
| viii) | Minimum landscaped area | as existing |
| ix) | Minimum landscaped area | as existing |
| x) | Minimum number of parking spaces | 1.2 spaces/
dwelling unit |
| xi) | No minimum planting strip is required to separate lot lines to the parking area | |
| xii) | Dimensions of parking spaces and <u>parking aisle</u> | as existing |

HC-160 (Highway Services Commercial - Mini-warehouse / Storage Use)
(By-law 4585/116/04)

Notwithstanding the provisions of Section 18.2(a) to the contrary, this land may also be used for mini-warehouse / storage use.

In addition, notwithstanding the provisions of Section 18.3(e) to the contrary, the following special regulations shall apply thereto:

- (i) Minimum west interior side yard - 3 metres"

RR-161 (Administration and Maintenance)(By-law 2303/104/89)

In addition to the uses permitted in the Recreational Resort (RR) zone, this land may also be used for accessory administration, maintenance and commercial facilities, accessory storage facilities and existing accessory dwellings for caretaking and staff personnel.

In addition to the regulations of the Recreational Resort (RR) zone the following special regulations shall apply thereto:

- a) Requirements for Control Structures

All yards and other no municipal requirements, provisions except for compliance with the regulations of the appropriate Federal and Provincial government agencies.

- b) Maximum Floor area 900 sq.m

RR-162 (Tent and Trailer) (By-law 2303/104/89 as amended by By-law 3302/32/96)

In addition to the uses permitted in the Recreational Resort (RR) zone, this land may also be used for improved tent and trailer sites.

In addition to the regulations of the Recreational Resort (RR) zone the following special regulations shall apply thereto:

- a) minimum size of site 6m x 9m
- b) landscaped open area a landscaped open area having a minimum width of 3.0 metres shall be provided between improved tent and trailer sites and any other use.
- c) Servicing all improved tent and trailer sites shall be serviced by private sanitary facilities and private water supply system, approved by the Medical Officer of Health of the Niagara Regional Health Unit.
- d) Access to each improved tent and trailer site shall be by a lane, road or driveway with a minimum unobstructed hard surface width of 6.0m where two way traffic is permitted and 3.0m wide where only one way direction of traffic flow is permitted or where the land, road or driveway services 5 sites or less.
- e) minimum parking requirement for each tent and trailer site 1 parking space located within the tent and trailer site or within 46 metres of the tent and trailer site

The following are excerpts of Temporary Use By-law

Temporary Use By-law 3142/155/95

By-law 142/155/95 as approved by OMB Order dated November 21, 1995

1. That, in addition to the uses permitted in the "RR-162 (Tent and Trailer)" zone and "Agricultural" zone, the lands described on Schedule "A" attached hereto are permitted to be used for the seasonal spray irrigation of treated sewage effluent from the sewage treatment works permitted in the "RR-233" (Sewage Treatment Works)" zone and including effluent pumping stations together with associated appurtenances, piping, electrical and control systems.
2. That the following special regulations shall apply:
 - i) minimum buffer area 15.0 metres abutting any lot line, existing or improved tent and trailer site, restaurant, retail store and dwelling except that a minimum 100.0 metre buffer area is required to lands zoned Lakeshore Residential (LR) and First Density Residential (R1)
 - ii) No portion of the works shall be constructed until final plans, specifications and supporting data are submitted to and approved by the Director, Ministry of Environment and energy as set out in Certificate of Approval Number 3-1330-92-936, and as may be amended in compliance with this by-law, and any such works shall be constructed in accordance with the final plans, specifications and supporting data so approved.
3. That this by-law shall take effect from the time it is amended by Order of the Ontario Municipal Board, subject to the provisions of The Planning Act, and shall cease to be in effect three years from the 30 day of November 1995, subject to the provisions of The Planning Act and thereafter the zoning and uses for the lands described in Schedule "A" shall be that existing immediately before the passing of this by-law and that such zoning and uses are subject to all the relevant provisions of By-law 1150/97/81, as amended.

RR-163 (Special Tent and Trailer)(By-law 2303/104/89)

Notwithstanding the uses permitted in the Recreational Resort (RR) zone to the contrary, this land shall only be used for improved tent and trailer sites or for conservation of plant and wildlife and dune stabilization.

In addition to the regulations of the Recreational Resort (RR) zone the regulations of the RR-162 (Tent and Trailer) zone shall apply.

EP-164 (Environmental Protection Special)

(By-law 2303/104/89)

Notwithstanding the provisions of the Environmental Protection (EP) zone to the contrary, this land shall only be used for the conservation of plant and wildlife, dune stabilization, watercourses and wetlands.

Notwithstanding the provisions of Section 29 of this By-law, the ENVIRONMENTAL PROTECTION zone and Section 30(b), the EP-164 ENVIRONMENTAL PROTECTION SPECIAL zone, to the contrary, this land may also be used for:

- i) Water tower
- ii) Utility building
- iii) Communications tower (By-law 4712/94/05)

I-165 (Institutional Special)(By-law 2303/104/89)

Notwithstanding the provisions of the Institutional (I) zone to the contrary, this land shall only be used for an existing cemetery.

NFR-165 (Non-Farm Residence)(By-law 2271/72/89)

Notwithstanding the provisions of the NFR (Non-Farm Residence) zone to the contrary, this land shall comply with the following special regulations:

- i) minimum lot frontage 180 metres
- ii) minimum lot area 2.5 hectares

R2-167 (Accessory Uses, Buildings and Structures) (By-law 2279/80/89)

Notwithstanding the provisions of the Second Density Residential (R2) zone to the contrary, this land shall not be used for a single detached dwelling. In addition, the following special regulations shall apply:

- i) minimum setback to any lot line 1.0m

SC-167 (Shopping Plaza)(By-law 2448/64/90)

Notwithstanding the provisions of the Shopping Centre Commercial zone to the contrary, this land shall only be used for:

- i) Convenience Type Retail Store
- ii) Personal Service Shop
- iii) Day Nursery
- iv) Business or Professional office
- v) Bank or Trust Company
- vi) Retail Store
- vii) Bake Shop
- viii) Library
- ix) Eat-in Restaurant

Further, and notwithstanding the provisions of the Shopping Center Commercial Zone to the contrary, this land shall be subject to the following special regulations:

- a) minimum lot area .3 ha
- b) minimum lot frontage 50m
- c) minimum front yard 14m
- d) minimum interior side yard 9m
- e) minimum exterior side yard 26m
- f) minimum rear yard .6m
- g) maximum building height 1 storey
- h) minimum planting strip 1.5m

(front yard)

- | | | |
|----|--------------------------|----------------------------------|
| i) | maximum gross floor area | 270 sq.m. for each permitted use |
|----|--------------------------|----------------------------------|

No development shall occur until Municipal sewer and water are extended to service the lands.

R3-169 (Taxi Dispatch Office)

(By-law 2299/100/89)

In addition to the uses permitted in the Third Density Residential (R3) zone, this land may also be used for a Taxi Dispatch Office, in combination with two accessory dwelling units and the following Special Regulations shall apply:

- | | | |
|-----|---------------------------------|-------|
| i) | maximum height of any structure | 10.7m |
| ii) | minimum parking aisle width | 0 |

A-170 (Wood Carver Shop)

(By-law 2294/95/89)

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used for the following:

- i) an artist's studio for wood carving projects;
- ii) a retail outlet for wood-carved art/material;
- iii) instruction of wood-carving techniques;
- iv) renovating and copying of antique furniture;
- v) the location of a wood carver's club.

In addition, the regulations of Section 25.7 shall apply thereto except that the maximum floor area shall be 120 m sq.

R2-171 (Semi Detached Dwelling)

(By-law 2328/130/89)

In addition to the uses permitted in the Second Density Residential Zone (R2), this land may also be used for a semi-detached dwelling and uses, buildings and structures accessory thereto. In addition, a Semi-detached Dwelling shall be subject to the requirements of Section 8.3 and 8.4.

R2-172 (Commercial Laundry)

(By-law 2349/150/89)

In addition to the uses permitted in the Central Commercial Zone (CC), this land may also be used for a Commercial Laundry subject to the requirements of Section 16.3.

RD-173 (Residential Special)(By-law 2350/151/89 as amended by By-law

3438/20/97)

Notwithstanding the provisions of the Residential Development (RD) zone, no residential dwelling shall be permitted on these lands.

SC-174 (Special) (By-law 2371/172/89)

Notwithstanding the provisions of the Shopping Centre Commercial Zone - SC to the contrary, the following uses and special regulations shall apply:

<u>Permitted Uses:</u>	a)	Personal Service Shops
	b)	Restaurant
	c)	Building and Construction Supply Outlet
	d)	Business and Professional Offices
	e)	Retail Store
	f)	Bank or Trust Company

Zone Requirements:

i)	minimum interior side yard	9.0m
ii)	minimum northerly exterior side yard	18.0m
iii)	minimum easterly exterior side yard	16.0m
iv)	minimum rear yard	9.0m
v)	parking requirements (excluding restaurant uses)	1 space per 30m ² net floor area
vi)	maximum unit size	372m ²
vii)	maximum building height	1 storey

HR-175 (Reduced Lot Size) (By-law 2721/38/92)

Notwithstanding the provisions of the Hamlet Residential (HR) zone to the contrary, the following special zone regulations shall apply:

i)	Minimum Lot Area	0.3 ha
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R2-176 (Retirement-Lodging Home) (By-law 2409/25/90)

In addition to the uses permitted in the Second Density Residential Zone (R2), this land may also be used for a residential retirement-lodging home with a maximum of 25 beds with the following special regulation applying thereto:

a)	minimum front yard setback	0m
b)	minimum interior sideyard setback	0m

- c) minimum exterior sideyard setback 0m
- d) minimum rear yard setback 0m
- e) maximum lot coverage - 100% of lot area
- f) maximum building height - 2 storeys
- g) minimum amenity space required 28.5m²

RU-180 (Rural Special) (By-law 2488/104/90 as amended by
By-law 3437/19/97)

Notwithstanding the provisions of the RURAL (RU) zone and Section 4.19(a) entitled Separation Distances - Schedule "C": Farm and Non-Farm Buildings to the contrary, the following special regulations shall apply:

- i) Minimum Lot Frontage 150m
- ii) Minimum Front Yard 132m
- iii) Minimum North Side Yard 90m
- iv) Minimum South Side Yard 120m
- v) Minimum Rear Yard 229m
- vi) Minimum Distance Separation from
Nearest Livestock Barn 134.3m
- vii) A lot grading and drainage plan prepared
in accordance with the City's Lot Grading and Drainage By-law
2333/136/89, as amended, shall be submitted prior to development of
these lands.

EP-181 (Special) (By-law 2641/114/91)

In addition to the provisions of the Environmental Protection (EP) zone, this land may also be used for one single-detached dwelling including buildings, uses or structures accessory thereto. In addition, the use of this land for a single-detached dwelling and accessory buildings, uses or structures shall comply with the following special regulations:

- a) minimum lot frontage as existing
- b) minimum lot area as existing
- c) maximum lot coverage 10%
- d) minimum front yard 15m
- e) minimum northerly interior
side yard 15.2m
- f) minimum southerly interior
side yard 7m
- g) minimum rear yard 15.2m
- h) maximum height 2.5 storeys
- i) minimum ground floor area
for a dwelling:
 - i) one-storey 75 sq.metres
 - ii) two-storey 45 sq.metres
- j) maximum lot coverage for
accessory buildings 3%

R4-184 (Apartment Building) (By-law 2491/107/90)

Notwithstanding the provisions of the Fourth Density Residential Zone to the contrary, the following Special Regulations shall apply:

i)	minimum front yard	0m
ii)	minimum exterior side yard	0m
iii)	minimum rear yard	0m
iv)	minimum lot area per dwelling unit	93m sq.
v)	minimum parking requirement per dwelling unit	1.45 spaces
vi)	minimum lot area	6160m sq.
vii)	minimum southerly parking aisle width	4.2m
viii)	minimum landscaped area	14.7%

The erection or use of buildings or structures on this land is prohibited unless the following municipal services are available to service this land, namely:

- a) sanitary sewers within the uncommitted sewage treatment capacity of the Port Colborne-Sewage Treatment Plant as determined solely by the Council of the Corporation of the City of Port Colborne in accordance with the provisions of any applicable policy or legislation of any government authority, entity or agency, including any by-law or resolution of that Council.

HR-185 (Single Family Residence) (By-law 2544/15/91)

Notwithstanding the provisions of the Hamlet Residential Zone (HR) to the contrary, the following special regulations shall apply:

a)	minimum lot frontage	25m
b)	minimum lot area	0.1044 ha
c)	minimum ground floor area for dwelling - 1 storey	72m ²
d)	maximum building height	1 storey
e)	minimum front yard	as existing
f)	minimum rear yard	as existing
g)	minimum side yards	as existing

R2-186 (Second Density Residential-Special Exception-Holding Provisions-Sewage Treatment Capacity) (By-law 2661/134/91) (Holding Removed by By-law 4576/107/04)

Notwithstanding the provisions of the R2 Zone to the contrary, these lands may be used for one 3 unit apartment building and one 4 unit apartment building and the following special regulations shall apply:

minimum required front yard	as existing
minimum required rear yard	as existing
minimum required interior side yard	as existing
minimum landscaped area	26%

A-187 (Greenhouse/Horticultural) (By-law 2701/13/92)

Notwithstanding the provisions of the A-Agricultural Zone to the contrary, this land shall only be used for a greenhouse(s)/ horticultural use and one single family detached dwelling ACCESSORY TO and constructed subsequent to the greenhouse(s) and the following special regulations shall apply:

- i) Minimum gross floor area of greenhouse-278m²

NFR-188 (Reduced Frontage)(By-law 2692/91/92)

Notwithstanding the provisions of the Non Farm Residence zone to the contrary, the use of this land shall comply with the following special regulations:

- i) minimum lot frontage 31m

MSC-189 (Retail Store) By-law 3884/29/00

Notwithstanding the provisions of the MSC (Main Street Commercial) zone to the contrary, this land may also be used for an ice cream shop or a retail store, and the following special zone regulations shall apply:

- (i) Minimum Front Yard Setback - as existing or 9m
 (ii) Maximum Floor Area of Ice Cream Shop
 or Retail Store - 61m²

EP-190 (Environmental Protection Special) By-law 2721/38/92

Notwithstanding the provisions of the environmental Protection (EP) zone to the contrary, this land shall only be used for the conservation of a pit, plants/trees and wildlife.

HR-191 (Reduced Lot Frontage) By-law 2721/38/92)

Notwithstanding the provisions of the Hamlet Residential (HR) zone to the contrary, the following special regulation shall apply:

- (i) Minimum lot frontage 33.5m

HR-192 (Reduced Lot Area and Lot Frontage) By-law 2721/38/92)

Notwithstanding the provisions of the Hamlet Residential (HR) zone to the contrary, the following special regulations shall apply:

- (i) Minimum lot frontage 41.0m
 (ii) Minimum lot area 0.18 ha

R4-193 (Apartment Building)

Notwithstanding the provisions of the (R4) zone to the contrary, the following Special regulations shall apply to these lands.

- i) Minimum Easterly Interior
 Side Yard Setback 4.5m

R3-194 (Third Density Residential-Duplex)By-law 2711/28/92 (repealed by By-law 3015/49/84)

Notwithstanding the uses permitted in the R3 zone, these lands may only be used for one single family detached dwelling or one duplex dwelling on one lot.

RD-195 (Apartment Building)By-law 2722/39/92

In addition to the uses permitted in the RD-Residential Development Zone, this land may also be used for an apartment building containing no more than three (3) apartment units, and the following special regulations shall apply:

i)	minimum lot frontage	9m
ii)	minimum lot area	496m ²
iii)	minimum southerly interior sideyard	1.9m
iv)	minimum driveway access	1.5m
v)	minimum northerly interior sideyard	0m
vi)	minimum front yard	1.0m

RD-196 (Apartment Building)(By-law 2718/35/92)

In addition to the uses permitted in the RD-Residential Development Zone, this land may also be used for an apartment building containing no more than two (2) apartment units, and the following special regulations shall apply:

i)	minimum lot frontage	13m
ii)	minimum lot area	373m ²
iii)	minimum northerly interior sideyard	1.9m
iv)	minimum driveway access	1.5m
v)	minimum southerly interior sideyard	0m
vi)	minimum front yard	7.6m
vii)	minimum sideyard for accessory structure	0.7m

MSC - 197 (Pet Store) By-law 2760/78/92)

Notwithstanding the provision of the MSC - Main Street Commercial Zone to the contrary, these lands may also be used as a pet store and the following special regulations shall apply:

i)	Minimum westerly driveway access width	3m
ii)	No planting strip requirement along south lot line	
iii)	Parking shall be permitted in	

- the required rear yard
- iv) One parking space shall be permitted in the required front yard on the westerly side of the existing building.

I-198 (Private Nursing Home) (By-law 2762/77/92)

Notwithstanding the provisions of the (I) Zone to the contrary, this land may be used for a Private Nursing Home and the following Special Regulations shall apply:

- i) Minimum Rear Yard Depth 15m

CC-199 (Apartment)By-law 2765/82/92 (Holding removed by By-law 2982/16/94)

Notwithstanding the provisions of Sec. 16.2(b) to the contrary, one accessory residential unit shall be permitted on the ground floor. In addition, the following special regulation will also apply:

- i) Minimum Rear Yard Setback As existing

NFR - 200 (Reduced M.D.S.F. Setback) By-law 2788/106/92

Notwithstanding the permitted uses named in Sec. 4.19(a) to the contrary the existing dwelling on this parcel shall have a minimum distance separation of 230m from the nearest livestock building.

A-201 (Agricultural Use Only) By-law 2788/106/92

Notwithstanding the permitted used in Sec. 25.2, these lands shall only be used for the following:

- a) Agricultural uses, and uses, buildings and structures accessory thereto including greenhouses but not including a dwelling.
- b) Conservation of plant and wildlife.
- c) Kennels
- d) Farm machinery sales and service establishment.
- e) Wayside pits subject to the provisions of the Pits and Quarries Control Act.

"R4-203 (Residential Retirement Home - Special)" By-law 4700/82/05

Notwithstanding the provisions of Section 9, the "R4 (FOURTH DENSITY RESIDENTIAL)" Zone and Section 31, DEFINITIONS, of this By-law to the contrary, this land may also be used for a residential retirement home, subject to the following special regulations:

- i) The residential retirement home shall not contain more than 36 bedroom units.
- ii) The residential retirement home may or may not include nursing or medical care.
- iii) Minimum lot area: 1605 square metres
- iv) Minimum front yard: 2.9 metres
- v) Minimum northerly interior side yard: 4.3 metres
- vi) Minimum rear yard: 2.2 metres
- vii) Minimum landscaped area: 7.3 percent
- viii) Minimum parking stall length: 5.5 metres
- ix) Minimum two way driveway access: 5.5 metres

- x) Minimum width for a parking stall abutting a wall greater than 0.5 metres: 2.4 metres

NC-204 (Accessory Seating Area)

(By-law 2836/15/93)

In addition to the uses permitted in the Neighbourhood Commercial Zone, a 32 person seating/dining area shall be permitted ACCESSORY TO a convenience retail store and the following special regulations shall apply:

- | | | |
|-----|---------------------------|-------------------|
| i) | Maximum Seating Permitted | 32 persons |
| ii) | Maximum Gross Floor Area | 249m ² |

R4-205

(By-law 2951/131/93)

Notwithstanding the uses permitted in the Fourth Density Residential Zone (R4) to the contrary, this land shall only be used for the following: one boarding house or one converted dwelling or one single-detached dwelling or one semi-detached dwelling or one duplex dwelling per lot, and uses, buildings and structures accessory thereto.

