



TOWN OF LINCOLN

COMPREHENSIVE  
ZONING BY-LAW

Final  
June 2022



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## **PREAMBLE**

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### **i. Introduction**

The preamble is intended to assist the reader in understanding and interpreting the Zoning By-law for the Town of Lincoln and is provided for convenience purposes only. It does not form part of the Zoning By-law.

### **ii. Purpose of this By-law**

The Zoning By-law regulates the use of land, buildings, and structures in the Town of Lincoln. The By-law implements and conforms to the policies of the Town of Lincoln Official Plan.

### **iii. Authority to Prepare this By-law**

The Zoning By-law is prepared in accordance with Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended. Generally speaking, the Planning Act allows the Council of the Town of Lincoln to pass zoning by-laws to restrict the use of land, and to regulate the size, location and character of buildings and structures within the Town.

### **iv. Structure of this By-law**

The Zoning By-law consists of the following sections:

#### **Section 1 – Interpretation and Administration**

Section 1 describes how the Zoning By-law is to be interpreted, and how the by-law is to be administered by the Town of Lincoln. Section 1 also contains important details regarding the interpretation of the Zoning By-law, such as the



meaning of “shall,” the application of zone categories and the interpretation of the zoning map boundaries. Section 1.3 establishes the zone categories and zone symbols which are applied to all lands within the Town.

## **Section 2 – Definitions**

Section 2 provides specific definitions for commonly used terms in the By-law. Many of the permitted uses, and other technical terms used in the Zoning By-law are defined in Section 2. These definitions ensure that the Zoning By-law is being interpreted and applied consistently.

For the convenience of the reader, if a term is bolded in the text of the Zoning By-law, then the term is defined in Section 2.

It is important to read and understand the definitions as they will assist in the interpretation of this By-law. For example, if the By-law requires a minimum lot area of 325 sq. metres, the definition of “lot area” will clarify how the lot area may be identified and calculated. The reader should always refer to the definition of a term if it is defined. Where a term is not specifically defined, it is intended that the common, general definition of the term within Webster’s Dictionary is applicable. Note that while the definitions are listed in alphabetical order, some terms may be grouped into a category of terms. For example, “exterior lot line” is grouped with other lot line definitions, as “lot line, front”.

Certain definitions are also supported by illustrations to help clarify or avoid multiple interpretations. The illustrations do not form part of the Zoning By-law but are intended to assist in understanding the meaning of a definition.

## **Section 3 – General Provisions**

Section 3 of the Zoning By-law provides general provisions which may be applicable to all zones, one or more categories of zones, or to specific uses. The general provisions address matters such as special provisions for specific uses, and additional requirements for specific situations (e.g., provisions for cannabis production facilities, agriculture-related uses, home occupation, drive-thru facilities, etc.). The reader should identify all general provisions that are applicable to their situation.

## **Section 4 – Parking and Loading Requirements**

Section 4 identifies the minimum number of parking spaces that a use must provide on-site to accommodate vehicles. In this By-law, some uses are also

required to provide and maintain a certain number of barrier free parking spaces and bicycle parking spaces. For mixed use development where multiple uses are located on the same lot, the minimum parking requirement may be reduced through sharing of parking spaces. This section as well as Schedule “B” also provides requirements for the size of parking spaces, drive aisles, and parking areas.

### **Sections 5-10 – Zone Categories (Permitted Uses, Zone Regulations and Zone Exceptions)**

The Zoning By-law establishes a number of zones which permit certain uses, as well as requirements for the location and character of buildings and structures. Sections 5 to 10 detail the permitted uses, zone regulations and exceptions for each of the zones. The zones are organized into categories, as follows:

Section 5 – Agricultural Zones

Section 6 – Residential Zones

Section 7 – Commercial and Mixed-Use Zones

Section 8 – Industrial Zones

Section 9 – Institutional Zone

Section 10 – Open Space and Environmental Conservation Zones

Section 11 - Future Development Zones

### **Permitted Uses**

Subsections 5.1, 6.1, 7.1, 8.1, 9.1 and 10.1 detail the uses that are permitted in each zone, through a series of tables. For example, Table 5.1 illustrates which uses are permitted in the Residential zones. The first column of a permitted uses table is a list of principal uses and accessory uses, buildings and structures. The use is permitted in each zone where there is a “●” symbol in the corresponding column. If a use is not permitted in a zone, there is no symbol shown. If an “E” is shown beside a use, that use is only permitted if it legally existed on the date of adoption of the Zoning By-law. Where the letter “A” is identified, the use is only permitted as accessory to another permitted use.

Each of the permitted uses is subject to the applicable zone regulations and zone exceptions in their respective sections, the general provisions (Section 3) and parking and loading requirements (Section 4).



This By-law is exclusionary, which means that if a use is not specifically identified within a zone, then the use is not permitted.

### **Zone Regulations**

Sections 5 to 10 also contain the regulations for each of the zones. Within each zone, there is typically a minimum specified lot area, minimum required frontage on a road, as well as minimum building setbacks (yards) and other requirements. To improve readability and comparison between similar zones, the zone regulations are organized into tables. Table 5.3 in Subsection 5.3, for example, details the regulations for the Agricultural Zone.

### **Zone Exceptions**

Most lands in the Town of Lincoln are zoned by a base zone, which are represented by symbols such as R1, A, etc. However, some lands are also zoned by a site-specific Exception Zone, which is denoted as a base zone symbol followed by a hyphenated numeric suffix. For example, A-1 is Exception number 1 to the A zone. The Exceptions to each Zone are contained in Sections 5 to 10. Section 5.4, for example, details the exceptions to the Agricultural Zone.

In most cases, the exception zone will only address one or more provisions, and at least some of the zone regulations in the base zone in Sections 5 -10 and the general provisions in Section 3 and the parking and loading requirements of Section 4 will still apply.

### **Schedule “A” – Maps**

Schedule “A” to the Zoning By-law contains maps which identify the zoning for all lands in the Town of Lincoln. In addition, the maps also identify areas which are subject to specific provisions related to the Natural Environment Area, Niagara Escarpment Plan Area and Existing Waste Disposal Assessment Area, as described below. The mapping is subject to change and may be amended from time to time to reflect amendments to the zoning by-law as well as mapping changes due to technical adjustments.

### **Schedule “B” – Parking Requirements**

Schedule “B” to the Zoning By-law contains illustrations which identify the dimensional requirements for parking spaces.

### **Niagara Escarpment Plan Area**

The Regulated Area of the Niagara Escarpment Plan Area is illustrated as a Niagara Escarpment Plan Area on Schedule “A”. Development within this area may require a development permit from the Niagara Escarpment Plan Area before a building permit can be issued. This overlay is primarily intended for information purposes only, as the Regulated Area of the Niagara Escarpment Plan Area may change from time to time. The reader should consult with the Town of Lincoln and the Niagara Escarpment Plan Area to confirm whether a development permit will be required prior to any development or site alteration. Section 3.27 in the General Provisions provides additional information about the meaning of this overlay.

### **Natural Environmental Area**

The Natural Environmental Area is illustrated as an overlay on Schedule “A” of the Town Official Plan and includes natural features that are considered to be significant at a Provincial, regional or local level. Development and site alteration shall not be permitted unless it is demonstrated through the completion of an environmental analysis that could consist of multiple studies and investigations depending on site specific circumstances, that there will be no negative impacts on the natural features or on their functions. This overlay is primarily intended for information purposes only and is based on the most current information available, and may not be accurate or up to date in some areas. The reader should consult with the Town of Lincoln, Niagara Region, and the Niagara Peninsula Conservation Authority to confirm what additional studies may be required to permit development and site alteration. Section 3.27 in the General Provisions provides additional information about the meaning of this overlay.

### **Use of the Existing Waste Disposal Assessment Area Overlay**

Where an existing waste disposal assessment area overlay is shown, specific regulations and requirements respecting the development of lands within an identified existing waste disposal assessment area. Only existing uses are permitted within these areas, and is subject to a Holding Provision until the Town is satisfied that all of the studies required by the Town and Region have been completed. Refer to the provisions of Section 3.43.