In addition, the following special regulations and definitions shall apply thereto:

- (ii) "Converted dwelling" means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than three (3) dwelling units.
- (iii) Notwithstanding the zone requirements of the Third Density Residential Zone (R3) zone to the contrary, the following special regulations for converted dwellings shall also apply:
- | | | |
|-----|--|---|
| (a) | minimum lot area | 500 m ² for one dwelling unit and 125 m ² for each additional dwelling unit |
| (b) | minimum front yard | 8.0 m |
| (c) | minimum interior side yard | 1.5 m |
| (d) | minimum exterior side yard | 3.5 m |
| (e) | notwithstanding the provisions of Subsection (c) and (d) above, where no attached garage or attached carport is provided, a minimum interior side yard on one side shall be 2.5 m or a minimum exterior side yard shall be 5.0 m." | |

R3-206 (Converted Dwelling)

By-law 2927/106/93

Notwithstanding Section 31(55)(d), the existing building located on this property shall be considered a "converted dwelling" and subject to the provisions of Section 8.7 and the following special regulations shall apply:

- i) Three (3) parking spaces shall be permitted within the southerly exterior sideyard
- ii) Minimum parking aisle width for existing 3 parking stalls within

- | | | |
|------|-------------------------|---|
| | southerly sideyard | - 0.6m |
| iii) | Maximum number of units | - 3 |
| iv) | Minimum unit floor area | - rear ground
floor unit 40m ²
- front ground
floor unit 54m ² |

CC-207 (Vehicle Sales and Repair)By-law 2892/71/93

In addition to the uses permitted in the Central Commercial Zone, these lands may also be used for an automobile repair garage and car sales establishment.

Notwithstanding the provisions of Sec. 16.2(b) of the Central Commercial zone to the contrary, accessory residential units shall be permitted over top of a vehicle repair shop.

NFR-208 (Reduced M.D.S.F. Setback)By-law 2938/118/93

Notwithstanding the provisions of Sec. 4.19 to the contrary, an M.D.S.F. setback distance of 120m (minimum) shall apply to this Lot.

NFR-209 (Reduced Exterior Sideyard)By-law 2939/119/93

Notwithstanding the provisions of the NFR (Non-Farm Residence) zone category contained in Sec. 30(b) to the contrary, the following special regulations shall apply:

- i) Minimum Exterior Sideyard for the existing garage on this property shall be 0.23m
- ii) Notwithstanding the provisions of Sec. 4.10(d)(i) to the contrary, the existing garage located on this property shall be permitted within an exterior sideyard.

RT-210 (Townhouse - Holding - Sewage Treatment Capacity)(By-law 2916/96/93) (Holding removed by By-law 4576/107/04)

Notwithstanding the provisions of the Residential Townhouse (RT) zone to the contrary, the following special regulations shall apply to these lands:

- i) Minimum Lot Area - 1200m²
- ii) Minimum sideyard setback - as existing
- iii) Minimum rear yard setback - as existing
- iv) Minimum front yard setback - as existing
- v) Maximum number of units - 3

RD-212 (Dwelling Restriction)By-law 2928/107/93

Notwithstanding the provisions of Section 14.2 to the contrary, no dwelling shall be permitted on these lands.

R2-213 (Second Density Residential - Holding Pumping Station Upgrade)By-law 2926/105/93 (Holding Removed by By-law 4576/107/04)

In addition to the provisions of the R2 Zone, this land is also subject to the following Special Provisions;

Development of these lands shall not occur until completion of construction of the Elm Street Pumping Station upgrade and forcemain to the Seaway Water Pollution Control Plant; and, the Union Street Pumping Station upgrade and bypass all to the satisfaction of both the City and Regional Engineer.

R3-214 HPS (Third Density Residential - Holding Pumping Station Upgrade
By-law 2926/105/93

In addition to the provisions of the R3 Zone, this land is also subject to the following Special Provisions;

Development of these lands shall not occur until completion of construction of the Elm Street Pumping Station upgrade and forcemain to the Seaway Water Pollution Control Plant; and, the Union Street Pumping Station upgrade and bypass all to the satisfaction of both the City and Regional Engineer.

R4-216

(By-law 2953/133/93)

Notwithstanding the uses permitted in the Fourth Density Residential Zone (R4) to the contrary, this land shall only be used for the following: one boarding house or one converted dwelling or one single-detached dwelling or one semi-detached dwelling or one duplex dwelling per lot, and uses, buildings and structures accessory thereto.

In addition, the following special regulations and definitions shall apply thereto:

- (ii) "Converted dwelling" means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than three (3) dwelling units.
- (iii) Notwithstanding the zone requirements of the Third Density Residential Zone (R3) zone to the contrary, the following special regulations for converted dwellings shall also apply:
 - (a) minimum lot area 500 m² for one dwelling unit and 125 m² for each additional dwelling unit
 - (b) minimum front yard 8.0 m
 - (c) minimum interior side yard 1.5 m
 - (d) minimum exterior side yard 3.5 m
 - (e) notwithstanding the provisions of subsection (c) and (d) above, where no attached garage or attached carport is provided, a minimum interior side yard on one side shall be 2.5 m or a minimum exterior side yard shall be 5.0 m."

R4-217

(By-law 2952/132/93)

Notwithstanding the uses permitted in the Fourth Density Residential Zone (R4) to the contrary, this land shall only be used for the following: one boarding house

or one converted dwelling or one single-detached dwelling or one semi-detached dwelling or one duplex dwelling per lot, and uses, buildings and structures accessory thereto.

In addition, the following special regulations and definitions shall apply thereto:

- (ii) "Converted dwelling" means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than three (3) dwelling units.
- (iii) Notwithstanding the zone requirements of the Third Density Residential Zone (R3) zone to the contrary, the following special regulations for converted dwellings shall also apply:
 - (a) minimum lot area 500 m² for one dwelling unit and 125 m² for each additional dwelling unit
 - (b) minimum front yard 8.0 m
 - (c) minimum interior side yard 1.5 m
 - (d) minimum exterior side yard 3.5 m
 - (e) notwithstanding the provisions of subsection (c) and (d) above, where no attached garage or attached carport is provided, a minimum interior side yard on one side shall be 2.5 m or a minimum exterior side yard shall be 5.0 m."

HC-219 (Highway Service Commercial - Reduced Planting Strip By-law 2977/11/94)

Notwithstanding the provisions of Section 18.2(a) to the contrary, these lands may only be used for the following:

- i) an animal hospital or shelter
- ii) beer store
- iii) automobile service station
- iv) electrical appliance sales and/or service establishment
- v) florist shops
- vi) garden and produce centres
- vii) liquor stores
- viii) plumbing and heating sales and service establishments
- ix) public uses of any kind
- x) merchandise service shop
- xi) private clubs
- xii) studios
- xiii) taxis establishments
- xiv) vehicle sales or rental establishments
- xv) caterer
- xvi) banks
- xvii) furniture refinishing and/or upholstery shops
- xviii) building and construction supplies
- xix) professional and business offices
- xx) a motor fuel retail outlet
- xxi) convenience type retail store,
- xxii) a coffee/doughnut shop
- xxiii) a pharmacy

and, the following special regulations shall apply:

- i) minimum southerly planting strip width 2.0m

- ii) minimum westerly planting strip width adjacent to parking area 1.5m
- iii) one (1) 3.5m x 9.0m loading space shall be permitted to encroach 3.0m within the required front yard setback of the subject property.

R3-221 (Third Density Residential-Semi-detached Dwelling) By-law 3017/50/94 (Holding removed by By-law 3046/81/94)

Notwithstanding the provisions of Sec. 8.2 and 8.3 to the contrary, these lands shall only be used for one single detached dwelling or one semi-detached dwelling (and uses, buildings and structures accessory to the foregoing) subject to the following special regulations:

- i) Minimum lot area 68m²
- ii) Minimum front yard setback 2.4m

R3-222 (Third Density Residential-Semi-detached Dwelling-Holding Provisions-Sewage Treatment Capacity-Holding Provisions-Pumping Station Upgrade)By-law 3017/50/94(Holding removed by By-law 4576/107/04)

Notwithstanding the provisions of Sec. 8.2 and 8.3 to the contrary, these lands shall only be used for one single detached dwelling or one semi-detached dwelling (and uses, buildings and structures accessory to the foregoing) subject to the following special regulations:

- i) Minimum lot area 368.5m²
- ii) Maximum front yard setback 2.4m

R4-223 (Fourth Density Residential-Apartment Dwelling) By-law 3035/70/94 (Repealed and Holding removed by By-law 3225/97/95)

Notwithstanding the provisions of Sections 9.2 and 9.4 to the contrary, these lands shall only be used for one single detached dwelling and Apartment Dwellings (and uses, buildings and structures accessory to the foregoing) subject to the following special regulations:

- i) minimum rear yard 12.2m
- ii) Issuance of a building permit for the erection of a dwelling unit(s) shall not occur until completion of construction of the Elm Street Pumping Station Upgrade and Forcemain to the Seaway Water Pollution Control Plant; and, the Union Street Pumping Station upgrade and by-pass, all to the satisfaction of both the City and Regional Engineer and the District Officer of the Ministry of Environment and Energy.

R1-225 (First Density Residential-Special-Holding-Sewage Treatment Capacity By-law 3054/89/94 (Holding removed by By-law 4576/107/04)

Notwithstanding the provisions of Section 6.3(f) to the contrary, the following special zone provision shall apply:

- a) minimum exterior sideyard 6m
- b) minimum lot frontage 12m

Notwithstanding the provisions of Section 8.3 to the contrary, the following special regulations shall apply:

- i) minimum lot frontage 17m
- ii) minimum lot area 540m²

RT-227

By-law 3084/119/94

Notwithstanding the provisions of Section 4.23(j)(ii) and Section 10.4 to the contrary, the following special regulations shall apply:

- i) minimum two-way driveway width 6.7m
- ii) minimum front yard setback for southerly block townhouses 5.5

NC-228 SPECIAL

By-law 3084/119/94

Notwithstanding the provisions of Section 4.24(g)(ii) and Section 4.15(b)(i) to the contrary, the following special regulations shall apply:

- i) minimum lot line setback for loading space 0.5m
- ii) minimum easterly planting strip width 0.5m

R2-229 (Beauty Salon)

By-law 3093/128/94

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a beauty salon carried on as an accessory use to the single detached dwelling, providing the dwelling is the principle private residence of the person carrying on the beauty salon occupation. In addition, the following special regulations shall apply hereto:

- i) The gross floor area occupied by the beauty salon shall not exceed 23 square metres (244 square feet) and shall not be considered part of the required dwelling unit area.
- ii) The beauty salon shall not be located in an accessory building or structure.
- iii) No outdoor storage of material, goods and equipment relating to the beauty salon will be permitted.
- iv) There shall be no external display or advertising of the beauty salon other than a NON-ILLUMINATED legal sign, not to exceed 0.2m² (±2 square feet) in area.
- v) No person other than a resident of the dwelling on this land shall be employed in the beauty salon.
- vi) Notwithstanding the requirements of Section 4.23 (j) (iii) to the contrary, tandem parking for the commercial use shall be permitted in the existing driveway.

CC-232 (Accessory Dwelling Unit)

By-law 3107/142/94

Notwithstanding the provisions of Sec. 16.2(b) to the contrary, one accessory residential unit shall be permitted on the ground floor.

Notwithstanding the provisions of Sections 4.23(c)(xiv) & 4.23(c)(xv) to the contrary the minimum number of parking spaces permitted for the existing one storey building shall be 35.

RR-233 (Sewage Treatment Works)By-law 3118/154/94 (As amended by OMB Order Dated November 21, 1995)

Notwithstanding the uses permitted in the Recreational Resort (RR) zone to the contrary, this land shall only be used for sewage treatment works for the seasonal collection, transmission, treatment and disposal of sewage or any part of such works. The sewage treatment works shall include package type extended aeration process treatment units with a maximum average daily flow of 1600 m³/day and including up to five aeration tanks with maximum average daily flow for each tank ranging from 200 m³/day to 400 m³/day, sludge digesters, clarifiers, control buildings, treated effluent storage ponds and associated appurtenances, piping, heating and ventilation, electrical, pumping and control systems.

Notwithstanding the regulations of the Recreation Resort (RR) zone to the contrary, the following special regulations shall apply thereto:

- i) minimum buffer area 100 metres abutting lands zoned Lakeshore Residential (LR), First Density Residential (R1) and existing or improved tent and trailer sites, retail store, restaurant and dwelling unit.
- ii) No portion of the works shall be constructed until final plans, specifications and supporting data are submitted to and approved by the Director, Ministry of Environment and Energy as set out in Certificate of Approval Number 3-1330-92-936 and as may be amended in compliance with the provisions of this By-law.
- iii) No portion of the works shall be constructed until a noise study is prepared to the satisfaction of the Director of Planning & Development Services and, when such works are in fact constructed, they must comply with the provisions of the noise study.
- iv) Notwithstanding any other provisions in this section the lands described in Schedule "B" annexed, shall only be used for treated effluent Storage ponds and associated appurtenances, piping, plumbing, electrical and control systems.

That this By-law shall come into force and effect on the day it is amended by Order of the Ontario Municipal Board, subject to the provisions of The Planning Act, provided, however, that the provisions of this by-law, as such may affect the lands described in Schedule "B" annexed, shall cease to be in effect three years from the 30 day of November, 1995, and, notwithstanding any other provisions of the by-law, thereafter the use of the lands described in Schedule "B" shall only be for landscaping and conservation of plant and wildlife.

HR-234 (Personal Service Shop)

By-law 3143/14/95

In addition to the uses permitted in the Hamlet Residential Zone (HR), this land may also be used for a personal service shop and a business and professional office, and one (1) apartment dwelling).

Furthermore, the provisions of Section 4.3(b) shall not apply to these lands.

R1-236By-law 3201/72/95

Notwithstanding the provisions of the R1 - First Density Residential zone to the contrary, the following special provisions shall apply to these lands:

- i) minimum lot frontage for a corner lot 6.7m

R3-237 (Semi-detached Dwelling)By-law 3201/72/95

Notwithstanding the provisions of the R3 - Third Density Residential zone to the contrary, this land shall only be used for one semi-detached dwelling on one lot and uses, buildings and structures accessory thereto.

R1-238 (Hair Dresser)By-law 3184/55/95

In addition to the uses permitted in the First Density Residential (R1) zone, this land may also be used for a hair dresser carried on as an accessory use to the single detached dwelling, providing the dwelling is the principle private residence of the person carrying on the hair dresser occupation. In addition, the following special regulations shall apply hereto:

- i) The gross floor area occupied by the beauty salon shall not exceed 30m² and shall not be considered part of the required dwelling unit area.
- ii) The hair dressing salon shall not be located in an accessory building or structure.
- iii) No outdoor storage of material, goods and equipment relating to the hair dressing salon will be permitted.
- iv) There shall be no external display or advertising of the hair dressing salon other than a legal sign.
- v) No person other than a resident of the dwelling on this land shall be employed in the hair dressing salon.

HD-239 (Restricted Building Envelope)By-law 3185/56/95

Notwithstanding the provisions of the HD - Hamlet Development zone to the contrary, the following special regulations shall apply:

- i) Minimum lot frontage 96m
- ii) Minimum lot area 1.9 ha.
- iii) Minimum front yard setback 10m
- iv) Minimum rear yard setback 114m
- v) Minimum northerly sideyard 52m
- vi) Minimum southerly sideyard 7.5m

HD-240 (Restricted Building Envelope)By-law 3185/56/95

Notwithstanding the provisions of the HD - Hamlet Development zone to the contrary, the following special regulations shall apply:

- i) Minimum lot frontage 116m
- ii) Minimum lot area 2.6 ha.
- iii) Minimum front yard setback 10m
- iv) Minimum rear yard setback 114m
- v) Minimum northerly sideyard 27.5m
- vi) Minimum southerly sideyard 52m

R4-241 (Apartment Dwelling)By-law 3186/57/95

Notwithstanding the provisions of the R4 - Fourth Density Residential zone category to the contrary, the following special regulations shall apply to these lands:

- | | | |
|------|---------------------------|--------------------------|
| i) | Minimum lot area | 95m ² /unit |
| ii) | Minimum required parking | 1.2 spaces/dwelling unit |
| iii) | Minimum interior sideyard | 3.5m |
| iv) | Minimum front yard | 6m |

R2-242 (Parking Area)By-law 3187/58/95

Notwithstanding the uses permitted in the R2-Second Density Residential zone category to the contrary, these lands shall only be used for a parking area and the following special provisions shall apply:

- | | | |
|-----|--|------|
| i) | Minimum width of planting strip along northerly lot line | 0.6m |
| ii) | Minimum parking isle width | 0m |

A-243 (Industrial Wood Products)By-law 3203/74/95

In addition to the uses permitted in the Agricultural zone, these lands may also be used for manufacture of wood crates and pallets, steel and wood fabrication and welding, uses, buildings and structures accessory thereto and outdoor storage of related materials.

Notwithstanding the provisions of the Agricultural zone to the contrary, the following special provisions shall apply to these lands:

- | | | |
|------|---|------------|
| i) | Minimum front yard setback | 45m |
| ii) | Minimum westerly side yard setback | 3.5m |
| iii) | Minimum easterly side yard setback | 8.5m |
| iv) | Minimum lot frontage | 30m |
| v) | Outside storage and/or manufacturing shall only be permitted in the rear yard | |
| vi) | Maximum lot coverage | 10% |
| vii) | Maximum building height | one storey |

EP-244 (Residential Dwelling)By-law 3228/100/95

In addition to the provisions of the Environmental Protection (EP) zone, this land may also be used for one single-detached dwelling including buildings, uses, or structures accessory thereto. In addition, the use of this land for a single-detached dwelling and accessory buildings, uses or structures shall comply with the following special regulations:

- | | | |
|----|----------------------|----|
| a) | Maximum lot coverage | 5% |
|----|----------------------|----|

R3-245 (Semi Detached Dwelling) – HST By-law 3144/116/95 (Holding Provisions-Sewage Treatment Capacity) REPEALED

Notwithstanding the uses permitted in the "R3" (Third Density Residential) zone, these lands shall only be used for the following purposes:

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

- (b) Duplex dwellings and uses, buildings and structures accessory thereto.
- (c) One single-detached dwelling on one lot and uses, buildings and structures accessory thereto.