### **Interpretation of the Schedules**

Section 1.4 describes how the schedules are to be interpreted. The zone boundaries are not intended to be absolute as they are illustrated. In most cases,

the boundaries are intended to follow lot lines or the boundaries of roads and of natural heritage features.

**v. Use of the Holding Symbol (“(H)”)**

Certain lands are also subject to holding provisions. Lands subject to holding provisions are denoted by the symbol (H), added as a suffix to the zone. A holding symbol may be added to a base zone (e.g., A(H)), or to an Exception Zone (e.g., A-1(H)).

Where a holding symbol is shown, the general provisions of Section 3.19 apply. Where a holding symbol is applied to lands, the lands may not be used or developed according to the requirements in the underlying base zone until such time as the holding symbol is removed. Lands subject to a holding symbol are typically only permitted to be used for those uses which legally existed prior to the addition of the holding symbol. The reader should consult with the Town to confirm the permitted uses and the requirements for removing the holding symbol.

**vi. Minor Variances**

The Committee of Adjustment has the authority to approve minor variances to the Zoning By-law, which may provide minor relief from specific zoning provisions or minor changes to the permitted uses of one or more properties. Minor variances previously granted are not reflected in the Zoning By-law and are not shown as Exception Zones. A minor variance approved by the Town of Lincoln Committee of Adjustment granted in relief to the provisions of the former By-law will remain in effect and a building permit may be issued by the Chief Building Official up to one-year from the effective date of this By-law. The reader should contact the Town of Lincoln to identify whether there are any approved minor variances applicable to a property.

**vii. How to Check Zoning and Identify Applicable Regulations for a Property**

The following is an outline of the steps to assist the reader in interpreting what zone and applicable zone regulations and general provisions will apply to a specific property. The Zoning By-law is required to implement the Town’s Official Plan, and the reader should also refer to the Official Plan to determine the existing land use designation and any relevant policies which may be applicable to a specific property or development proposal. Readers are encouraged to consult with the Town, to assist in confirming and interpreting the Zoning By-law.

1. Read Section 1.0 to determine how the Zoning By-law applies to your property and to understand how the Zoning By-law is to be interpreted.

2. Locate the property on Schedule “A” and identify the zone symbol that applies to the property. In addition to the applicable zone symbol, the following property specific regulations may also apply, as denoted by a mapping overlay or a zone suffix:
  - 2.1 If the property is located in the Niagara Escarpment Plan Area, as shown as an overlay on Schedule “A”, the reader will need to refer to Section 3.26, which identifies associated regulations and permit requirements from the Niagara Escarpment Commission which will likely be required to permit development on the property.
  - 2.2 If the property is located in the Natural Environmental Area, as shown as an overlay on Schedule “A” of the Town Official Plan, the reader will need to refer to Section 3.27, which identifies environmental studies that may be required to permit development on the property. Consultation with the Niagara Peninsula Conservation Authority and Niagara Region may be required.
  - 2.3 If a property is located within the Existing Waste Disposal Assessment Area overlay (refer to the legend in the zone schedules) the reader will need to refer to Section 3.43 for additional requirements for identified waste disposal assessment areas.
  - 2.4 If the zoning symbol is an Exception Zone (e.g., A-1), refer to the applicable provisions contained in Sections 5 to 10. In most cases, the Exception Zone will only address one or more provisions, and at least some of the zone regulations in the base zone in Sections 5 to 10 and the general provisions in Section 3 will still apply.
  - 2.5 If a holding symbol (H) is contained in the zone symbol, refer to Section 3.19 regarding the removal of holding symbols. The reader should consult with the Town to confirm the permitted uses and the requirements for removing the holding symbol.
3. Refer to the permitted uses in the base zone (e.g., A), contained in Sections 5 to 10, to identify what uses are permitted in that zone. It is also important to refer to the definitions in Section 2 for assistance in interpreting the meaning of the permitted uses.
4. Refer to the zone regulations applicable to the base zone (e.g., A), contained in Sections 5 to 10. The zone regulations detail the required minimum lot area, minimum lot frontage, minimum and/or maximum yards, and other lot and

building requirements, which the use of the lot must comply with. As required, refer to the definitions (Section 2) for assistance in interpreting the terms used in the zone regulations.

5. Refer to the General Provisions of the Zoning By-law in Section 3 and the Parking Requirements in Section 4. In particular, provisions regarding parking, stacking and accessory buildings are often applicable. Other provisions may be applicable, such as lot and yard requirements, or additional regulations regarding specific uses (e.g., swimming pools). Also refer to the Definitions in Section 2 for assistance in interpreting the requirements of the general provisions. A thorough review is necessary to identify all applicable regulations for a property and proposed use of the property. If you are changing the use of your property, you will need to ensure that adequate parking, landscape buffers and other requirements will be provided in accordance with the general provisions.
6. Additionally, there may be approved minor variances which are applicable to the property which may provide relief from certain zone regulations, permitted uses or general provisions. The Town of Lincoln's Zoning Administrator can assist in identifying any approved minor variances.
7. The reader should confirm with the Town's Zoning Administrator the applicable zone category and zone regulations which apply to the property.

#### **viii. Purposes of the Zones**

Section 1.3 of the Zoning By-law establishes the following zone categories, which are described briefly as follows:

<b>Zone Category</b>	<b>Zone Symbol</b>	<b>Purpose of the Zone</b>
<b>Residential Zones</b>		
Hamlet Residential	HR	Provides for residential development in hamlets and rural settlement areas.
Residential 1	R1	Provides for single detached dwellings.
Residential 2	R2	Provides for single detached dwellings, semi-detached dwellings and duplex dwellings.
Residential Multiple 1	RM1	Provides for triplex, fourplex and townhouse dwellings in urban areas.
Residential Multiple 2	RM2	Provides for higher density stacked townhouse, back-to-back townhouse, and apartment dwellings, long-term care homes, nursing homes and retirement homes in urban areas.

**PREAMBLE**

<b>Zone Category</b>	<b>Zone Symbol</b>	<b>Purpose of the Zone</b>
Residential Multiple 3	RM3	Provides for and apartment dwellings, long-term care homes, nursing homes and retirement homes in urban areas.
<b>Commercial Zones</b>		
Neighbourhood Commercial Zone	NC	Provides for a variety of commercial uses in neighbourhoods in urban areas.
General Commercial Zone	GC	Provides for a wide variety of commercial uses in urban areas.
Rural Commercial Zone	RUC	Provides for smaller-scale commercial and industrial uses in the Town's rural areas and recognizes existing rural commercial and industrial areas.
Office Commercial Zone	OC	Provides for commercial uses as well as opportunities for denser forms of employment.
<b>Mixed-Use Zone</b>		
Mixed Use Zone (Central Business District)	GC (CBD)	Provides for mixture commercial, institutional and residential uses
<b>Industrial Zones</b>		
Industrial Zone	IN	Provides for a wide range of heavy and light industrial uses and accessory retail uses.
Industrial Extractive Zone	EI	Provides for the extraction of aggregate, petroleum and other resources.
<b>Institutional Zone</b>		
Institutional Zone	I	Provides for a wide range of institutional and community uses.
<b>Open Space and Environmental Conservation Zones</b>		
Open Space Zone	OS	Provides for parks and other active and passive recreational and open space uses.
Environmental Conservation Zone	EC	Provides for the protection of environmentally sensitive areas and features in addition to limited passive recreational uses.
<b>Agricultural Zone</b>		
Agricultural Zone	A	Provides for a broad range of agricultural and on-farm diversified uses.

**ix. Subsequent Zoning By-law Amendments**

The Zoning By-law may be consolidated from time to time to include subsequent amendments to the Zoning By-law. However, there may have been amendments to the Zoning By-law or removals or additions of holding symbols which are not included in the



current office consolidation of the Zoning By-law. In all cases, the reader should contact the Zoning Administrator to confirm the most current zoning of a property and applicable regulations. Additionally, the maps contained in Schedule “A” may not reflect the latest zoning, or any recent changes to the parcel fabric.