RD-246 (Front Yard Setback)By-law 3277/6/96

Notwithstanding the provisions of the "RD" (Residential Development) zone to the contrary, the following special regulations shall apply:

- i) Front yard setback 8.40m

RD-247 (Rear Yard Setback)By-law 3296/26/96

Notwithstanding the provisions of the "RD" (Residential Development) zone to the contrary, the following special regulations shall apply:

- i) Minimum Rear Yard Setback 60.0m

NFR-248 (Driveway)By-law 3314/45/96

Notwithstanding the uses permitted in the NFR - Non Farm Residence zone, these lands may also be used for driveway access purposes to permit vehicle access to the easterly A-87 zoned lands.

NFR-249 (Reduced Side Yard)By-law 3314/95/96

Notwithstanding the provisions of the NFR - Non Farm Residence zone to the contrary, the following special regulation shall apply to these lands:

- Minimum southerly interior sideyard setback as existing

HC-251 (Special Uses)By-law 3335/66/96

In addition to the uses permitted in the HC (Highway Service Commercial) zone, the following uses shall be permitted:

- i) Cleaning, professional and residential
- ii) Vehicle detailing including minor touch-up painting
- iii) Shoe manufacturing and sales
- iv) Sign Manufacturing and sales
- v) Small Engine repairs and sales

RT-252 (Residential Townhouse Special)By-law 3371/102/96

Notwithstanding the provisions of Sec. 10.4 to the contrary, the following special regulations shall apply:

- i) Minimum Lot Frontage 20m
- ii) Minimum Front Yard 5.8m
(on an internal roadway)
- iii) Minimum Side Yard 3.3m
(abutting an internal roadway)
- iv) Minimum side to side building separation 7.5m

- | | | |
|-----|--|-------------|
| v) | Minimum two-way driveway
access width | 6.7m |
| vi) | Maximum building height | 1.5 storeys |

A-253 (Golf Course)By-law 3393/124/96

In addition to the uses permitted in Section 25 of this by-law, the lands zoned A-253(H) (Golf Course) may also be used for the purposes of a golf course and uses, buildings and structures accessory thereto, provided that the golf course use and uses, buildings and structures accessory thereto shall not occur until the Council of the City of Port Colborne has removed the Holding symbol (H) from the A-253 (H) (Golf Course) zone, and provided further, that the Council of the City of Port Colborne will consider removing the Holding Symbol (H) from the "A-253 (H) (Golf Course)" zone on lands so zoned ("the lands") by this by-law, at such time as:

- (a) the Owner of the lands and the City of Port Colborne ("the City") enter into a formal agreement granting the Owner permission to draw water from the Wignell Drain in the City, for purposes of irrigating the golf course and addressing all associated issues relating thereto: all of which is to be to the satisfaction of the City;
- (b) the Ministry of Environment and Energy have issued a "Permit To Take Water" relating to the drawing of water by the owner of the lands from the Wignell Drain for the purposes of irrigating the golf course on the lands;
- (c) the receipt by the City of a "Drainage Report" relating to relocation of the Michener Drain, prepared by an Engineering Consultant appointed by the City, and the adoption and acceptance of such Report by the Council of the City pursuant to the applicable provisions of the Drainage Act, R.S.O. 1990, c.D.17; and;
- (d) the City receives and approves plans submitted by the Owner of the lands depicting what is intended for the development of the golf course on the lands, and the development of any associated facilities, including the general elevation grading and drainage system applicable to the proposed golf course, building location (s), parking area(s) and access(es) to any public roads, site treatment(s) on the periphery of the lands, and further, if required by the City, the receipt by the City of a duly executed site plan agreement prepared by or approved by the City, which can be duly registerable on the title to the lands proposed for the golf course and to which registration the Owner of the lands consents.

RD-257 (Hair Dresser)By-law 3426/8/97

In addition to the uses permitted in the Residential Development (RD) zone, this land may also be used for a hair dresser carried on as an accessory use to the single detached dwelling, providing the dwelling is the principle private residence of the person carrying on the hair dresser occupation. In addition, the following special regulations shall apply hereto:

- i) The gross floor area occupied by the beauty salon shall not exceed 18m² and shall not be considered part of the required dwelling unit area.
- ii) The hair dressing salon shall not be located in an accessory building or structure.
- iii) No outdoor storage of material, goods and equipment relating to the hair dressing salon will be permitted.

- iv) There shall be no external display or advertising of the hair dressing salon other than a legal sign.
- v) Notwithstanding the provisions of Section 4.23(j)(iii) of the zoning by-law to the contrary, tandem parking shall be permitted for the commercial portion of this property.

RT-259 (Residential Townhouse Special)
(Holding removed by By-law 4576/107/04)

By-law 3456/38/97

In addition to the provisions of the Residential Townhouse Zone, the following special regulation shall apply;

Issuance of a building permit for the erection of dwelling unit(s) shall not occur until construction of upgrade to the Industrial Pumping Station and Forcemain to the Seaway Pollution Control Plant, or, acceptable reduction of sewage flows to the Omer Pumping Station is achieved all to the satisfaction of both the City and Regional Engineer and the District Officer of the Ministry of Environment and Energy.

R3-260 (Third Density Residential Special)
(Holding removed by By-law 4362/35/03)

By-law 3454/36/97

In addition to the provisions of the Third Density Residential zone, the following special regulation shall apply;

Issuance of a building permit for the erection of dwelling unit(s) shall not occur until construction of upgrade to the Industrial Pumping Station and Forcemain to the Seaway Pollution Control Plant, or, acceptable reduction of sewage flows to the Omer Pumping Station is achieved all to the satisfaction of both the City and Regional Engineer and the District Officer of the Ministry of Environment and Energy.

RU R-260 (Rural Residential Special)

By-law 3593/19/98

1.0 Uses Permitted

- a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.
- b) One single detached dwelling, and uses, buildings and structures accessory thereto shall be permitted prior to the registration of the subdivision plan (being Elm Street Estates Plan of Subdivision, Regional File: 26T-97009 subject to the completion, to the satisfaction of the City the Region and the Regional Niagara Health Unit, of conditions 4, 9, 11, 12 contained in Conditions of Final Approval, (being Appendix 1 of Regional Report DPD 15-98, dated January 28, 1998, and, that an overall lot grading and drainage plan for the entire subdivision be completed by a Professional Engineer, to the satisfaction of the City Engineer, and, that the Elm Street stormwater ditch be regraded to the satisfaction of the City Engineer.

1.1 Zone Requirements

- | | | |
|----|---------------------------------|------------|
| a) | Minimum lot frontage | 42m |
| b) | Minimum lot area | 0.6 ha |
| c) | Maximum lot coverage | 10 Percent |
| d) | Minimum front yard | 10m |
| e) | Minimum interior side yard | 4m |
| f) | Minimum exterior side yard | 7.5m |
| g) | Minimum rear yard for dwellings | |

	and accessory structures including swimming pools (both inground and above ground) and decks	60m
a)	Maximum height for a dwelling	2.5 storeys
b)	Minimum ground floor area for a dwelling	
	(i) one storey	75m ²
	(ii) two storeys	45m ²

HD-261 (Reduced Lot Frontage)By-law 3520/101/97

Notwithstanding the provisions of the HD-Hamlet Development zone to the contrary, the following special regulations shall apply:

- | | | |
|----|----------------------|-------|
| a) | minimum lot frontage | 25.9m |
|----|----------------------|-------|

HD-262 (Reduced Lot Frontage)By-law 3520/101/97

Notwithstanding the provisions of the HD-Hamlet Development zone to the contrary, the following special regulations shall apply:

- | | | |
|----|----------------------|-------|
| b) | minimum lot frontage | 38.9m |
|----|----------------------|-------|

HD-263 (Restricted Development)By-law 3520/101/97

Notwithstanding the provisions of the HD-Hamlet Development zone to the contrary, the following special regulations shall apply:

- | | | |
|-----|--|-------|
| i) | no dwelling, building or structure shall be permitted on these lands | |
| ii) | minimum lot frontage | 38.8m |

I-264 (Church)By-law 3521/102/97

Notwithstanding the uses permitted in the I - Institutional zone category, this land shall only be used for a church, and buildings, uses and structures accessory thereto. In addition, the following special regulations shall apply hereto:

parking shall be permitted within the required rear yard and the required easterly interior sideyard.

A-265 (Industrial Repair)By-law 3529/110/97,
By-law 3739/25/99

In addition to the uses permitted in the Agricultural zone, these lands may also be used for an agricultural and non-agricultural machine shop, and fabrication and repair shop with no outside storage and uses accessory thereto,

Notwithstanding the provisions of Section 25.3 to the contrary, the following special provisions shall apply to these lands:

- | | | |
|------|---|--------|
| i) | minimum lot area | 0.69ha |
| ii) | minimum front yard setback | 12.0m |
| iii) | minimum southerly interior sideyard setback | 9.1m |
| iv) | minimum northerly interior sideyard setback | 2.0m |
| v) | maximum building height | 8.3m |
| vi) | no outside storage | |
| vii) | maximum lot coverage | 14% |

- viii) there shall be no welding, fabricating, machining, painting or any industrial process outside of the buildings on the property

NC-266 (Neighbourhood Commercial Special)

By-law 5501/98/10

In addition to the uses permitted in the Neighbourhood Commercial (NC) zone, this land may also be used for an eat-in restaurant, a retail store and a professional office. In addition, the following special regulations shall apply to all uses permitted on these lands:

- | | | |
|-------|---|---|
| (i) | maximum seating capacity for a restaurant use | 18 persons |
| (ii) | minimum sight triangle | 4.5m x 4.5m |
| (iii) | minimum planting strip width | north side - 0m
east side - 0m
west side - 0m |
| (iv) | maximum gross floor area for a retail store use | 280m ² |

R3-267 (Semi-detached Dwelling)

By-law 3617/43/98

- | | | |
|-------|----------------------------|-------|
| (i) | minimum lot frontage | 16.5m |
| (ii) | minimum front yard | 4.5m |
| (iii) | minimum exterior side yard | 4.5m |
| (iv) | minimum rear yard setback | 2.5m |
- except that no rear yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall or corridor extending along the rear lot line separating such lots
- (iii) Minimum interior side yard - notwithstanding the provisions of Section 8.3(e) to the contrary, the following special regulation shall apply to the westerly side yard: "no interior side yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall or common corridor extending along the side lot line separating such lots.
- (vi) Division of semi-detached lot - the provisions of this zone category or Section 8.4 shall not prevent the splitting of any lot on which is erected A semi-detached dwelling into 2 parts Divided in part by the centre line of the common or party wall, or common corridor, Separating the common or party wall, or Common corridor, separating the dwelling Units in such dwelling provided each unit Shall have a minimum lot area of 225m².

A-268 (Golf Course)

By-law 3760/46/99

In addition to the uses permitted in Section 25 of this by-law, the lands zoned "A-268" (Golf Course) may also be used for the purposes of a golf course and uses, buildings and structures accessory thereto.

HC-269 (Maximum Gross Floor AreaBy-law 3652/78/98

In addition to the uses permitted in the highway Service Commercial (HC) zone, this land may also be used for one hotel. In addition, the following special regulations shall apply thereto:

- (i) Maximum Gross Floor Area for the hotel 20% of the lot area
- (ii) Total maximum Gross Floor Area for all other Commercial uses, excluding the hotel 10.5% of the lot area

HI-270 (Salvage Yard)By-law 3819/105/99

In addition to the uses permitted in the Heavy Industrial (HI) zone, this land may also be used for a salvage yard operation to receive, process, store and ship reusable and/or re-cyclable materials such as copper, brass, steel, cast aluminum and stainless steel. In addition, the following special regulations shall apply hereto:

- i) The maximum height of any material which is stacked, piled or otherwise stored outside on this property shall not exceed 3.6m.

MSC-271 (Retail Store)By-law 3884/29/00

Notwithstanding the provisions of the MSC (Main Street Commercial) zone to the contrary, this land

A-272 (Agricultural Purposes Only)By-law 3885/30/00

Notwithstanding the provisions of the "A" (Agricultural) zone to the contrary, this land shall be used for agricultural purposes only, and uses, buildings and structures accessory thereto, save and except a single (letached dwelling.

A-273 (AGRICULTURAL - PORTABLE CLASSROOM)" By-law 4560/91/04

In addition to the uses permitted in the "R2 (Second Density Residential" Zone this land may be also used for a portable classroom, and the following special regulations shall apply:

- i) Maximum Lot Coverage 0.6 percent
- ii) At no time shall the number of group home residents (excluding staff or the receiving family) exceed eight (8)
- iii) No persons other than the group home residents, staff and the receiving family shall be permitted to use or assemble in the portable classroom used for school purposes for the group home residents.

" NFR-275-H (HOLDING-SINGLE DWELLING)By-law 3965/110/00

Construction of a single detached dwelling, and buildings and structures accessory thereto, shall be subject to the provisions of the City's Lot Grading and Drainage Policy, By-law No. 2333/136/89, as amended, and shall not be exempt therefrom. Furthermore, development of this property shall not occur until the Council of the City of Port Colborne has removed the Holding symbol (H) from the NFR-275-H (Holding-Single Dwelling) zone, and provided further, that the Council of the City of Port Colborne will consider removing the Holding Symbol (H) from the "NFR-275-H" (Holding-Single Dwelling) zone on lands so zoned ("the lands") by this by-law, at such time as:

- (a) Condition no. 3 of the NOTICE OF DECISION (dated Tuesday, May 9, 2000) for Application for Consent to Sever File B-7/2000-PC is completed, to the satisfaction of the City of Port Colborne.

A-276 (Residential Retirement/Boarding Home) By-law 4024/19/01

In addition to the uses permitted in the "A Agricultural zone", this land may also be used for a "Residential Retirement/Boarding Home" providing short term "respite care" with a maximum of 4 client guestrooms/bedroom units, subject to the following special regulations:

1. The residential retirement/boarding home shall be located entirely within the dwelling as existing at the time of approval of this by-law.
2. There shall be no greater than a total of eight client residents, two resident employees and one non resident employee living and working in the home.
3. The parking requirements of Sec. 4.23(b)(iii), applicable to a "Boarding House Dwelling", shall apply. In addition, one parking space shall be provided for the non resident employee.
4. One non illuminated sign of maximum size 1m x 1m may be permitted on the lands."

A-277(Reduced Frontage/Agricultural Use Only) By-law 4026-21-01

Notwithstanding the "uses permitted" and "zone requirements" set out in the "A" (Agricultural Zone), this land shall only be used for agricultural uses and uses, buildings and structures accessory thereto excluding a "single detached dwelling", and, the following special regulation shall apply:

- i) Minimum lot frontage 29m.

R3-278 (Record of Site Condition) By-law 4057/52/01

In addition to the "Requirements" of the Third Density Residential "R3" Zone, the following special requirement shall apply:

- (i) Prior to issuance of Building Permit, the owner shall submit to the City a "Record of Site Condition", acknowledged by the Ministry of Environment, and to be registered on title, confirming that the subject lands have been assessed and, if necessary, remediated".

CC-279 (Ground Floor Accessory Dwelling Unit) By-law 4079/74/01

Notwithstanding the provisions of the Central Commercial zone to the contrary, this land may also be used for one existing accessory dwelling unit located on the ground floor at the rear of the existing building and the following special regulations shall apply:

- i) minimum interior side yard abutting a residential zone as existing
- ii) parking area access as existing

In addition, the provisions of CC-31 (Parking and Loading) special zone shall apply to this land".

R2-280(H) (Parking Lot)

By-law 4088/83/01

In addition to the uses permitted in Section 7 of this By-law, the lands zoned R2-280(H) (Parking Lot) may also be used for a "Parking Lot" provided that the "Parking Lot" use shall not occur until the Council of the City of Port Colborne has removed the Holding Symbol (H) from the R2-280(H) (Parking Lot) zone. Council will consider removing the Holding Symbol (H) on the lands so zoned at such time as:

- a) The City receives and approves plans submitted by the owner depicting the parking area and access(es) including detail of surfacing and curbing of the parking area, lot grading, storm drainage, landscaping, fencing and lighting; and,
- b) The City and the owner enter Agreement, to be registered on title to the lands, detailing implementation of the matters referenced in (a) above."

"NFR-281 Reduced MDSF

By-law 4099/94/01

In addition to the regulations of the "NFR" zone, the following special regulations shall apply to the subject lands:

- i) Notwithstanding the provisions of Section 4.19 and Schedule "C" to the contrary, a single family dwelling shall comply with the separation requirements of MDS Formula 1, but, shall not be required to comply with separation of 300m from buildings or structures used for the raising of livestock or fur bearing animals.
- ii) Notwithstanding the provisions of Section 25.5(f), a single family dwelling shall not be considered as "adjacent dwelling" for purposes of applying the "Minimum Distance" separation from a kennel located on lands known municipally as 915 Lorraine Road".

NFR-282 (Special)

By-law 4106/101/01

Notwithstanding the provisions of the "NFR (Non-Farm Residence)" zone to the contrary, the following special regulations shall apply to the subject lands:

- i) Notwithstanding the provisions of Section 4.19(a) to the contrary, the existing dwelling on this parcel shall have a minimum distance separation of 55m from the nearest livestock building.
- ii) Notwithstanding the provisions of Section 4.1 0(i)(b)(ii) to the contrary, the existing dwelling on this parcel shall not have accessory building(s) or structure(s) lot coverage of greater than 7.17%.

A-283 (Dwelling Unit(s) Restriction)

By-law 4106/101/01

Notwithstanding the permitted uses named in Sec. 25.2, these lands shall not be used for new dwelling unit(s)".

R2-284 (Detached Accessory Dwelling Unit)" By-law 4141/136/01

Notwithstanding the provisions of the "R2 (Second Density Residential) zone to the contrary, the use of this land shall only be for a single-detached dwelling and, uses, buildings and structures accessory thereto including one detached accessory dwelling unit, the following special regulations shall apply to the subject land:

- i) An accessory building in the southerly exterior side yard;
- ii) An existing accessory building rear yard setback of 2.08 feet (0.6m);
- iii) An existing accessory building southerly side yard setback of 3.62 feet (1.10m);
- iv) An existing accessory building lot coverage of 11.5%;
- v) An existing dwelling with a lot frontage of 42 feet (12.8m);
- vi) An existing dwelling with a minimum lot front yard setback of 4.75 feet (1.45m)
- vii) Notwithstanding the provisions of Section 4.23(b)(iv) to the contrary, the two existing dwellings on the property shall be exempt from the required parking.

"NFR-285 (Reduced Front Yard) By-law 4149/144/01

Notwithstanding the provisions of the "NFR (Non-Farm Residence)" zone to the contrary, the following special regulations shall apply to the subject lands:

- i) An existing reduced front yard of 4.86m.
- ii) Notwithstanding the provisions of Section 4.10(i)(b)(ii) to the contrary, the existing dwelling on this parcel shall not have accessory building(s) or structure(s) lot coverage of greater than 4.10%.