**x. Non-Conformity and Non-Compliance**

A Use is considered to be legal non-conforming if it was legally established (existing use) prior to the passing of the Zoning By-law No. 93-14-Z1 but is no longer permitted by the Zoning By-law. The Zoning By-law does not prevent the continued legal use, alteration or expansion of buildings and structures that no longer conform to the permitted uses in the Zoning By-law.

Buildings and structures are considered to be legal non-complying if they were established legally prior to the passing of the Zoning By-law No. 93-14-Z1 but no longer comply with the new provisions of the Zoning By-law. The Zoning By-law may have implemented different lot provisions than were previously required, such as minimum lot area, maximum height, etc. As such, buildings and structures that previously complied with these provisions may no longer comply with the new standards.

Refer to Section 1.12 of the Zoning By-law for provisions regarding non-conformity and non-compliance.

**xi. Confirming with the Town**

It is always a good idea to pre-consult with the Town about your construction project prior to submission of a complete application, as Town staff will help you determine whether your project will comply with the applicable provisions of the Zoning By-law. For significant developments, consultation with the other applicable agencies may also be required.

Additionally, there may be approved minor variances which are applicable to the property which may provide relief from certain zone regulations, permitted uses or general provisions. The Town of Lincoln’s Zoning Administrator can assist in identifying any approved minor variances.

**xii. Relationship to Other By-laws, Regulations, Legislation, etc.**

The Zoning By-law does not supersede or surmount any other legislation, regulations or municipal by-laws. In fact, depending on your proposal or the use of your property, other laws may apply. It is the property owner’s responsibility to understand what laws will apply to their land use or their construction project.

## PREAMBLE

The Town administers other by-laws that are related to this Zoning By-law. For example, the Town administers a parking by-law which sets out provisions for the allocation, design and signage for parking, along with enforcement of violations within the Town. These by-laws essentially 'build' on the Zoning By-law's requirements, and are to be considered "in addition to" the Zoning By-law's requirements.

The laws and regulations of the Province, the Federal Government and other agencies may also apply. Some uses may be subject to Provincial/Federal licensing or regulation. It is not the role of the Zoning By-law to integrate with the regulations or laws of other government. The Town can help you identify what other laws and regulations might apply to your project.

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2022–XX

A BY-LAW TO REGULATE THE USE OF LAND AND  
THE CHARACTER, LOCATION AND USE OF  
BUILDINGS AND STRUCTURES IN THE TOWN OF  
LINCOLN.

WHEREAS:

1. It is considered desirable to regulate the use of land, and the character and location of buildings and structures for the promotion of public health, safety, general convenience and well-being of the Town of Lincoln;
2. There is an Official Plan in effect in the Town of Lincoln;
3. This By-law is deemed to be in conformity with the Town of Lincoln Official Plan; and
4. Authority is granted to the Council of the Corporation of the Town of Lincoln under Section 34 of the Planning Act, R.S.O., 1990, c.P.13 as amended, to pass this By-law.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY REPEALS BY-LAW 93-14-Z1, AND ALL AMENDMENTS THERETO, AND ENACTS AS FOLLOWS:

## SECTION 1 - INTERPRETATION AND ADMINISTRATION

### 1.1 TITLE AND SCOPE

This By-law is known as The Zoning By-law of the **Town** of Lincoln (this By-law) and applies to all lands within the corporate limits of the **Town**.

### 1.2 APPLICATION

- (a) No **person** shall **use** any land or **erect** or **alter** any **buildings** or **structures** within a **zone**, except in conformity and compliance with the provisions of this By-law.
- (b) No **person**, other than a **public authority**, shall reduce any **lot** by conveyance or otherwise so that it does not meet the requirements of this By-law, or if it did not meet the requirements initially, so that it is further from meeting them.
- (c) No municipal permit, certificate or license may be issued if the permit is **required** for a **use** of land or **erection**, **alteration**, enlargement or **use** of any **building** or **structure** that is not in conformity and compliance with this By-law.
- (d) Despite any other provisions of this By-law, the **Chief Building Official** of the **Town** may not issue a **building permit** for the development or redevelopment of any lands or **buildings** or **structures** or any part thereof within the area of the **Town** affected by this By-law unless in accordance with the provisions of this By-law and any By-law of the **Town** enacted pursuant to Section 41 of the Planning Act.
- (e) The lack of a survey, or a mistake or an error or omission by any **person** **required** to comply with the provisions of this By-law does not relieve that **person** from liability for failure to comply with the provisions of this By-law.
- (f) This By-law shall be administered by a **person** appointed by the **Council** of the **Town** as the Zoning Administrator.