LR-Pt 1 By-law 4193/29/02

Notwithstanding any provisions of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- i) the rear wall of the dwelling unit shall not be located more than 75 metres from the northerly lot line;
- ii) no buildings or structures, including accessory buildings or structures, are permitted in the rear yard except an unenclosed deck which may project not more than 6 metres into the rear yard.
- iii) minimum rear yard 30 metres from the Environmental Protection (EP) Zone
- iv) minimum lot frontage 29 metres on a lane, notwithstanding Section 4.9

LR-Pt 2 By-law 4193/29/02

Notwithstanding any provision of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- i) the rear wall of the dwelling unit shall not be located more than 74 metres from the northerly lot line;
- ii) no buildings or structures, including accessory buildings or structures, are permitted in the rear yard except an unenclosed deck which may project not more than 6 metres into the rear yard.

- | | | |
|------|----------------------|---|
| iii) | minimum rear yard | 27 metres from the Environmental Protection (EP) Zone |
| iv) | minimum lot frontage | 29 metres on a lane, notwithstanding Section 4.9 |

LR - Pt 3By-law 4193/29/02

Notwithstanding any provisions of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- | | | |
|------|--|---|
| i) | the rear wall of the dwelling unit shall not be located more than 66 metres from the northerly lot line; | |
| ii) | no buildings or structures, including accessory buildings or structures, are permitted in the rear yard except an unenclosed deck which may project not more than 6 metres into the rear yard. | |
| iii) | minimum rear yard | 26 metres from the Environmental Protection (EP) Zone |
| iv) | minimum lot frontage | 29 metres on a lane, notwithstanding Section 4.9 |

LR - Pt 4By-law 4193/29/02

Notwithstanding any provision of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- | | | |
|------|--|---|
| i) | the rear wall of the dwelling unit shall not be located more than 62 metres from the northerly lot line; | |
| ii) | no buildings or structures, including accessory buildings or structures, are permitted in the rear yard except an unenclosed deck which may project not more than 6 metres into the rear yard. | |
| iii) | minimum rear yard | 30 metres from the Environmental Protection (EP) Zone |
| iv) | minimum lot frontage | 29 metres on a lane, notwithstanding Section 4.9 |

LR - Pt 5 and 6By-law 4193/29/02

Notwithstanding any provision of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- | | | |
|----|---|--|
| i) | minimum lot frontage 21 metres on a lane, notwithstanding Section 4.9 | |
|----|---|--|

R1-291By-law 4225/61/02

Notwithstanding any provision of this Zoning By-law to the contrary, the following special zone regulations shall apply:

- | | | |
|------|---|-------------|
| (i) | minimum yard setback from the Northerly lot line (Eagle Marsh Drain) | 7.5 metres |
| (ii) | minimum yard setback from the southerly lot line (Water Filled Channel) | 10.0 metres |

- (iii) no buildings or structures, including accessory buildings or structures are permitted in the required yard setback of subsection (i) and (ii) above.

R1-292 By-law 4225/61/02

Notwithstanding any provision of this Zoning By-law to the contrary, the lands indicated as R1-292 shall function as a natural buffer area and only be used for conservation and for the purpose of this zone, conservation is defined as:

"the use of land for the maintenance and enhancement of an area 's significant natural features and ecological functions and excludes the construction, erection or placing of a building or structure and activities such as site grading, excavation, removal of top soil and the placing and dumping of fill."

CC-293 (business and/or professional offices) By-law 4257/93/02

Notwithstanding the provisions of the Central Commercial Zone to the contrary, the use of this land shall be restricted to the following:

- 1) Business and/or professional offices

R1-294-H (Holding) By-law 4330/3/03

The uses permitted in Section 6 of this By-law shall not occur until the Holding Symbol (H) on the R1-294-H (Holding) Zone is removed. Removal of the Holding Symbol (H) may occur when:

1. The Owner provides a Preliminary Stormwater Management Study and a Phasing Plan satisfactory to the City of Port Colborne, the Niagara Peninsula Conservation Authority and the Ministry of Transportation: and
2. Enters into and registers on title a Development Agreement with the Corporation of the City of Port Colborne subject to the conditions contained in Schedule "B" attached hereto and forming part of this by-law ."

By-law 4330/3/03

The uses permitted in Section 6 of this By-law shall not occur until the Holding Symbol (H) on the R1-295-H (Holding) Zone is removed. Removal of the Holding Symbol (H) may occur when:

1. A Secondary Plan and/or Community improvement plan is adopted by Council or Council, by resolution, deems such Plan or Plans are not necessary,
2. The Owner provides a Preliminary Stormwater Management Study and a Phasing Plan satisfactory to the City of Port Colborne, the Niagara Peninsula Conservation Authority and the Ministry of Transportation,
3. A secure outlet is established for stormwater, and
4. The Owner enters into and registers on title a Subdivision Agreement with the Corporation of the City of Port Colborne subject to the conditions contained in Schedule "C" attached hereto and forming part of this by-law

R2-296-H (Holding) By-law 4330/3/03

The uses permitted in Section 7 of this By-law shall not occur until the Holding Symbol (H) on the R2-296-H (Holding) Zone is removed. Removal of the Holding Symbol (H) may occur when:

1. A Secondary Plan and/or Community improvement plan is adopted by Council or Council, by resolution, deems such Plan or Plans are not necessary,
2. The Owner provides a Preliminary Stormwater Management Study and a Phasing Plan satisfactory to the City of Port Colborne, the Niagara Peninsula Conservation Authority and the Ministry of Transportation,
3. A secure outlet is established for stormwater, and
4. The Owner enters into and registers on title a Subdivision Agreement with the Corporation of the City of Port Colborne subject to the conditions contained in Schedule "C" attached hereto and forming part of this by-law

R4-297-H (Holding)

By-law 4330/3/03

The uses permitted in Section 9 of this By-law shall not occur until the Holding Symbol (H) on the R4-297-H (Holding) Zone is removed. Removal of the Holding Symbol (H) may occur when:

1. A Secondary Plan and/or Community improvement plan is adopted by Council or Council, by resolution, deems such Plan or Plans are not necessary,
2. The Owner provides a Preliminary Stormwater Management Study and a Phasing Plan satisfactory to the City of Port Colborne, the Niagara Peninsula Conservation Authority and the Ministry of Transportation,
3. A secure outlet is established for stormwater, and
4. The Owner enters into and registers on title a Subdivision Agreement with the Corporation of the City of Port Colborne subject to the conditions contained in Schedule "C" attached hereto and forming part of this by-law

RT-298-H (Holding)

By-law 4330/3/03

The uses permitted in Section 10 of this By-law shall not occur until the Holding Symbol (H) on the RT-298-H (Holding) Zone is removed. Removal of the Holding Symbol (H) may occur when:

1. A Secondary Plan and/or Community improvement plan is adopted by Council or Council, by resolution, deems such Plan or Plans are not necessary,
2. The Owner provides a Preliminary Stormwater Management Study and a Phasing Plan satisfactory to the City of Port Colborne, the Niagara Peninsula Conservation Authority and the Ministry of Transportation,
3. A secure outlet is established for stormwater, and
4. The Owner enters into and registers on title a Subdivision Agreement with the Corporation of the City of Port Colborne subject to the conditions contained in Schedule "C" attached hereto and forming part of this by-law

A-300 (Agricultural Purposes Only)

By-law 4387/60/03

Notwithstanding the provisions of the Agricultural Zone to the contrary, the use of this land shall be restricted to the following:

- i) Agricultural uses, and uses, buildings and structures accessory thereto including
 - greenhouses.
- ii) Conservation of plant and wildlife.
- iii) Kennels.
- iv) Farm machinery sales and service establishments.

"NFR-301" (Greenhouses, Conservation of Plant and Wildlife, Farm Machinery Sales and Service Establishments) By-law 4416/89/03

In addition to the uses permitted in the "NFR" (Non-Farm Residence) zone, this land may also be used for:

- i) Greenhouses
 - ii) Conservation of plant and wildlife
 - iii) Farm machinery sales and service establishments
- Notwithstanding the provisions of the "NFR" (Non-Farm Residence) zone, the following Special regulations shall apply:
- i) Minimum Front Yard: as existing

A-302 (Agricultural) By-law 4416/89/03

Notwithstanding the provisions of the "A" (Agricultural) zone to the contrary, the following special regulations shall apply:

- i) Minimum Front Yard for Dwellings and Buildings Accessory thereto: as existing
- ii) Minimum Exterior Side Yard for Dwellings: as existing
- iii) Minimum Exterior Side Yard for Agricultural Buildings: as existing

"A-303" (Agricultural Purposes Only) By-law 4444/117/03

Notwithstanding the provisions of the Agricultural Zone to the contrary, the use of this land shall be restricted to the following:

- i) Agricultural uses, and uses, buildings and structures accessory thereto including greenhouses.

"A-304" (Agricultural Purposes Only) By-law 4445/118/03

Notwithstanding the provisions of the Agricultural Zone to the contrary, the use of this land shall be restricted to the following:

- i) Agricultural uses, and uses, buildings and structures accessory thereto including greenhouses.

R2-305 (SECOND DENSITY RESIDENTIAL)" By-law 4467/8/04

Notwithstanding the provisions of the "R2 (Second Density Residential)" Zone to the contrary, the following special regulations shall apply:

- i) minimum required front yard 6.3m

I-306 (INSTITUTIONAL) By-law 4467/8/04

Notwithstanding the provisions of the "I (Institutional)" Zone to the contrary, the following special regulations shall apply:

- i) minimum south interior side yard setback for the most southerly existing building 0.56m
- ii) minimum south interior side yard setback for the most westerly existing building 3.46m
- iii) minimum required front yard 6.25m

“R2-307 (STREET TOWNHOUSE)By-law 4489/20/04

In addition to the uses permitted in the “R2 (SECOND DENSITY RESIDENTIAL)” Zone this land may be also used for a street townhouse dwelling containing not more than three dwelling units, and a semi-detached dwelling, and the following special regulations shall apply:

- | | | |
|-------|---|------------|
| i) | Maximum Lot Coverage | 52 percent |
| ii) | Minimum Front Yard | 13.3m |
| iii) | Minimum South Interior Side Yard | 0.8m |
| iv) | Minimum North Interior Side Yard | 2.3m |
| v) | Minimum Rear Yard | 2.3m |
| vi) | Minimum Landscaped Area | 34 percent |
| vii) | Parking Permitted in the Required Front Yard | |
| viii) | A minimum 1.2m wide by 2.4m long enclosed porch for each dwelling unit. | |

“R4-308 (EXISTING RESIDENTIAL)”By-law 4543/74/04

In addition to the uses permitted in the “R (FOURTH DENSITY RESIDENTIAL)” Zone this land may be also used for an existing apartment building containing not more than four dwelling units, and the following special regulations shall apply to the existing building:

- | | | |
|----|--------------------|------------|
| i) | Minimum Front Yard | 0.3 metres |
|----|--------------------|------------|

“HC-308 (VEHICLE SALES)By-law 4562/93/04

Notwithstanding the provisions in Section 18 of this By-law, the “HC (HIGHWAY SERVICE COMMERCIAL)” Zone, to the contrary, this land shall be used for only:

- a) electrical appliance sales and/or service establishments,
- b) florist shops,
- c) plumbing and heating sales and service establishments,
- d) merchandise service shops,
- e) studios,
- f) vehicle sales or rental establishments,
- g) caterers,
- h) furniture refinishing and/or sales and/or upholstery shops,
- i) professional and business offices,
- j) accessory residential uses in compliance with the provisions or the Zoning By-law, and
- k) accessory buildings and structures.

In addition, notwithstanding the provisions of Sections 4.19, SEPARATION DISTANCES - SCHEDULE “C”: FARM AND NON-FARM BUILDINGS, 4.20, YARD ENCROACHMENTS AND OBSTRUCTIONS, and 18, the “HC (HIGHWAY SERVICE COMMERCIAL)” Zone, of this by-law to the contrary, the following special regulations shall apply thereto:

- i) Minimum Exterior Side Yard 3.5 metres
- ii) No part of any required yard shall be obstructed by any building or structure or part thereof except for a verandah providing access between finished grade and the first storey of a building which may extend not more than 2.5 metres into a required exterior side yard having a floor area not in excess of 15 square metres.
- iii) This land shall be exempted for the separation requirements of this By-law.

“ER-309 (ZARB PLAN OF SUBDIVISION)By-law 4627/9/05

Notwithstanding the provisions of the “ER (ESTATE RESIDENTIAL)” Zone to the contrary, the use of this land shall comply with the following special regulations:

- | | |
|-------------------------|---------------|
| i) Minimum Lot Frontage | 43 metres |
| ii) Minimum Lot Area | 0.80 hectares |
| iii) Minimum Rear Yard | 110 metres |

ER-310 (ZARB PLAN OF SUBDIVISION)By-law 4627/9/05

Notwithstanding the provisions of the “ER (ESTATE RESIDENTIAL)” Zone to the contrary, the use of this land shall comply with the following special regulations:

- | | |
|-------------------------|---------------|
| 1) Minimum Lot Frontage | 39 metres |
| 2) Minimum Lot Area | 0.65 hectares |
| 3. Minimum Rear Yard | 45 metres |

ER-311 (ZARB PLAN OF SUBDIVISION)By-law 4627/9/05

Notwithstanding the provisions of the “ER (ESTATE RESIDENTIAL)” Zone to the contrary, the use of this land shall comply with the following special regulations:

- | | |
|-------------------------|---------------|
| 1. Minimum Lot Frontage | 53 metres |
| 2. Minimum Lot Area | 0.80 hectares |
| 3. Minimum Rear Yard | 90 metres |

“R2-311 (BED AND BREAKFAST)”By-law 4592/123/04

In addition to the uses permitted in the “R2 (SECOND DENSITY RESIDENTIAL)” Zone this land may be also used for a Bed and Breakfast

R4-312 (SPECIAL)By-law 4628/10/05

Notwithstanding the provisions of Sections 4.23, Parking Regulations, 6, R3 (Third Density Residential), 7, R4 (Fourth Density Residential) and 30(b), Special Exceptions and Provisions, specifically the “R4-205” Zone, of this By-law to the contrary the following special regulations shall apply:

- | | |
|--|---|
| i) Minimum Lot Frontage | 9.5 metres |
| ii) Minimum Lot Area | 200 square metres |
| iii) Maximum Coverage | 35 per cent |
| iv) Minimum Front Yard | 1.3 metres |
| v) Minimum East Side Interior Side Yard | 0.8 metres |
| vi) Minimum West Side Interior Side Yard | 2.75 metres |
| vii) Minimum Access To Parking Areas | Driveways shall have a minimum unobstructed width of 2.75 metres where two-way traffic is permitted |
| viii) Minimum Floor Area dwelling unit | 30 square metres per |

“R3-315 (SPECIAL - REDUCED YARDS)” By-law 4635/17/05

Notwithstanding the provisions of Section 8 of this By-law, the “R3 (THIRD DENSITY RESIDENTIAL)” Zone, to the contrary the following special regulations shall apply:

- | | |
|--------------------------------------|-------------|
| i) Minimum Front Yard | 0.43 metres |
| ii) Minimum Interior West Side Yard | 1.92 metres |
| iii) Minimum Exterior East Side Yard | 0 metres |
| iv) Minimum Landscaped Area | 35% |

“HC-316 (SPECIAL - REDUCED YARDS AND PLANTING STRIP)”By-law 4636/18/05

Notwithstanding the provisions of Sections 4.23, 18 and 31, of this By-law, PARKING REGULATIONS, "HC (HIGHWAY SERVICE COMMERCIAL)" Zone, and DEFINITIONS, to the contrary the following special regulations shall apply:

- i) Minimum Front Yard 0.9 metres
- ii) Minimum Exterior Side Yard 5.4 metres
- iii) Parking areas excluding parking structures shall be permitted in any yard other than a required yard, except that this provision shall not apply to prevent the location and use of a parking area in a required exterior side yard, except within the area defined as a sight triangle, provided the parking area shall be separated from the said lot line by an opaque fence or wall constructed on or immediately adjacent said lot line.

R1-317 (Special - Definitions)"

By-law 4638/20/05

Notwithstanding the provisions of Section 6, the "R1 (FIRST DENSITY RESIDENTIAL)" Zone and Section 31, DEFINITIONS, of this By-law to the contrary the following special regulations shall apply:

- (a) "REAR LOT LINE" means the line between the R1-317 (Special - Definitions) Zone and the EP (Environmental Protection) Zone illustrated on Schedule "A" attached.
- (b) "EAST SIDE SIDE YARD LOT LINE" means the most easterly lot line.
- (c) Minimum East Side Interior Side Yard 3 metres
- (d) Minimum Rear Yard The area between the REAR LOT LINE and a line 46 metres south of the north-side lot line.
- (e) Minimum Setback from 1-in-100 year flood line 30 metres from the 1-in-100 year flood line except where the 1-in-100 year flood line is coterminous with a side lot line. (By-law 5241/147/08)

"NFR-318 (SPECIAL - KENNEL)"

By-law 4665/47/05

Notwithstanding the provisions of the Section 30(b) of this By-law, the "NFR (Non Farm Residence) zone and Section 4.10 (Accessory Uses), to the contrary, this land may also be used for a kennel in the existing accessory building, subject to the following special regulations:

- i) Minimum distance of kennel from the adjacent residential dwelling: 8.9 metres
- ii) The number of dogs, or any other domesticated animal, is restricted to no more than ten (10), excluding unweaned puppies or any other unweaned domesticated animal.
- iii) The accessory building or structure is not located closer to any lot line than 3 metres.
- iv) The total lot coverage of all accessory buildings or structures shall not exceed 4.5% of the lot area of the said lot.

"LR-319 (Lakeshore Residential)"

By-law 4747/129/05

"R2-320 (Home Occupation - Cake Business)"

By-law 4728/110/05

Notwithstanding the provisions of Section 7, the Second Density Residential zone, to the contrary, this land may also be used for a cake baking and decorating business within in the existing dwelling as a home occupation, subject to the following special regulations:

- (i) The total floor area for the business shall not exceed 15 square

- metres.
- (ii) With the exception of the residents of the dwelling, the home occupation shall not have employees or volunteers.
 - (iii) No outdoor storage of material, goods, and equipment related to the business is permitted.
 - (iii) There shall be no external display, window display, or advertising of the business, or goods related to the business, other than one non-illuminated legal sign, not to exceed 0.28 square metres (3 square feet) in area.
 - (iv) In addition to the minimum required parking for the residence, one additional on-site parking space shall be provided in accordance with the provisions of section 4.23, Parking Regulations.
 - (v) The home occupation shall not create noise, vibration, fumes, odour, dust, glare, or radiation which is evident outside the dwelling unit and which exceeds limits established by City By-laws and Provincial legislation.
 - (v) A eat-in or drive-in restaurant is specifically not permitted.

“R2-321 (Home Occupation - Sign Business)”

Notwithstanding the provisions of Section 7, the Second Density Residential zone, to the contrary, this land may also be used for a sign making business within the existing garage as a home occupation, subject to the following special regulations:

- (i) The sign making business shall be limited to the assembling of pre-fabricated materials. No cutting, grinding, polishing, painting of wood or metals is permitted.
- (ii) The total floor area within the garage for the sign business shall not exceed 56 square metres.
- (iii) Only the residents of the dwelling and not more than one (1) non-resident person shall be involved in the operation of the sign business.
- (iv) No outdoor storage of material, goods, and equipment related to the sign business is permitted.
- (v) There shall be no external display, window display, or advertising of the business, or goods related to the business, other than one non-illuminated legal sign, not to exceed 0.28 square metres (3 square feet) in area.
- (vi) In addition to the minimum required parking for the residence, one additional on-site parking space shall be provided in accordance with the provisions of section 4.23, Parking Regulations.
- (vii) The home occupation shall not create noise, vibration, fumes, odour, dust, glare, or radiation which is evident outside the dwelling unit and which exceeds limits established by City By-laws and Provincial legislation.

HR-322-H (Hamlet Residential Special - Holding) (By-law 4805/30/06)

Notwithstanding the provisions of Section 4.8, Dwelling Units, to the contrary, a dwelling unit may be located entirely above a private garage.

The uses permitted by this By-law shall not occur until the Holding Symbol (H) on the "HR-322-H (Hamlet Residential Special _ Holding)" zone is removed.

Removal of the Holding Symbol (H) may occur when the Owner:

- (i) Files a Record of Site Condition signed by a qualified person in the Environmental Site Registry and submits a copy of this Record of Site Condition along with a Declaration signed by the qualified person to the city. This Record of Site Condition must be to the satisfaction of the Ministry of Environment and the City, including proof that the

Ministry of the Environment has acknowledged receipt of the Record of Site Condition.

- (ii) Registers on title, and submits to the City of Port Colborne, a Record of Site Condition, acknowledged by the Ministry of Environment, confirming that the subject lands have been assessed, and if necessary, remediated.
- (iii) Replaces the defective septic tank to the satisfaction of Regional Niagara Public Health.

LI-325 (Light Industrial - Taxi/Limousine/Courier)

(By-law 4839/64/06)

In addition to those uses permitted in the "LI (Light Industrial)" zone, this land may also be used for a taxi establishment, limousine service, and courier service, and uses, buildings, and structures accessory thereto.

"NC-323 (Neighbourhood Commercial Special)"

(By-law 4921/146/06)

Notwithstanding the provisions of Section 17, the Neighbourhood Commercial zone, to the contrary, a maximum of two accessory dwelling units may be permitted and the following special provisions shall apply:

Minimum west interior side yard:	0.17 metres
Minimum east exterior side yard:	1.2 metres
Minimum rear yard:	0.55 metres
Maximum gross floor area for commercial use:	313 square metres
The planting strip along front lot line and exterior lot line is not required.	
Minimum number of on-site parking spaces:	9
Minimum distance of loading space from street line:	1.2 metres

"HC-324 (CHIP WAGON)"

(By-law 5409/06/10)

Notwithstanding the provisions of Section 18, the Highway Commercial zone, to the contrary, this land shall only be used for a chip wagon.

"Chip Wagon" shall mean a mobile or immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axle system, from which food and non-alcoholic beverages are sold for consumption by the public.

LR-326 (Lakeshore Residential Special)

(By-law 4932/157/06)

Notwithstanding the provisions of Section 11, Lakeshore Residential, to the contrary, the following special regulations shall apply:

i) Minimum Lot Frontage:	25 metres
ii) Minimum Lot Area:	0.21 hectares
iii) Minimum Front Yard:	6.8 metres
iv) Minimum Exterior Side Yard to Existing Dwelling:	1.5 metres
v) Minimum Exterior Side Yard to Existing Shed:	3.3 metres
vi) The existing shed may be located in the front yard at a minimum front yard setback of	1.9 metres.

No expansions or alterations shall be permitted to the existing shed in the front yard.

R4-327 (Fourth Density Residential Special)

(By-law 4946/2/07)

Notwithstanding the provisions of Section 9, Fourth Density Residential, to the

contrary, the following special regulations shall apply:

- | | | |
|-----|--|---------------------|
| i) | Minimum Front Yard: | 4.4 metres |
| ii) | Minimum floor area for one bedroom unit: | 44.5 m ² |

"CC-328 (Marine Sales)" (By-law 5001/57/07)

In addition to the uses permitted in the "CC (Central Commercial)" zone, the land may also be used for:

- i) Marine and recreational products, sales, service and ancillary uses thereto be permitted uses on the property.

"LR-329 (Seasonal Dwelling)" (By-law 5011/66/07)

In addition to the uses permitted in the "LR (Lakeshore Residential)" zone, the land may also be used for:

An additional seasonal dwelling as a permitted use on the property.

"A-330 (Conservation of Plant & Wildlife)" (By-law 5077/132/07)

Notwithstanding the provisions of the "A (Agricultural)" Zone to the contrary, the use of this land shall be restricted to the following:

- i) Conservation of plant and wildlife.

"R2-332 (SECOND DENSITY RESIDENTIAL)" (By-law 5138/44/08)

Notwithstanding the provisions of Section 4.10(e) to the contrary, an existing accessory structure with an interior side yard setback of 0.56m shall be permitted.

"R4-333" (APARTMENT) (By-law 5272/27/09)

Notwithstanding the uses permitted in the Fourth Density Residential (R4) zone, this land shall only be used for a ten (10) unit Apartment dwelling. In addition, the following special regulations shall apply thereto:

- | | | |
|-------|---|-----------------------|
| (i) | Minimum Lot Area | 123.53 m ² |
| (ii) | Minimum Front Yard | 1.79 m |
| (iii) | Minimum Southerly Interior Side Yard | as existing |
| (iv) | Parking is permitted in the required rear and interior side yard. | |

"RT-334" (STREET TOWNHOUSE) (By-law 5272/27/09)

Notwithstanding the uses permitted in the Residential Townhouse (RT) zone, this land shall only be used for four (4) Street Townhouse dwellings. In addition, the following special regulations shall apply thereto:

- | | | |
|-------|--|-------------|
| (i) | Parking is permitted in the required front yard for the northerly Townhouse. | |
| (ii) | Minimum Interior Side Yard | as existing |
| (iii) | Minimum Exterior Side Yard | as existing |

- (iv) Parking is permitted in the sight triangle.

“R1-335 (FIRST DENSITY RESIDENTIAL SPECIAL)” (By-law 5196/102/08)

Notwithstanding the provisions of Section 6, “R1 (FIRST DENSITY RESIDENTIAL)”, the following special regulations shall apply:

- i) Minimum lot area 111.48 m²

“A-336 (AGRICULTURAL PURPOSES ONLY)” (By-law 5254/09/09)

Notwithstanding the provisions of the Agricultural zone to the contrary, the use of this land shall be restricted to the following:

- i) Agricultural uses, and uses, buildings and structures accessory thereto including greenhouses.

“I-337 (DUPLEX)” (By-law 5263/18/09)

In addition to the uses permitted in the “I (Institutional)” zone, the land may also be used for:

- i) A duplex.

Notwithstanding the provisions of Section 28, Institutional, to the contrary, the following special regulations shall apply:

- i) Minimum Front Yard: 6.7m
 ii) Minimum Exterior Side Yard: 5.33m
 iii) Minimum Interior Side Yard: .89m
 iv) Location of existing building and stairs permitted within the sight triangle.

“MSC-338 (VEHICLE SALES AND RENTAL ESTABLISHMENT)”
 (By-law 5308/63/09)

In addition to the uses permitted in the “MSC (Main Street Commercial)” zone, the land may also be used for:

- i) a vehicle sales and rental establishment

Notwithstanding the provisions of Section 34, Main Street Commercial, to the contrary, the following special regulations shall apply:

- i) Minimum Rear Yard: 6.4m
 ii) Minimum Westerly Interior Side Yard: 1.7m
 iii) Maximum Ground Floor Area: 198.2m²
 iv) Location of parking area in the required front yard
 v) No planting strip requirement along north, east and west lot lines

“NFR-339 (NON-FARM RESIDENCE SPECIAL)” (By-law 5453/50/10)

Notwithstanding the provisions of Section 30(b), NFR (Non-Farm Residence), to the contrary, the following special regulations shall apply:

- i) Minimum Front Yard 5.4m

ii) Accessory Structure Height 6.7m

"NC-341 (PROFESSIONAL OFFICE)"

(By-law 5458/55/10)

Notwithstanding the provisions of Section 30(b), NC (Neighbourhood Commercial), to the contrary, the following special regulations shall apply:

- | | |
|--|---------------------|
| i) Minimum Lot Area | 540.8m ² |
| ii) Minimum Lot Frontage | 15m |
| iii) Minimum Exterior Side Yard | 1.6m |
| iv) Minimum Rear Yard | 3.4m |
| v) No planting strip be required along the rear lot line | |

"R4-342 (APARTMENT DWELLING)"

(By-law 5482/79/10)

Notwithstanding the provisions of Section 30(b), R4 (Fourth Density Residential), to the contrary, the following special regulations shall apply:

- | | |
|--|---------------------|
| i) Minimum Lot Area | 491.4m ² |
| ii) Minimum Lot Frontage | 15.85m |
| iii) Minimum Front Yard for existing dwelling | as existing |
| iv) Minimum Interior Side Yard for existing dwelling | as existing |
| v) Minimum Exterior Side Yard for existing dwelling | as existing |
| vi) Maximum Lot Coverage | as existing |
| vii) Minimum Landscaped Area | as existing |

"LI-343 (HOTEL)"

(By-law 5511/108/10)

In addition to the uses permitted in the LI (Light Industrial) zone, this land may also be used for a hotel. In addition, the following special regulations shall apply to all uses permitted on these lands:

- | | |
|--|-----|
| (i) maximum height for a hotel | 32m |
| (ii) maximum height | 12m |
| (iii) minimum southerly yard for a hotel | 20m |
| (iv) minimum southerly yard | 14m |
| (v) minimum easterly yard | 85m |
| (vi) minimum westerly yard for a hotel | 20m |
| (vii) minimum westerly yard | 14m |
| (viii) minimum interior side yard | 10m |

"NC-126" (Private Club)

(By-law 5512/109/10)

Notwithstanding the provisions of the Neighbourhood Commercial Zone to the contrary, this land may only be used for a private club and accessory uses, buildings and structures. In addition, the following special regulations shall apply thereto:

- | | |
|------------------------|-----------|
| (i) minimum front yard | 4.5 metre |
|------------------------|-----------|

(ii)	minimum interior side yard	1.7 metres
(iii)	minimum exterior side yard	0.6 metres
(iv)	minimum rear yard	7.5 metres
(v)	maximum lot coverage	20%
(vi)	minimum unobstructed two-way driveway access to a parking area	3.75 metres
(vii)	maximum height	1 storey
(viii)	maximum seating capacity	80 persons
(ix)	minimum parking space aisle width	3.75 metres
(x)	minimum number of parking spaces	11

"I-345 (SINGLE DETACHED DWELLING)"(By-law 5523/120/10)

In addition to the uses permitted in the Institutional (I) zone, this land may be used for:

- (a) a Single Detached Dwelling;
- (b) a Private Nursing Home with an accessory apartment;

"R4-346 (PUBLIC APARTMENT DWELLING)"(By-law 5524/121/10)

In addition to the uses permitted in the Fourth Density Residential (R4) zone, this land may be used for:

- (a) a Public Apartment Dwelling;

and the following special regulations shall apply:

- | | | |
|-------|----------------------|-----|
| (i) | Minimum Front Yard | 0m |
| (ii) | Minimum Rear Yard | 0m |
| (iii) | Maximum Lot Coverage | 45% |

"EP-347 (CONSERVATION OF PLANTS AND WILDLIFE)" (By-law 5523/120/10)

Notwithstanding the provisions of the "EP (Environmental Protection)" zone to the contrary, the use of this land shall be restricted to the following:

- (a) Conservation of Plants and Wildlife.

DEFINITIONS

SECTION 31

"ABANDONED" means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.

"ACCESSORY AMENITY AREA" means the floor area of a building usually located in a residential retirement home, a nursing home, or a senior citizens' apartment intended primarily for social or recreational purposes and shall include lounges, recreation rooms, meeting rooms, but shall not include bedrooms, lobbies, laundries, washrooms, cloak rooms, storage areas, electrical and utility rooms. (By-law 1646/71/85)

"ACCESSORY BUILDING OR STRUCTURE" means a detached building or structure that is subordinate, customarily incidental, and exclusively devoted to the main use, and is located on the same lot therewith, and includes a detached private garage. (By-law 4915/140/06)

"ACCESSORY DWELLING UNIT" - See "DWELLING UNIT ACCESSORY" (By-law 4915/140/06)

"ACCESSORY USE" means a use subordinate and customarily incidental to, and exclusively devoted to, the main use, and is located on the same lot therewith. (By-law 4915/140/06)

"ADDRESS OF CONVENIENCE" is a home occupation that is solely used for the purpose of receiving phone calls, mail and electronic transmissions and the keeping of business records. (By-law 4915/140/06)

"ADULT ENTERTAINMENT ESTABLISHMENT" means any building or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations; and for the purposes of this definition:

- (a) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance of a trade, calling, business or occupation, and "providing" and "provision" have corresponding meanings.
- (b) "services" includes activities, facilities, performances, exhibitions, viewing, and encounters, but does not include the exhibition of film approved under the Theatres Act.
- (c) "services designed to appeal to erotic or sexual appetites or inclinations" includes,
 - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person.
 - ii) services in respect to which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol, or representation having like meaning or implication, is used in any advertisement.
 - iii) services that arrange dates and/or escorts for a fee.
 - iv) services that provide telephone, electronic, or internet sex lines, a principal feature of which includes communications, conversations, or video imagery that are sexual in nature. (By-law 4915/140/06)

"ADULT ENTERTAINMENT PARLOUR" – see "ADULT ENTERTAINMENT ESTABLISHMENT" (By-law 4915/140/06)

“AGGREGATE SIDE YARD WIDTH” – see “YARD, AGGREGATE SIDE WIDTH”(By-law 4915/140/06)

"AGRICULTURAL USE" means a use of land, building or structure for the purpose of animal husbandry, keeping of livestock, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, farm greenhouses or any other farming use, and includes the growing, raising, packing, treating, storing and sale of produce and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious.(By-law 5241/147/08)

"ALTER" means:

- (i) when used in reference to a building or structure or part thereof, to change anyone or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;
- (ii) when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
- (iii) when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.
(By-law 4915/140/06)

“ALTERED” and “ALTERATION” shall have corresponding meanings. (By-law 4915/140/06)

“AMENITY AREA” means the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, balconies, swimming pools, play areas, sundecks, and similar uses, but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways.(By-law 4915/140/06)

"ANIMAL HOSPITAL OR SHELTER" means a building or part thereof, with or without related structures, wherein domestic household pets including, but not so as to limit the generality of the foregoing, dogs, cats, caged birds and specialty fish, but excluding any animals kept primarily for the purpose of providing food or skins, are given temporary shelter and accommodation or are treated or kept for treatment by a registered veterinarian, and includes the office of a registered veterinarian, but does not include any establishment engaged primarily in the retail sale of animals or in breeding animals for gain or profit, or a veterinarian's clinic as defined herein.

“ANTIQUÉ SHOP” means a building or part thereof used for the sale of any old and authentic objects of personal property which were made, fabricated or manufactured sixty or more years earlier and which have a unique appeal and enhanced value mainly because of their age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value.(By-law 4915/140/06)

"ARCADE" means any establishment or part or parts of an establishment containing not less than 4 and not more than 20 pinball or other mechanical game machines or electronic game machines operated for gain, including where the operation of such game machines for gain is an accessory use or not the primary use of the establishment (By-law 1200/23/82), except where establishments are licensed under the Liquor License Act (RSO 1980 Chapter 244) the number of machines shall not exceed 5. (By-law 1418/111/83)

"ARTISAN STUDIO" means a building or part thereof used as the workplace of a photographer, artist, craftsman, sculptor or potter.(By-law 4915/140/06)

"ASSEMBLY HALL" means a building or a part of a building in which facilities are provided for meetings of a civic, educational, political, religious, social or recreational nature and which facilities are capable of accommodating in excess of 100 persons and includes a public hall within the meaning of The Public Hall Act. (By-law 1374/67/83)

"ATTACHED" means a building or structure, otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings. (By-law 4915/140/06)

"ATTIC" - see "STOREY, HALF or ATTIC"(By-law 4915/140/06)

"AUCTION" means the offering for sale of new and used goods by means of a request or invitation for bids, but does not include retail sales.(By-law 4915/140/06)

"AUCTION ESTABLISHMENT" means building, structure, or lot, or part thereof, used for the storage of new and used goods and materials that are to be sold on the premises by public auction on an occasional basis, but shall not include the wrecking or dismantling of such goods and materials.(By-law 4915/140/06)

"AUDITORIUM" means a building or structure where facilities are provided for athletic, civic, education, recreational, political, religious or social events including, but not so as to limit the generality of the foregoing, an arena, a community centre, a bowling alley, a recreation centre, an assembly hall, a gymnasium, a stadium, a cinema, a theatre or a playhouse.

"AUTOMOBILE SERVICE STATION" means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the minor running repairs and maintenance of vehicles that is essential to their operation, but does not include a body shop.

"AUTOMOBILE WRECKING YARD" means an area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.(By-law 4915/140/06)

"AUTOMOTIVE USE" means an automobile service station, a motor fuel retail outlet, (By-law 1418/111/83) a vehicle repair shop, a body shop or a vehicle sales or rental establishment as defined herein.

"BAKERY" means a food processing establishment where food products or which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared.

"BAKE SHOP" means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises and includes a restaurant.

"BALCONY" means a platform, whether or not partially enclosed, projecting from the main wall of a building at the second storey level, which is not supported by vertical uprights other than the wall itself, except when located above a porch/veranda, and which is only accessible from within a building.(By-law 4915/140/06)

"BANK" means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, and other like financial institutions.

"BANQUET HALL AND/OR CONVENTION CENTRE" means a building or portion thereof used for the gathering together of groups of people for a specific purpose including the consumption of food and drink and where full kitchen facilities are provided on the same premises. (By-law 4915/140/06)

"BASEMENT" means any portion of a building below the first storey(By-law 3427/9/97, 4915/140/06)

"BASEMENT, WALKOUT" means that portion of a building which is partly underground, but which has more than 50 percent of the floor area not greater than 0.61m below grade, and which has an entrance/exit at grade level. This definition shall only apply in an area where natural terrain permits construction of a walk-out basement. (See illustration) (By-law 4915/140/06)

"BED AND BREAKFAST ESTABLISHMENT" means a single detached dwelling in which the owner resides and where, for gain or profit, not more than three guest rooms are provided for short term accommodation for the travelling public, with the provision of meals, but does not include a restaurant, hotel, group home, or a boarding house.(By-law 4915/140/06)

"BEDROOM" means a room located within a dwelling unit and used primarily for sleeping.

"BERM" means a landscaped mound of earth.

"BOAT" means a water-going vehicle.

"BOATHOUSE" means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the principal residential occupancy of the lot.

"BODY RUB" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means of a persons body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario."(By-law 4915/140/06)

"BODY RUB PARLOUR" includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.(By-law 4915/140/06)

"BODY SHOP" means an establishment engaged primarily in the repairing and/or painting of vehicle bodies.