### 1.3 ZONES AND SYMBOLS

- (a) Schedules "A" and "A1" through "A9" attached hereto forms part of this By-law.
- (b) For the purpose of this By-law, the **Town** has been divided into **zones**, the boundaries which are shown on Schedules "A" and "A1" through "A9".

## INTERPRETATION AND ADMINISTRATION

- (c) Schedule “A” consists of a number of detailed maps for portions of the **Town** which are located as indicated on the Key Map.
- (d) The **zones** are referred to by the following names and symbols and are identified on Schedule “A” by the symbols:

ZONE	SYMBOL
<b>Residential Zones</b>	
Hamlet Residential	HR
Residential 1	R1
Residential 2	R2
Residential Multiple 1	RM1
Residential Multiple 2	RM2
Residential Multiple 3	RM3
<b>Commercial Zones</b>	
Neighbourhood Commercial Zone	NC
General Commercial Zone	GC
Rural Commercial Zone	RUC
Office Commercial Zone	OC
<b>Mixed Use Zones</b>	
Central Business District	GC (CBD)
<b>Industrial Zones</b>	
Industrial Zone	IN
Industrial Extractive Zone	EI
<b>Institutional Zone</b>	
Institutional Zone	I
<b>Open Space and Environmental Conservation Zones</b>	
Open Space Zone	OS
Environmental Conservation Zone	EC
<b>Agricultural</b>	
Agricultural Zone	A

#### 1.4 ZONE BOUNDARIES

- (a) The **zones** and **zone** boundaries are shown on Schedule "A" that are **attached** to and form part of this By-law.
- (b) Respecting the **zone** boundaries of the **zones**, the following applies:
- (i) Each parcel of land within the **Town** is provided within a **zone** category or categories, and thus, the boundary of the parcel forms the **zone** boundary.

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- (ii) The Environmental Conservation (EC) **Zone** and Open Space (OS) **Zone** are exceptions to clause a) above in that the boundary reflects the natural features and the location of the boundary may be determined by **lot line**, road, rail line, or where the **zone** does not abut any of the above, by the scale of the map.
- (c) Where a parcel of land or **lot** falls into two or more **zones**, each portion of the parcel of land or **lot** shall be **used** in accordance with the provisions of this By-law for each of the applicable **Zones**.

### 1.5 MANDATORY WORDING

The words "must" or "shall" are mandatory.

### 1.6 DISCRETIONARY WORDING

The word "may" is not mandatory. "May" is **used** to indicate that some circumstances may or may not be applicable.

### 1.7 DEFINITIONS

For convenience, terms that are in bold are defined in Section 2 of this By-law. This does not apply to the titles of Sections.

### 1.8 EXAMPLES AND ILLUSTRATIONS

Examples and illustrations are for the purpose of clarification and convenience, and do not form part of this By-law.

### 1.9 SEVERABILITY

Should any section, clause, provision or Schedule of this By-law, be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

### 1.10 LITIGATION

This By-law does not affect the rights of any **person** or landowner concerned in any action, litigation or other proceeding pending on the date of final passage, except to the extent to be determined in the final adjudication of action, litigation or other proceedings.

### 1.11 CERTIFICATE OF OCCUPANCY

- (a) No land may be **used** or occupied, and no **building** or **structure** which



## INTERPRETATION AND ADMINISTRATION

has been **erected** or **altered** may be **used** or changed in **use**, in whole or in part, until a Certificate of Occupancy by the **Town** under Section 34 of the Planning Act has been issued stating that the proposed **use** and occupancy of the land, **building** or **structure** complies with the provisions of this By-law.