"BUILDING" means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in The Building Code Act, R.S.O. 1974, or in the Building By-law, but does not include any vehicle as defined herein.

"BUILDING BY-LAW" means any by-law of the Corporation passed pursuant to The Building Code Act, R.S.O. 1974, or Section 38 of The Planning Act, R.S.O. 1974, as amended from time to time, or any successors thereto.

"BUILDING HEIGHT" - see "HEIGHT"(By-law 4915/140/06)

"BUILDING, MAIN" - see "MAIN"

"BUILDING PERMIT" means a permit required by the Building Bylaw and/or the Building Code Act, R.S.O. 1974.

"BUSINESS ACTIVITY" means any continuous gainful occupation or activity of service, design, manufacture, assembly, production, instruction, distribution or sales, including the storage or display of art, crafts, goods, materials or equipment that involves income gathered part-time or full-time. It shall not include activities such as hobbies or garage or yard sales.(By-law 4915/140/06)

"BUSINESS OFFICE" means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.

"BY-LAW ENFORCEMENT OFFICER" means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments thereto.

"CANDY KITCHEN" means a building or part thereof, other than a restaurant, used for producing, mixing, compounding, cooling or otherwise preparing confectionary products including, but not so as to limit the generality of the foregoing, chocolate, candy, bon-bons and pastilles, where such prepared confectionary products are offered for retail sale.

"CANOPY" means a roof structure over an entrance to a building, which is free of any enclosing walls or guard rails and is supported by the building to which it is attached. (By-law 4915/140/06)

"CAR WASH" means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

"CARPORT" means a building or structure, at least forty per cent (40%) of the area of the perimeter walls of which are open and unobstructed by any wall, door, post or pier,

- (i) which is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one (1) tonne maximum capacity, and
- (ii) wherein neither servicing or repairing is carried on for profit.

"CATERER" means a business, the main function of which is the preparation of food products and the delivery and serving of same at other than the main place of business.

"CELLAR" means a basement which is more than one half below finished grade measured from finished floor to finished ceiling. (By-law 4915/140/06)

"CEMETERY" means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

"CHIEF BUILDING OFFICIAL" means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of the Building Code Act, R.S.O. 1974, or any successors thereto, together with any Regulations made thereunder, and the provisions of the Building By-law.

"CHURCH" means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.

"COMMERCIAL", when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work.

"COMMERCIAL VEHICLE" means vehicle licensed by the Province of Ontario Bylaw 3919/195/96

- (i) as a public vehicle pursuant to the provisions of The Public Vehicles Act, R.S.O. 1970, Chapter P54, as amended from time to time, or any successors thereto.
- (ii) as a commercial motor vehicle, pursuant to the provisions of THE TRUCK TRANSPORTATION ACT, R.S.O. 1990 Chapter T22, as amended from time to time, or any successors thereto.

"COMMITTEE OF ADJUSTMENT" means the Committee of Adjustment of the City of Port Colborne in accordance with the provisions of Section 48 and 49 of The Planning Act.

"CONTRACTOR'S YARD" means the use of a lot, building, or structure, or part thereof, by a construction company or building contractor for the storage and maintenance of vehicles, equipment, and materials used by the company or contractor in the construction or renovation trades, but does not include the wholesale or retail sale of such vehicles, equipment, or materials, or any building supplies or home improvement supplies. (By-law 4915/140/06)

"CONVENIENCE TYPE RETAIL STORE" means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.

"CORPORATION" means the Corporation of the City of Port Colborne.

"COTTAGE" means a dwelling constructed and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

"COUNCIL" means the Council of the Corporation of the City of Port Colborne.

"COURT" means an area of landscaped open space bounded on three or more sides by a building.

"COVERAGE" - See "LOT COVERAGE"

"DAIRY OPERATION" means a creamery, a cheese or butter factory, condensed or powdered milk factory, ice cream factory, milk pasteurization, and bottling plant - a milk or cream sale and/or shipping and/or receiving station.

"DAY CARE, PRIVATE HOME" means the temporary care and custody of children under ten years of age, in a dwelling unit other than the home of a parent or guardian of any such child, by a person who resides in the dwelling unit, for a continuous period not exceeding 24 hours.(By-law 4915/140/06)

"DAY NURSERY" means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the daytime care of children.

"DENSITY" means the number of dwelling units per hectare of lot area.

"DETACHED" means "not attached".

"DEVELOPMENT" means the construction or erection of buildings or structures on, or the excavation of land.

"DINING ROOM" means that part of a restaurant or other building, other than a dwelling, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.

"DRESSMAKING SHOP" - see "TAILOR OR DRESSMAKING SHOP"

"DRIVEWAY" means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

"DRY CLEANING PLANT" means a building or part thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and may include a dry cleaning outlet but does not include a laundry or laundromat. (By-law 1374/67/83)

"DRY CLEANING OUTLET" means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process. (By-law 1374/67/83)

"DWELLING"(By-law 4915/140/06) means a building containing one or more dwelling units.

"DWELLING, ACCESSORY APARTMENT" means a self-contained dwelling unit created through converting of or adding onto an existing single detached dwelling. An accessory apartment shall be deemed to be part of the main building and subject to the requirements set forth under the respective zone.(By-law 4915/140/06)

"DWELLING APARTMENT" means a dwelling other than a triplex dwelling, containing 3 or more dwelling units accessible from a corridor system connecting with a common entrance from outside the dwelling, where the occupants of such units have the common right to use halls, stairs, elevators and yards, the said dwellings being located on a single lot, with or without other dwellings, such lot being held and maintained under one ownership.(By-law 4915/140/06)

"DWELLING, BLOCK TOWNHOUSE" means a dwelling containing two or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall, the said dwelling being located on a single lot, with or without other dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act, R.S.O. 1990, as amended from time to time or any successors thereto.(By-law 4915/140/06)

"DWELLING BOARDING HOUSE" means a single dwelling that contains a dwelling unit occupied and used by the owner of such dwelling as his principle residence together with not less than two and not more than four accessory guest rooms, but does not include a restaurant, hotel, group home, or a bed and breakfast establishment.(By-law 4915/140/06)

"DWELLING CONVERTED" means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than 4 single dwellings. (By-law 1374/67/83, 4915/140/06)

"DWELLING DUPLEX " means a dwelling other than a converted dwelling, which is divided horizontally into two single dwellings (By-law 1374/67/83), each of which has an independent entrance either directly from a yard or from a common vestibule. (By-law 4915/140/06)

"DWELLING PUBLIC APARTMENT" means an apartment dwelling erected, owned and maintained by a public agency or a non-profit charitable organization including, but not necessarily restricted to, the Ontario Housing Corporation, a church and a community service club.(By-law 4915/140/06)

"DWELLING SEASONAL" - see "COTTAGE"(By-law 4915/140/06)

"DWELLING SEMI-DETACHED" means one of a pair of single dwellings (By-law 1374/67/83) which are attached together in whole or in part, either above grade or

below grade and divided vertically from each other by a common masonry wall and each of which has a private, independent entrance directly from a yard and said pair of single dwellings (By-law 1374/67/83) shall be free standing, separate and detached from other main buildings or structures. Where such attachment is above grade, a minimum of 35% of the vertical wall area shall be attached, and where below grade, a minimum of 10% or 4m², whichever is the greater of the vertical wall area shall be attached.(By-law 4915/140/06)

"DWELLING SEMI-DETACHED DUPLEX" means a dwelling which is divided both horizontally and vertically into 4 dwelling units, each of which has an independent entrance from a yard or a common vestibule.(By-law 4915/140/06)

"DWELLING SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures.(By-law 4915/140/06)

"DWELLING SINGLE" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto including, but not so as to limit the generality of the foregoing, not more than one accessory guest room.(By-law 4915/140/06)

"DWELLING STREET TOWNHOUSE" means one of a group of not less than 3 but not more than 8 single dwellings which are attached together horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall between each two adjacent dwellings and each of which has a private independent entrance directly from a yard.(By-law 4915/140/06)

"DWELLING TRIPLEX," means a dwelling other than a converted dwelling, which is divided horizontally into three single dwellings, each of which has an independent entrance either directly from a yard or from a common vestibule. (By-law 1374/67/83, 4915/140/06)

"DWELLING UNIT" means a suite of habitable rooms which:

- (i) is located in a building
- (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment.
- (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and
- (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.(By-law 4915/140/06)

"DWELLING UNIT ACCESSORY" means a dwelling unit accessory to a permitted non-residential use, other than an automotive use. (By-law 2176/124/88, 4915/140/06)

"DWELLING UNIT BACHELOR" means a dwelling unit consisting of a room containing sanitary facilities and not more than 2 other habitable rooms providing therein living, dining, sleeping and cooking accommodation.(By-law 4915/140/06)

"DWELLING UNIT AREA" - see "FLOOR AREA, DWELLING UNIT" (4915/140/06)

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

"ERECT" means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction or relocation including, but not so as to limit the generality of the foregoing, excavating, filling or draining. (By-law 4915/140/06)

"ERECTED" and "ERECTION" shall have corresponding meanings (By-law 4915/140/06)

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

"FACTORY OUTLET" means a building or part thereof accessory to, and occupying not more than 15 percent of the floor area of, a manufacturing plant, a food processing establishment, a warehouse, a petty trade or a merchandise service shop, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for delivery of such products.

"FARM" means a lot, with or without accessory buildings or structures, which is used for:

- (i) the tillage of soil
- (ii) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, potatoes and corn;
- (iii) woodlots;
- (iv) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits;
- (v) dairying; or
- (vi) beekeeping.

"FARM HELP HOUSE" means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed full time in agriculture by the owner of the lot.

"FARM PRODUCE OUTLET" means a building or structure accessory to a farm where farm products are offered for retail sale on the same lot as the farm.

"FINISHED GRADE" means;

- (i) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation; or
- (ii) when used in reference to any other structure the average elevation of the finished surface of the ground at the base of such structure;

exclusive of any artificial embankment at the base of such building or structure.

"FLEA MARKET" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but shall not include garage or yard sales.(By-law 4915/140/06)

"FLOOR AREA" means the area of the floor surface of a storey or part thereof.(By-law 4915/140/06)

"FLOOR AREA, DWELLING UNIT" means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.(By-law 4915/140/06)

"FLOOR AREA, GROSS" means the aggregate of the floor areas of all storeys of a building or structure other than a private garage, an attic or a cellar.(By-law 4915/140/06)

"FLOOR AREA GROUND" means the floor area of the first storey of a building.(By-law 4915/140/06)

"FLOOR AREA, NET" means that portion of the gross floor area of a building which is used exclusively by a Non-Residential use defined herein or specifically named elsewhere in this By-law, but excluding:

- (i) any part of such building used for another Non-Residential use which is defined herein or specifically named elsewhere in this Bylaw;
- (ii) any part of such building used as a dwelling unit or a public concourse;
- (iii) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool, or otherwise control the environment of such building or a portion thereof; and
- (iv) the thickness of any exterior walls of such building. (By-law 4915/140/06)

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

"FRONTAGE" - see "LOT FRONTAGE"

"FRONT LOT LINE" - see "LOT LINE FRONT"(By-law 4915/140/06)

"FRONT YARD" - see "YARD FRONT"(By-law 4915/140/06)

"FRONT YARD DEPTH" – see "YARD, FRONT DEPTH" (By-law 4915/140/06)

"FUEL STORAGE TANK" means a tank used or intended to be used for the bulk storage of combustible or inflammable liquids or gases including, but not so as to limit the generality of the foregoing, petroleum or petroleum products.

"GARAGE, PRIVATE" means an accessory building or structure, or a portion of a building, which is used or intended to be used for the storage of vehicles, and in which no business, occupation or service is conducted for gain or profit and includes a partially enclosed carport. A private garage attached to a main building shall be deemed to be part of the main building and subject to the requirements set forth under the respective zone. (By-law 4915/140/06)

"GARAGE, MUTUAL" means a private garage which:

- (i) contains sufficient space for the parking of not less than two permitted vehicles;
- (ii) is situated astride a common side lot line between two adjacent lots; and
- (iii) is accessory to a main use on each of such lots.(By-law 4915/140/06)

"GARAGE OR YARD SALE" means the occasional or periodic sale of personal property which is conducted on a lot upon which is located a dwelling unit and by an occupant of the dwelling unit.(By-law 4915/140/06)

"GENERAL INDUSTRIAL USE" means any industrial use that is not specifically defined, named or prohibited elsewhere in this By-law including, but not so as to limit the generality of the foregoing, marine salvage, a coal storage yard, a builder's yard, a contractor's yard or feed, grain and fertilizer storage, processing and sales, but does not include a body rub parlour or any adult entertainment parlour as defined in The Municipal Act, R.S.O. 1970, Chapter 36B, as amended.

"GRADE" - see "FINISHED GRADE"

"GROUP HOME" means a residential dwelling unit in which three to eight persons, excluding the staff or receiving family, reside under responsible supervision consistent with their needs. The home is licensed or approved under Provincial statute. (By-law 4915/140/06)

"GUEST ROOM" means a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, and which contains no facilities for cooking. (By-law 4915/140/06)

"GUEST ROOM ACCESSORY" means a guest room accessory to a permitted dwelling (By-law 4915/140/06)

"HABITABLE ROOM" means a room which:

- (i) is located within a dwelling unit;
- (ii) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
- (iii) can be used at all times throughout the year; but does not include any room specifically defined herein as a non-habitable room.(By-law 4915/140/06)

"HEIGHT", when used in reference to a structure ,including an accessory building or structure, means the vertical distance between the average finished grade and:

- (i) the highest point of the roof surface for a gable, hip, gambrel or mansard roof;
- (ii) in case of a flat roof the highest point of the roof surface, or the parapet, whichever is the greater
- (iii) the highest point of the roof surface for any other type of roof;
- (iv) the highest point of the structure (By-law 4915/140/06)

"HEREAFTER" means "after the date of the passing of this By-law."(By-law 4915/140/06)

"HEREIN" means "anywhere in this By-law."(By-law 4915/140/06)

"HEREOF" and "HERETO" means "of this By-law" and "to this By-law" respectively.(By-law 4915/140/06)

"HIGH WATER MARK" (deleted by By-law 5241/147/08)

"HOME OCCUPATION" shall mean a secondary use of a dwelling unit by one or more of the permanent residents of such dwelling unit to conduct a gainful occupation, profession, or business activity. References made to home crafts, home business, home based business, home profession, home office, live/work and address of convenience shall be deemed to have the same definition as home occupation. (By-law 4915/140/06)

"HOSPITAL, PRIVATE" means a hospital as defined in The Private Hospitals Act, Chapter 361, R.S.O. 1970, as amended from time to time, or a sanitarium as defined in The Private Sanitarium Act, Chapter 307, R.S.O. 1970, as amended from time to time.

"HOSPITAL, PUBLIC" means a hospital as defined in The Public Hospitals Act, Chapter 378, R.S.O. 1970, as amended from time to time.

"HOTEL" means any establishment so defined in The Hotel Registration of Guests Act, Chapter 212, R.S.O. 1970, as amended from time to time, or any successors thereto, and includes a motel or motor hotel.

"IMPROVED STREET" - see "STREET"

"INSTITUTIONAL" means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent, or training school.

"INTERIOR SIDE LOT LINE" - see "LOT LINE, INTERIOR SIDE " (By-law 4915/140/06)

"INTERIOR SIDE YARD" - see "YARD, INTERIOR SIDE" (By-law 4915/140/06)

"KENNEL" means a structure or building or any part thereof, or areas of land in which domesticated animals are bred, raised, trained, sold or kept for sale and boarded, but does not include a pet grooming establishment. (By-law 5241/147/08)

"LAND DIVISION COMMITTEE" means the land division committee of the Regional Municipality of Niagara in accordance with the provisions of Section 31 of The Planning Act.

"LANDSCAPED AREA" means an open area of land which is:

- (i) unoccupied by any building or structure;
- (ii) situated at ground level on a lot; and
- (iii) used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, facilities for outdoor recreation, play areas, surfaced walks and patios; but does not include any part of a driveway or parking area, regardless of surface composition, or any retaining wall, roof-top terrace, balcony, swimming pool or space enclosed within a building.

"LANE" means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, or legally dedicated as a right-of way for use in common by adjacent landowners.

"LAUNDROMAT" means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment.

"LAUNDRY" means a building or a part thereof where the washing, drying and ironing of articles or goods of fabric is carried on but does not include a dry cleaning plant or laundromat. (By-law 1374/67/83)

"LEGAL SIGN" - see "SIGN, LEGAL" (BY-law 4915/140/06)

"LIBRARY, PUBLIC" means a library, branch library or distributing station under The Public Libraries Act, as amended from time to time, or any successor thereto.

"LIVESTOCK" means farm animals including, but not so as to limit the generality of the foregoing, dairy and beef cattle, horses, swine, sheep, poultry, goats, fowl, mink, rabbits, fur bearing animals. (By-law 5241/147/08)

"LOADING SPACE" means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.

"LOT" means the area of land under one ownership, other than a street, which is used or intended to be used as the site of or appurtenant to one or more main buildings, structures or uses, together with any accessory buildings, structures or uses, regardless of whether or not such area of land constitutes a registered lot. (By-law 4915/140/06)

"LOT AREA" means the total horizontal area within the lot lines of a lot, but shall not include any area below the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority. (By-law 5241/147/08)

"LOT, CORNER" means a lot having two or more street lines intersecting at an angle of not more than 135 degrees curved, provided that where the street lines of a lot are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents. (By-law 4915/140/06)

"LOT COVERAGE" means the percentage of the lot area covered by all buildings or structures, including accessory buildings and structures, on the lot, but excluding uncovered surface parking areas, driveways, and walkways patios; balconies and overhanging eaves that are 2 metres or more in height above finished grade. (By-law 4915/140/06)

"LOT DEPTH" means:

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

"LOT FRONTAGE" means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5m back from and parallel to the chord of the front lot line (By-law 2176/124/88), and for the purpose of this paragraph, the chord of the front lot line (By-law 2176/124/88) is a straight line joining the two (2) points where the side lot lines intersect the front lot line.

"LOT, INTERIOR" means any lot, other than a corner lot, which abuts and is accessible from an improved street. (By-law 4915/140/06)

"LOT LINE" means any boundary of a lot (By-law 4915/140/06)

"LOT LINE, FRONT" means:

- (i) the lot line that divides the lot from the street, but
- (ii) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but
- (iii) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- (iv) in the case of a lot located within one of the following Registered Plans of Subdivision, street is deemed to include a lane or private right-of-way: Registered Plan Numbers 778, 783, 796, 799, 800, 801, 802, 804, 805, 806, 807, 808, 811, 815. (By-law 1418/111/83)
- (v) in the case of a through lot the street line where the principal access to the lot is provided shall be deemed to be the front lot line (By-law 1374/67/83), except where a through lot abuts one of the laneways identified in Schedule "E" the front lot line shall be deemed to be the lot line farthest from and opposite the laneway.(By-law 4918/143/06)

"LOT LINE, REAR" means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line (By-law 4915/140/06)

"LOT LINE, SIDE" means a lot line other than a front or rear lot line.(By-law 4915/140/06)

"LOT LINE EXTERIOR SIDE" means a side lot line that is also a street line.(By-law 4915/140/06)

"INTERIOR SIDE LOT LINE" means a side lot line other than an exterior side lot line. (By-law 4915/140/06)

ILLUSTRATION OF LOT DESCRIPTIONS

LOT FRONTAGE

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

"LOT, REGISTERED" means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision.

"LOT, THROUGH" means any interior lot having two or more street lines. (By-law 4915/140/06)

"MAIN", when used to describe a use, a building or a structure, means a use or structure which constitutes, or a building in which is conducted a principal use of the lot on which such use, building or structure is located.

"MANUFACTURING PLANT" means a building, structure or part thereof, with or without an accessory business office or an accessory warehouse, in which is carried on any process, activity or operation pertaining to the making or remaking of an article or part thereof, including, but not so as to limit the generality of the foregoing, the following processes:

- (i) making;
- (ii) altering;
- (iii) assembling;
- (iv) repairing;
- (v) ornamenting;
- (vi) finishing;
- (vii) restoring;
- (viii) processing;
- (ix) cleaning;
- (x) polishing;
- (xi) washing;
- (xii) refinishing;
- (xiii) packing;
- (xiv) adapting for sale;
- (xv) breaking up, or
- (xvi) demolishing;

"MEDICAL CLINIC" means a building or part thereof where 3 or more medical practitioners are located and provide medical, dental, chiropractic, optic or other human health treatment on an out-patient basis and which may include an accessory administrative office, laboratory, dispensary or other similar use, but does not include a medical treatment facility or other facility in which is provided overnight patient accommodation. (By-law 4915/140/06)

"MEDICAL OFFICE" means a building or part thereof in which not more than two (2) medical practitioners provide consultative, diagnostic and treatment services for humans. (By-law 4915/140/06)

"MEDICAL PRACTITIONER" means a practitioner of consultative, diagnostic and treatment services for medical, surgical, dental, chiropractic, optic or other human health care services for the public. (By-law 4915/140/06)

"MEDICAL TREATMENT FACILITY" means a building or part thereof providing room, board, and surgical or other medical treatment for three or more sick, injured or infirm persons including, out-patient services, accessory uses, and accessory staff residences. (By-law 4915/140/06)

"MERCHANDISE SERVICE SHOP" means a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

"MINIMUM DISTANCE SEPARATION FORMULA" as set out by the Province of Ontario, as amended or repealed or replaced from time to time, is used to calculate a distance between an existing or proposed livestock building and another use on an adjacent lot. (By-law 4951/7/07)

"MOBILE HOME" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle unless it is used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use.

"MOBILE HOME PARK" means an area of land used for the accommodation of mobile homes and shall include all accessory buildings necessary to the operation of the park such as offices, laundry facilities, storage and lockers, etc.

"MOTOR FUEL RETAIL OUTLET" means an establishment where vehicle fuels and lubricants are offered for retail sale. (By-law 1418/111/83)

"MOTOR HOME" means a self propelled vehicle capable of being used for temporary sleeping and/or eating accommodations for one or more persons.(By-law 4915/140/06)

"MUNICIPAL", when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.

"NEIGHBOURHOOD STORE" means a retail store wherein items of day-to-day household necessity including, but not so as to limit the generality of the foregoing, food, beverages, drugs or periodicals are kept for retail sale primarily to residents of, or persons employed in, the immediate neighbourhood.

"NON-CONFORMING", when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure which does not conform to one or more of the provisions of this by-law.

"NON-HABITABLE ROOM" means any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys. (By-law 4915/140/06)

"NURSING HOME" means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment are provided for gain or profit or as a charitable public service, but does not include any hospital as defined herein.

"OWNER" means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office."OWNERSHIP" has a corresponding meaning (By-law 4915/140/06)

"PARK" means an area of land consisting primarily of landscaped open space, including, but not so as to limit generality of the foregoing, a recreation playground, a golf course, a play area, a bowling green, a tennis or badminton court, a play field and a conservation area, with or without accessory recreational buildings or structures there upon. (By-law 4915/140/06)

"PARK, PUBLIC" means a park owned or controlled by a public agency (By-law 4915/140/06).

"PARK, PRIVATE" means a park other than a public park. (By-law 4915/140/06).

"PARKING AISLE" means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.

"PARKING AREA" means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.

"PARKING LOT" means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.

"PARKING SPACE" means a portion of a parking area, exclusive of any aisles, to be used for the temporary parking or storage of a motor vehicle.

"PATIO" means a roofless, unenclosed area, having a height less than 0.5 metres above grade, and which is intended for recreational use.(By-law 4915/140/06)

"PERGOLA" means an open structural framework consisting of an open roof of rafters supported by posts or attached to the main building. (By-law 4915/140/06)

"PERMITTED" means "permitted by this By-law."

"PERSON" means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.

"PERSONAL SERVICE SHOP" means a building or part thereof wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning outlet (By-law 1374/67/83), a laundromat, a tailor, or dressmaking shop, a photographic studio and a taxi dispatch office, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in The Municipal Act, R.S.O. 1970, Chapter 284, as amended.

"PET GROOMING ESTABLISHMENT" means an establishment which for a fee trims, cleans or curries domestic pets such as cats or dogs, and which may sell pet supplies, but does not include a kennel. (By-law 5241/147/08)

"PLACE OF AMUSEMENT OR ENTERTAINMENT" means a commercial establishment or portion thereof where facilities are provided for amusement or entertainment, including, but not so as to limit the generality of the foregoing, an arcade, assembly hall, auditorium, billiards parlour, bingo hall, bowling alley, banquet hall, convention centre, dance hall or music hall, ice or roller rink, motion picture or other theatre.(By-law 4915/140/06)

"PLANTING STRIP" means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:

- (i) a continuous row of trees;
- (ii) a continuous hedgerow of evergreens or shrubs;
- (iii) a berm;
- (iv) a wall; or
- (v) an opaque fence.

"PORCH" or "VERANDAH" means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.5m in height from the top of the platform of the said stoop.

"PRIVATE" means "not public."

"PRIVATE CLUB" means an athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.

"PRIVATE GARAGE" - see "GARAGE, PRIVATE"

"PROFESSIONAL OFFICE" means a building or part thereof in which a legal, medical or other professional service is performed or consultation given, including, but not so as to limit the generality of the foregoing, the offices of a lawyer, an architect, a surveyor, an engineer or an accountant, but does not include a personal service shop, a business office, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any

adult entertainment parlour as defined in The Municipal Act, R.S.O. 1970, Chapter 284, as amended.

"PUBLIC", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.

"PUBLIC AGENCY" means

- (i) the Government of Canada, the Government of Ontario or any municipal corporation;
- (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
- (iii) any public utility; or
- (iv) any railway company authorized under The Railway Act, R.S.O., Chapter 334, as amended from time to time, or any successors thereto.

"PUBLIC UTILITY" means

- (i) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or waste collection and disposal services to the public; or
- (ii) a use pertaining to any such agency, corporation, board or commission.

"QUARRY OR PIT" means any pit or excavation made for the removal of any soil, earth, clay, marl, sand, stone, gravel or rock for commercial purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by a Corporation, or an excavation incidental to the construction of any public works.

"REAR LOT LINE" - see "LOT LINE, REAR" (By-law 4915/140/06)

"REAR YARD" - see "YARD, REAR" (By-law 4915/140/06)

"REAR YARD DEPTH" – see "YARD, REAR DEPTH"(By-law 4915/140/06)

"REDEVELOPMENT" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.

"REFRESHMENT ROOM" means a building or part thereof in which alcoholic or non-alcoholic beverages and related refreshments other than meals are offered or kept for retail sale to the public for immediate consumption therein.

"REQUIRED" means "required by this By-law."

"REQUIRED YARD" – see "YARD, REQUIRED"(By-law 4915/140/06)

"RESIDENTIAL RETIREMENT HOME" shall mean a residence containing individual bedroom units without food preparation facilities. The Home shall be used for a long term residence where nursing care is available on a continuous basis and where central dining facilities are provided. The dining facilities are not intended for use by the general public and the food prepared therein is not offered for retail sale. The Home shall include auxiliary uses such as indoor and outdoor recreational amenities. (By-law 1615/40/85)

"RESTAURANT" means a building or part thereof, other than a refreshment room, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises. (By-law 4915/140/06)

"RESTAURANT, DRIVE-IN" means any restaurant where patrons consume food and drink within vehicles parked on the same lot therewith. (By-law 4915/140/06)

"RESTAURANT, EAT-IN " means any restaurant other than a take- out restaurant or a drive-in restaurant. (By-law 4915/140/06)

"RESTAURANT, TAKE-OUT" means a restaurant which does not contain any facilities for the consumption of food therein. (By-law 4915/140/06)

"RETAIL STORE" means a building or part thereof in which goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale to the public, but does not include any establishment defined or classed in this By-law.

"SALVAGE OR SCRAP YARD" means an establishment, lot or premises used for the storage wholly or partly in the open, handling, processing, or any combination thereof, of scrap material for reuse for the purpose of commercial gain, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires and metal, and shall include automobile wrecking yards but shall not include antique shops, auction establishments, contractor's yard, flea markets, garage or yard sales, or secondhand shops.(By-law 4915/140/06)

"SCHOOL" means a school under the jurisdiction of a Board as defined in The Education Act, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities. (By-law 4915/140/06)

"SCHOOL, COMMERCIAL" means a school operated by one or more persons for gain or profit. (By-law 4915/140/06)

"SCHOOL, PRIVATE" means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustee or governors, a religious organization or a charitable institution. (By-law 4915/140/06)

"SCHOOL, PUBLIC" means a school under the jurisdiction of a public agency. (By-law 4915/140/06)

"SCIENTIFIC OR MEDICAL LABORATORY" means a building or part thereof wherein scientific or medical experiments, tests or investigations are systematically conducted and where drugs, chemicals, glassware or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.

"SCRAP YARD" – see "SALVAGE YARD"

"SECONDARY USE" means any use, except those uses prohibited by this bylaw, which is incidental and subordinate to the main use of the dwelling unit as a private residence.(By-law 4915/140/06)

"SECONDHAND SHOP" means a building or part thereof where used goods, wares, merchandise, or articles are offered or kept for sale but shall not include the wrecking or dismantling of such.(By-law 4915/140/06)

"SENIOR CITIZEN APARTMENT HOUSE" means a multiple dwelling used for self-contained living quarters for elderly persons, which may be sponsored and administered by a non-profit organization or is under the authority of the Ontario Housing Corporation and which is qualified to receive aid from the Province of Ontario under the Elderly Persons Housing Aid Act, R.S.O. 1960, Chapter 117, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizens development.

"SETBACK" means the shortest horizontal dimension of a yard between the street line of a lot and the nearest part of any building or structure on such lot, and includes the front yard depth and the exterior side yard width of a lot.

"SEWAGE TREATMENT PLANT" means a building or structure, approved by the Ministry of the Environment, where domestic or industrial waste is treated, and includes a sewage pumping station.

"SEWER SYSTEM, PUBLIC SANITARY" means a system of underground conduits, operated by the Corporation, by another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

"SEWER SYSTEM, STORM" means a system of conduits and ditches which carries storm surface water and storm drainage, but which does not carry sewage or industrial waste.

"SHOPPING CENTRE" means one or more buildings or part thereof containing two or more separate permitted commercial uses, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, R.S.O. 1970, as amended from time to time, or any successors thereto.

"SHOWROOM" means a building or part thereof where samples of patterns are displayed and orders taken for delivery of goods, wares and merchandise, and includes the premises of a wholesale merchant.

"SIDE LOT LINE" - see "LOT LINE, SIDE" (By-law 4915/140/06)

"SIDE YARD" - see "YARD, SIDE" (By-law 4915/140/06)

"SIDE YARD WIDTH" – see "YARD, SIDE WIDTH"(By-law 4915/140/06)

"SIGHT TRIANGLE" means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each point being a total of the combination of the front and flanking yard building setbacks, but not exceeding 15 metres from the point of intersection of the street lines measured along the said street lines, provided that where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projected tangents to the street lines, drawn through the extremities of the interior lot lines.

"SIGN" means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business. (By-law 4915/140/06)

"SIGN, LEGAL" means a sign conforming to any by-laws of the Corporation regulating signs. (By-law 4915/140/06)

"SINGLE DWELLING" - see "DWELLING, SINGLE" (By-law 4915/140/06)

"SOFT DRINK MANUFACTURING ESTABLISHMENT" means a building, structure or part thereof where -in syrups for soft drink beverages are manufactured, or where soft drink beverages are mixed, bottled and distributed, but does not include a refreshment room, a restaurant or a retail store. (By-law 4915/140/06)

"SOFT DRINK BEVERAGES" means carbonated or aerated beverages consisting of unfermented fruit juices or imitations thereof, other than fruit juices where at least 95 percent of the product consists of pure juice of the fruit. (By-law 4915/140/06)

"STOOP" or "SUN DECK" means a roofless, unenclosed structure with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling.

"STORAGE, OPEN" means storage of goods or materials outside of a building as defined herein, except the temporary parking of motor vehicles.

"STOREY" means a horizontal division of a building from a floor to the ceiling directly above such floor, but does not include any mezzanine, interior gallery, interior balcony or other overhang, the floor area of which does not exceed 40 percent of the floor area of the storey directly below such overhang, provided that the space beneath such overhang is not enclosed and the extent of such overhang does not exceed 40 percent of the least dimension of the room in which the said overhang is located.(By-law 4915/140/06)

"STOREY, FIRST" or "GROUND FLOOR" means the storey having its floor level closest to finished grade and its ceiling at least 2m above finished grade.(By-law 4915/140/06)

"STOREY, HALF" or "ATTIC" means that portion of a building, situated wholly or partly within a roof, where at least 50 percent of such half storey or attic is less than 2.5m in height.(By-law 4915/140/06)

"STOREY, SECOND" or "SECOND FLOOR" means the storey directly above the first storey.(By-law 4915/140/06)

"STREET" means a public highway or public road under the jurisdiction of either the Corporation, the Region, or the Province of Ontario, and includes any highway as defined by The Municipal Act 2001, as amended from time to time and any successor thereto, but does not include a lane or private right of way.(By-law 4915/140/06)

"STREET ALLOWANCE" means a land held under public ownership for the purpose of providing a street.(By-law 4915/140/06)

"STREET, IMPROVED" means any street that is designated on Schedule "B" hereto or owned and maintained by the Corporation hereafter.(By-law 4915/140/06)

"STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.

"STREET WIDTH" means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

"STRUCTURE" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, or any paved surface located directly on the ground.

"STUDIO" means the workshop or atelier of an artist; a place for instruction and experimentation in one of the performing arts including but not so as to limit the generality of the foregoing acting, singing, dancing, playing musical instruments. (By-law 1374/67/83)

"SUN ROOM" means a porch or verandah, or part thereof, which is fully enclosed by walls containing windows, the glazed area of each wall being not less than one third of the area of such wall between the platform and roof of the said porch or verandah.

"SWIMMING POOL" means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.

"TAILOR OR DRESSMAKING SHOP" means a building or part thereof which is used primarily for the custom manufacture, alteration or repair of articles of clothing for individual clients, but does not include any establishment primarily engaged in the retail sale of clothing manufactured elsewhere, or the manufacture of clothing for distribution to retail stores.

"TRAILER" means any vehicle designed to be towed by another vehicle. (By-law 4915/140/06)

"TRAILER CAMP" means a lot used for the parking of inhabited tourist trailers.

ILLUSTRATION OF STOREY, CELLAR & BASEMENT DEFINITIONS

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

"TRAILER, TOURIST " means a trailer capable of being used for the temporary living, sleeping or eating accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and permanent structure. (By-law 4915/140/06)

"TRUCK TERMINAL" means a building, structure 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, as dispatched for hire as common carriers or which is a regular bonded or sufferance warehouse. (By-law 2176/124/88)

"UNDERTAKER'S ESTABLISHMENT" means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.

"USE" means:

- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained;
- or
- (ii) when used as a verb, to put to such purpose.

"VEHICLE" means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a recreational vehicle and a commercial vehicle as defined herein.(By-law 4915/140/06)

"VEHICLE, COMMERCIAL" - see "COMMERCIAL VEHICLE"(By-law 4915/140/06)

"VEHICLE, RECREATIONAL" means a boat, a snowmobile or any vehicle having not more than two wheels, including, but not so as to limit the generality of the foregoing, a motorcycle, bicycle, or any other device powered solely by means of human effort.(By-law 4915/140/06)

"VEHICLE REPAIR SHOP" means an establishment or part thereof which contains facilities for the repair and maintenance of vehicle and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or any establishment engaged in the retail sale of vehicle fuels.

"VEHICLE SALES OR RENTAL ESTABLISHMENT" means an establishment having as its main use the sale, rental or leasing of vehicles, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet.

"VETERINARIAN'S CLINIC" means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

"WAREHOUSE" means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel storage tank except as an accessory use.

"WATER TREATMENT FACILITY" means a building or structure approved by the Ministry of the Environment, where water is treated for human consumption, and includes a water pumping station.

"WATER SYSTEM, PUBLIC" means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.

"WAYSIDE PIT" means land from which consolidated or unconsolidated aggregate, has been, is being or may be excavated for use in a project of a public authority and that is located outside the limits of the right of way of a highway, but does not include a pit or quarry. (By-law 2176/124/88)

"WRECKING YARD" - see "SALVAGE YARD"

"YARD" means an area of land which;

- (i) is appurtenant to and located on the same lot as a building or structure; and
- (ii) is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-law.(By-law 4915/140/06)

"YARD, AGGREGATE SIDE WIDTH" means the sum of the side yard widths of the side yards on a lot.(By-law 4915/140/06)

"YARD, EXTERIOR SIDE" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street. (By-law 4915/140/06)

"YARD, FRONT" means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.(By-law 4915/140/06)

"YARD, FRONT DEPTH" means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building or structure on such lot.(By-law 4915/140/06)

"YARD, INTERIOR SIDE" means a side yard other than an exterior side yard.(By-law 4915/140/06)

"YARD,REAR" means a yard extending across the full width of a lot between the rear lot line of such lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any main (By-law 2176/124/88) building or structure on such lot.(By-law 4915/140/06)

"YARD, REAR DEPTH" means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any main (By-law 2176/124/88) building or structure on such lot.(By-law 4915/140/06)

"YARD, REQUIRED" means that part of a yard which:

- (i) is located adjacent to a lot line;
- (ii) has the minimum rear yard depth or side yard width required hereby or is situated closer to the street line than the setback;
- (iii) does not contain any buildings, structures or uncovered surface parking areas except where specifically permitted elsewhere in this By-law.

"YARD, SIDE" means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any main (By-law 2176/124/88) building or structure on such lot.(By-law 4915/140/06)

"YARD, SIDE WIDTH" means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any main (By-law 2176/124/88) building or structure on such lot.(By-law 4915/140/06)

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

"ZONED AREA" means all those lands lying within the corporate limits of the City of Port Colborne.