- (b) No Certificate of Occupancy, no **building permit** and no approval of an application for any municipal license shall be issued where the proposed **use, building or structure**, is contrary to the provisions of this By-law.

### 1.12 NEED FOR COMPLIANCE WITH OTHER LAWS

Nothing in this By-law shall exempt any **person** from complying with the requirements of any other legislation or by-law in force or from obtaining any license, permission, permit authority or approval **required** by this by-law, any other by-law or any other legislation.

Where Conservation Authority Regulation of Development, Interference with Wetlands and **Alterations** to Shorelines and **Watercourses** (O. Reg. 172/06 and 179/06), are in force and effect, a permit from the Conservation Authority having jurisdiction, shall be obtained pursuant to the provisions of the Conservation Authorities Act prior to the following:

- (a) the construction, reconstruction or **erection** of a **building** or placing of fill’;
- (b) changes that would **alter** the **use**, or potential **use**, size or **dwelling units** of a **building** or **structure**; and
- (c) works within or around a wetland or **watercourse**.

Lands that are regulated include floodplains, erosion hazards, wetlands, **watercourses**, hazardous soils and shorelines.

### 1.13 VIOLATIONS AND PENALTIES

Any **person** who contravenes this By-law is guilty of an offence and, each day a breach of this By-law continues, constitutes a separate offence and on summary conviction, the offender is liable to discontinuation of land **use** and a fine as provided for under the Planning Act.

### 1.14 REPEALS OF PREVIOUS BY-LAWS

The following By-laws, and all amendments thereto, are hereby repealed except to give effect to the transitional provisions in Section 1.16 of this By-law or to give effect to the Exceptions of this By-law.

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**1.15 TECHNICAL REVISIONS TO THE ZONING BY-LAW**

Provided that the purpose and effect of this By-law is unaffected, the following technical revisions to this By-law shall be permitted without a Zoning By-law Amendment:

- (a) Correction to grammatical, mathematical, boundary or other such errors, including minor technical revisions to the mapping consistent with the intent of this By-law and the **Town's** Official Plan;
- (b) Changes to the numbering of sections, the numbering contained in the cross-referencing of sections, and the format and arrangement of the text, tables, schedules and maps, and the numbering of pages;
- (c) Corrections or revisions to the technical information contained on maps, such as the title blocks and legend;
- (d) Changes to the illustrations or the Preamble, which are not considered to form part of this By-law; and
- (e) Changes resulting from the removal of a holding symbol.

**1.16 TRANSITION PROVISIONS****1.16.1 Building Permit Applications**

Nothing in this By-law shall prevent the **erection of use** of a **building or structure** for which an application for a **building permit** was filed on or prior to the date of passage of this By-law, if the application complies, or the **building permit** application is amended to comply, with the provisions of the former Zoning By-law No. 93-14-Z1 provisions as it read on the date of passage of this By-law. For the purposes of this section, an application for a **building permit** means an application for a **building permit** which satisfies the requirements set out in the Building Code Act, as amended.

**1.16.2 Minor Variance**

Where the **Committee of Adjustment** of the **Town** or the Local Planning Appeal Tribunal has authorized a minor variance, in respect of any land, **building or structure** and the decision of the **Committee of Adjustment** of the **Town** or the Local Planning Appeal Tribunal authorizing such minor variance has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, **building or structure**, shall be deemed to be modified to the extent necessary to give

## INTERPRETATION AND ADMINISTRATION

effect to such minor variance.

#### 1.16.3 Consent

a) Where:

- (i) an application is made for consent to convey land under Section 50 of the Planning Act, prior to enactment of this By-law; and,
- (ii) that consent is granted and that land is conveyed before the consent lapses; and,
- (iii) that consent results in the creation of one or more **lots** which do not comply with the **lot frontage** or **lot area** requirements of this By-law;

then, each such **lot** created is deemed to comply with the **lot frontage** and **lot area** requirements of this By-law provided the **lot** created complies with the **lot frontage** and **lot area** requirements of the applicable zoning prior to the date of adoption of this By-law.

b) Where:

- (i) an application for consent has been approved and a long form certificate has been issued by the **Town** in accordance with Section 53(42) of the Planning Act; and
- (ii) the conveyance has not occurred prior to the date of adoption of this Zoning By-law;

such **lot** shall be deemed to comply with the **lot frontage** and **lot area** of the **zone** in which the **lot** is located; provided such **lot** complied with the **lot frontage** and **lot area** requirements of the applicable zoning prior to the date of adoption of this By-law.