* Renumbering according to By-law 2176/124/88 and By-law 4915/140/06

**ILLUSTRATION OF YARD DEFINITIONS
AND SIGHT TRIANGLE CALCULATIONS**

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

OS ZONE - PRIVATE OPEN SPACE(By-law 1555/130/84)SECTION 3333.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Private Open Space (OS) zones, except as otherwise provided in Schedule `B'.

33.2 USES PERMITTED

(a) Non-Residential Uses:

- (i) a private club
- (ii) a private park
- (iii) a private school

33.3 ZONE REQUIREMENTS

- | | |
|---|--|
| (a) Minimum Lot Area | no minimum |
| (b) Minimum Lot Frontage | no minimum |
| (c) Minimum Lot Depth | no minimum |
| (d) Minimum Interior Side | the greater of either ½ the height of any yard building or structure adjacent to such yard or 4.5m |
| (e) Minimum Rear Yard Depth | 7.5m |
| (f) Minimum Front Yard | 8m |
| (g) Maximum Lot Coverage | 20 percent |
| (h) Maximum Building Height | no maximum |
| (i) Maximum Main Building per Lot | no maximum |
| (j) Minimum Landscaped Open Space | 30 percent |
| (k) Minimum Exterior Side Yard (By-law 2176/124/88) | 7.5m |

MSC ZONE MAIN STREET COMMERCIAL(By-law 1613/38/85)SECTION 3434.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Main Street Commercial (MSC) zones, except as otherwise provided in Schedule `B'.

34.2 USES PERMITTED

a) Commercial Uses

- i) convenience type retail store
- ii) personal service shops
- iii) existing automobile service stations and the alteration in whole or in part thereof
- iv) existing restaurant and the alteration in whole or in part thereof
- v) a business or professional office
- vi) a studio
- vii) florist
- viii) existing sporting goods store and the alteration in whole or in part thereof.

b) Accessory Residential Uses

Dwelling units in a building in combination with one or more of the uses listed in Clause (a) above except subsection (iii) automobile service stations.

34.3 ZONE REQUIREMENTS:

- a) Minimum Lot Area 675m²
- b) Minimum Lot Frontage 15m except on a corner lot the minimum lot frontage shall be 18.0m
- c) Minimum Lot Depth 35m
- d) Minimum Front Yard 9m
- e) Minimum Interior Side Yard except that:
 - i) where an interior side yard abuts a Residential Zone or a public and park zone, the minimum interior side yard width shall be 3.0m,
 - ii) notwithstanding anything to the contrary in Paragraph (i) of this Clause, any wall containing the window of a habitable room, where such habitable room does not have any other window or windows in any other walls having a total glazed area of at least 10 percent of the floor area of the said room, shall be located not less than 3.0m from the side lot line, where such habitable room is located in a basement or first storey, or 2m where such habitable room is located in any other storey.
- f) Minimum Exterior Side Yard 3m
- g) Minimum Rear Yard 7.5m
- h) Maximum Building Height 8 metres (Bylaw 4915/140/06)
- i) Maximum Ground Floor Area 35% of lot area
- j) Minimum Floor Area per Dwelling Unit:
 - i) Bachelor 40m²
 - ii) 1 Bedroom 50m²
 - iii) 2 Bedroom 60m²

k) Motor Fuel Pump Island Location:

Nothing in this by-law shall prevent location in a (MSC) zone of a motor fuel pump island in any part of a required or other front yard or side yard provided that:

- i) the minimum distance between any portion of a motor fuel pump island and any street line or other lot line shall be 5.0m; and
- ii) the minimum distance between any post or support column of a motor fuel pump island canopy and any street line or other lot line shall be 5.0m; and
- iii) the minimum distance between any kiosk accessory to a motor fuel pump island and any street line or other lot line shall be 9.0m; and
- iv) the maximum ground floor area for a kiosk accessory to a motor fuel pump island shall be 50m²; and
- v) in the case of a corner lot, no portion of any motor fuel pump island, kiosk, post or supporting column for a canopy shall be located closer than 3.0m to a sight triangle.

MSCD ZONE MAIN STREET COMMERCIAL DEVELOPMENT

(By-law 1613/38/85)

SECTION 3535.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in all Main Street Commercial Development (MSCD) zones except as otherwise provided in Schedule `B'.

35.2 USES PERMITTED

a) one single detached dwelling on one lot

b) parking lot

35.3 ZONE REQUIREMENTS

a) Minimum Lot Frontage as existing or as created by the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot frontage since the passing of this By-law. (By-law 2176/124/88)

b) Minimum Lot Area as existing or as created the Land Division Committee, except that this requirement shall not exclude an existing lot which has increased in lot area since the passing of this By-law. (By-law 2176/124/88)

c) Maximum Lot Coverage 50 per cent

d) Minimum Front Yard 6.5m

e) Minimum Interior Side Yard as existing

f) Minimum Exterior Side Yard as existing

g) Minimum Rear Yard 6.0m

h) Maximum Building Height 8metres
(By-law 4915/140/06)

35.4 In addition to the provisions of the Main Street Commercial Development zone (MSCD), those lands described on Schedule `B' attached to By-law 1613/38/85, an amendment to By-law 1150/97/81 (By-law 2176/124/88) may also be used for a vehicle sales and/or rental establishment and the following special regulations shall apply thereto:

i) Minimum Front Yard 9m

ii) Minimum Interior Side Yard 2.5m

iii) Minimum Exterior Side Yard 9m

iv) Minimum Rear Yard 2.5m

- v) Maximum Building Height 1.5 storeys
- vi) Maximum Lot Coverage 10 per cent
- vii) the provisions of Section 4.23(g)(iv) shall apply to the parking area.

RR ZONE - RECREATIONAL RESORT

(By-law 2303/104/89)

SECTION 3636.1 SCOPE

Subject to the General Provisions of Section 4, the provisions of this Section shall apply in the Recreational Resort (RR) Zone except as otherwise provided in Schedule "B."

36.2 USES PERMITTED

- a) existing tent and trailer sites
- b) improved tent and trailer sites
- c) existing retail store
- d) existing take-out restaurant
- e) existing tuck shop
- f) existing eat-in restaurant and refreshment room
- g) food carts and chip wagons
- h) washrooms and showers
- i) existing water slide
- j) boating and water sports excluding marina facilities
- k) parks
- l) playgrounds
- m) tennis courts
- n) picnic areas
- o) mini-putt and golf course
- p) athletic fields
- q) open space recreational uses, such as hiking, cross country skiing, horseback riding, beach activities but not including the use of snowmobiles and all terrain vehicles by all persons other than the employees of the owner (By-law 2670/143/91)

36.3 Accessory Uses

- a) uses, buildings and structures accessory to the foregoing permitted uses and without limiting the generality of the foregoing:
 - i) existing horse barn
 - ii) toll, security and tourist information kiosks

- iii) water supply and treatment facilities
- iv) parking lots
- v) people mover systems
- vi) control structures to prevent flooding and/or erosion by water or wind
- vii) existing religious building
- viii) piped outfall for the outlet of treated sewage effluent from the uses permitted in the RR-233 (Sewage Treatment Works) zone except that no portion of the works shall be constructed until:
 - (i) final plans, specifications and supporting data are submitted to and approved by the Director, Ministry of Environment and Energy as set out in Certificate of Approval Number 3-1330-92-936 and as may be amended in compliance with the provisions of this by-law, and any such works shall be constructed in accordance with the final plans, specifications and supporting data so approved, and
 - (ii) prior written approval of the proposed works is given by the Area Supervisor of the Ministry of Natural Resources under the terms of appropriate legislation administered by the Ministry of Natural Resources.
(By-law 3263/135/95)

36.4 ZONE REQUIREMENTS

- | | | |
|----|----------------------|--|
| a) | minimum lot frontage | as existing or as created by the Land Division Committee. |
| b) | minimum lot area | as existing or as created by the Land Division Committee. |
| c) | minimum buffer area | 15m except where abutting Recreational Resort (RR), RR-161 (Administration and Maintenance), RR-162 (Tent and Trailer), RR-163 (Special Tent and Trailer), Environmental protection (EP), EP-164 (Environmental Protection Special) and I-165 (Institutional Special) zones. |
| | minimum buffer area | <p>30m abutting the south limit of Beach Road and abutting adjacent properties which front onto Beach Road.</p> <p>- 50m abutting lands zoned Lakeshore Residential (LR) and First Density Residential (R1).</p> <p>- 50m abutting the east limit of Wyldewood Road.</p> |

- 50m abutting the west limit of Pleasant Beach Road

minimum buffer area to the RR-233 (Sewage Treatment Works) zone - 100 metres abutting any existing or improved tent and trailer sites, retail store, restaurant and dwelling unit. (By-law 3263/135/95)

- d) maximum building height 11 metres (By-law 4915/140/06)
- e) For the purposes of this zone, the following special definitions shall apply:

"tent and trailer site" means a plot of ground within the Recreational Resort zone intended for the accommodation of either a trailer, tent or other individual camping unit for a temporary occupancy. Temporary occupancy of a tent and trailer site may be continuous for the period between May 1 and October 31 in any calendar year. Temporary occupancy of a tent and trailer site shall be intermittent between the period November 1 of one calendar year and April 30 of the subsequent calendar year with the maximum continuous period for temporary occupancy not to exceed fourteen days. No tent and trailer site shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Permanent place of abode shall mean a tent and trailer site occupied for a total of more than 210 days in a calendar year.

"improved tent and trailer site" means a tent and trailer site that is accessed by a lane, road or driveway; has a minimum site area of 54m sq. and is serviced by private water and sanitary services, approved by the Medical Officer of Health of the Niagara Regional Health Unit and has a minimum of one parking space.

For the purposes of this section, "Trailer" means a park model trailer, travel trailer, tent trailer, recreational vehicle or any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, on a temporary basis, notwithstanding that such vehicle is jacked up or that its running gear is removed. (By-law 3303/33/96)

"Park Model Trailer" means a recreational unit for vacation accommodation built on a single chassis mounted on wheels designed to facilitate relocation from time to time. It provides living quarters for seasonal camping on a temporary basis and is intended to be connected to those utilities necessary for the operation of the installed fixtures and appliances. Park Model Trailer does not include a mobile home. (By-law 3303/33/96).

"buffer area" means an area of landscaped area on which is situated one or more of the following screening devices: a continuous row of trees; a continuous hedgerow of evergreens or shrubs; a berm; a wall; or an opaque fence.

“Recreational Resort” means a multi-purpose recreational complex providing tent, and trailer sites, outdoor activities, natural feature amenities, golf course; and, if authorized by a site specific zoning amendment to this by-law, a marina, a water recreation park, restaurant and commercial facilities (subject to the provisions of the Official Plan), and, hotel and lodge accommodation; but, does not include a mobile home park of a land leased community. (By-law 3303/33/96)

- f) maximum number of existing and improved tent and trailer sites
3668. (By-law 2670/143/91)

- g) maximum floor area 230 sq.m except for uses noted in 36.2
(c), (d), (e) and (f) above which may be
expanded up to 50% of the floor area
existing at the date of passing this by-
law.

CITY OF PORT COLBORNE

SCHEDULE "B"TO BY-LAW NO. 1150/97/81PASSED THE 25th DAY OF February 1982STREET ALLOWANCE REQUIREMENTS

<u>PUBLIC HIGHWAY OR STREET</u>	<u>DISTANCE FROM CENTRE LINE OF THE HIGHWAY OR STREET</u>
(a) Provincial Highways 3, 58, 140	Minimum 13 metres
(b) Regional Roads	Minimum 13 metres

except that in the case of the following regional roads the distance from the centre line of the highway or street shall be as existing as of the date of passing of this By-law.

Regional Road Number 66 (King and Sugarloaf Streets)	the centre line of Main Street West southerly to the centre line of Sugarloaf Street and from the centre line of King Street westerly to the centre line of Steele Street
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Regional Road Number 68 (Clarence & Welland Streets)	from the centre line of Steele Street easterly to the west side of the Welland Canal and from the east side of the Welland Canal northerly to the centre line of Regional Road Number 503
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Ontario Municipal Board Deferrals

(For information only - not part of this by-law)

On March 19, 1984 the Ontario Municipal Board deferred the application of subsection (b) to the following streets:

Regional Road Number 3	(Main Street)
Regional Road Number 503	(Mellanby Avenue)
Regional Road Number 5	(Killaly Street)
Regional Road Number 64	(Steele Street)
Regional Road Number 80	(Elm Street)

(c) All Municipal Roads or Streets	Minimum 10 metres
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NOTES:-

1. Refer to Subsection 4.18 of the Zoning By-law for interpretation and to the appropriate zone for requirements.
2. Reference should be made to Schedule "A" which shows the alignment of each designated street.

THIS IS SCHEDULE "B", BY-LAW NO. 1150/97/81 PASSED THE 25th DAY OF FEBRUARY, 1982.

(originally signed by R. Saracino)
MAYOR

(originally signed by L. C. Hunt)
CLERK

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 1321/14/83

**BEING A BY-LAW TO REGULATE THE USE OF LANDS
AND THE CHARACTER, LOCATION AND USE OF
BUILDINGS AND STRUCTURES WITHIN THE CITY OF
PORT COLBORNE.**

WHEREAS Section 39 of The Planning Act R.S.O. Chapter 379, as amended, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Planning and Development Committee of the City of Port Colborne has recommended that such a by-law be enacted;

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

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:**

1. That the provisions of this By-law shall apply to those lands described on Schedule `A' attached to and forming part of this By-law.
2. That those lands described on Schedule `A' attached to and forming part of this By-law shall be used only for senior citizen apartment houses and buildings, uses or structures accessory thereto.

In addition, the following special regulations shall apply thereto:

- i) maximum number of dwelling units - 90
- ii) minimum required yard setback:

North yard	7.5 m
South yard	10.0 m
East yard	13.0 m
West yard	12.4 m
- iii) maximum building height -2 storeys
- iv) parking areas shall be separated from the:
 - a) south lot line by a planting strip having a minimum width of 3.0 m measured perpendicularly to the said lot line.
 - b) all other lot lines by a planting strip having a minimum width of 1.0 m measured perpendicularly to the particular lot line.
- v) minimum number of driveways -2
- vi) minimum ensuite locker area -5% of dwelling unit area
- vii) minimum accessory amenity area - 2m² per dwelling unit
- viii) distance between buildings on the

same lot:

- a) any face of one building shall be no closer to any side of another building than -15.0 m
- b) any face of any building shall be no closer to any face of another building than -24.0 m
- c) any side of any building shall be no closer to any side of another building than - 9.0 m

3. That the following definitions shall apply to the special regulations referred to in Section 2 above:

- a) "accessory" means a use, a building or a structure that is incidental, subordinate and exclusively devoted to the main use, building or structure and located on the same lot therewith.
- b) "accessory amenity area" means a floor area intended primarily for social and recreational purposes and shall include lounges, recreation rooms, small meeting rooms, kitchenettes and shall not include dwelling units, lobbies, circulation area, laundries, washrooms, cloak rooms, hobby rooms, storage areas.
- c) "building" means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels but does not include any vehicle, mobile home, motor home or trailer.
- d) "building height" see storey.
- e) "driveway" means a vehicle access provided between a street and a parking area or between two parking areas which has a minimum unobstructed, perpendicular width of 7.5 m.
- f) "dwelling unit" means a suite of habitable rooms which:
 - i) is located in a building,
 - ii) is used or intended to be used in common by one or more persons as a single, independent and separate house-keeping establishment,
 - iii) may contain food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and
 - iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.
- g) "dwelling unit area" means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.
- h) "dwellings" means one or two building(s) containing one or more dwelling units.

- i) "ensuite locker area" means the area in a dwelling unit used for the purposes of storage of articles but not to be used for human habitation and shall not exceed 5% of the total floor area of the dwelling unit in which the ensuite locker is situated. The ensuite locker area shall not be included as part of the floor area calculation.
- j) "face of a building" means one or other of the longest walls of a building. Each building shall be deemed to have at least two faces.
- k) "floor area" means the area of the floor surface of a storey or part thereof.
- l) "lot line" means any boundary of the property described in Schedule `A' attached to and forming part of this By-law.
- m) "parking aisle" means a portion of a parking area which abuts the parking spaces to which it provides access and which is not used for the parking of vehicles and which has a minimum width of 7.5m measured perpendicularly from the parking space to which it provides access.
- n) "parking area" means an area provided at a ratio of one parking space per three dwelling units for the parking of vehicles and includes parking aisles and parking spaces but does not include driveways or any part of a street or lane.
- o) "parking space" means a portion of a parking area, exclusive of parking aisles, to be used for the temporary parking or storage of vehicles at a ratio of one parking space per three dwelling units and each parking space not to be less than 23m² in area.
- p) "required yard setback" means the shortest horizontal dimension of a yard between the lot line of a lot and the nearest part of any building or structure on such lot.
- q) "senior citizen apartment houses" means one or two dwellings used for self-contained living quarters for elderly persons, which may be sponsored and administered by a non-profit organization or is under the authority of the Ontario Housing Corporation and which is qualified to receive aid from the Province of Ontario under the Elderly Persons Housing Aid Act, R.S.O. 1960, Chapter 117, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizens development.
- r) "side of a building" means one or other of the shortest wall of a building. Each building shall be deemed to have at least two sides.
- s) "storey" means a horizontal division of a building from a floor to the ceiling directly above such floor, but does not include any mezzanine, interior gallery, interior balcony or other overhang, the floor area of which does not exceed 40% of the floor area of the storey directly below such overhang, provided that the space beneath such overhang is not enclosed and the extent of such overhang does not exceed 40% of the least dimension of the room in which the said overhang is located.
- t) "vehicle" means a passenger automobile.
- u) "yard" means an area of land which:

- i) is appurtenant to and located on the same lot as a building or structure; and
- ii) is open, uncovered and unoccupied from the ground to the sky, except for accessory building and structures.

Notwithstanding Subsection 2(i) above, where a zone symbol is followed by a dash and the letters "HST" the lands so zoned shall only be used for those uses in existence at the date of passing of the by-law applying the dash and the letters "HST".

The "HST" holding symbol shall be removed by City Council without the necessity of a public meeting and pursuant to Section 35 of The Planning Act provided the following occurs:

- (a) the uses permitted by the zone represented by the zone symbol comply with By-law Number 2483/99/90, a by-law to establish sewage allocation priorities in the City of Port Colborne, as determined by the City Planner and the City Engineer. (By-law 2601/73/91)
4. That for those lands described on Schedule `A' attached hereto and forming part of this By-law, By-law 441, as amended by By-law 1146/93/81, and By-law 1150/97/81, as amended by By-law 1300/123/82, are hereby repealed.
 5. That this By-law shall take effect on the day that it is passed subject to the approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASS THIS 24th DAY OF JANUARY 1983.

(originally signed by R. Saracino
Mayor B. Saracino

(originally signed by L. C. Hunt
L. C. Hunt
City Clerk & Administrator