#### 1.16.4 Site Plan

Where a Site Plan Agreement has been entered into prior to the effective date of this By-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, **building** or **structure**, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

## INTERPRETATION AND ADMINISTRATION

**1.17 EFFECTIVE DATE**

This By-law comes into force and takes effect on the day it is finally passed by **Council** of the Corporation of the **Town**.

## SECTION 2 - DEFINITIONS

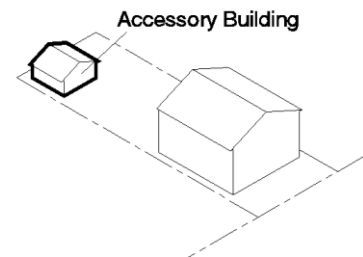
For the purpose of this By-law, the definitions and interpretations in this section shall govern. Furthermore, in this By-law the word “shall” is mandatory and not directory. Unless otherwise specifically indicated, words in the singular include the plural and vice versa; words in the present tense include the future and vice versa; and the masculine includes the feminine and vice versa.

### A

**2.1 ABATTOIR** means a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage and includes indoor confinement of animals while awaiting slaughter but shall not include any cooking or process related to processing plants such as smoking, curing or the **manufacturing** of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.

**2.2 ACCESSORY USE** means a **use** customarily incidental, subordinate and exclusively devoted to a principal **use** and located on the same **lot** as the principal **use**.

**2.3 ACCESSORY BUILDING OR STRUCTURE** means a detached **building** or **structure** not **used** for human habitation, but **used** to house an **accessory use** and includes a **private garage**.



**2.4 ADDITION OR EXTENSION TO AN EXISTING BUILDING OR STRUCTURE** means any expansion or increase in size of a **building** or **structure**.

**2.5 ADULT ENTERTAINMENT ESTABLISHMENT** means any premises or portion thereof in which is provided in pursuance of a trade, calling, business or occupation, body-rub business, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

**2.6 AGRI-TOURISM USE** means a farm-related tourism **use**, including limited accommodation such as a **bed and breakfast**, that promote the enjoyment, education or activities related to the farm operation.

**2.7 AGRICULTURAL CONSERVATION USE** means an area of land comprising part of an active **agricultural use** that is generally in its natural state and which is **used** to preserve, protect, link and/or improve components of the natural heritage system and may include as an **accessory use**, passive **recreational uses** such

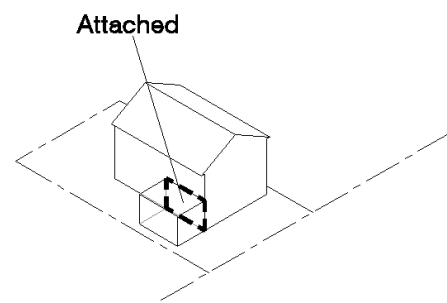
as trails, interpretive walking tours, temporary research stations for wildlife or weather patterns and **structures** to prevent or control flooding and erosion.

- 2.8 AGRICULTURE PRODUCE PROCESSING** means the **use** of land, **buildings** or **structures** for processing farm produce as an ancillary **use** to principle **agricultural uses** but does not include a **retail use** or an **abattoir**.
- 2.9 AGRICULTURAL PRODUCE STAND** means a **building** or **structure** or portion thereof where only **locally** grown produce is retailed to the general public.
- 2.10 AGRICULTURAL PRODUCE WAREHOUSE AND/OR SHIPPING** means a **building** or **structure** or portion thereof where agricultural produce and/or products are stored, and distributed to and from, but shall not include a **retail use**.
- 2.11 AGRICULTURAL EDUCATION AND/OR RESEARCH** means the **use** of a **building**, **structure** or land or a portion thereof for **agricultural education and/or research** and may include related activities and **uses** accessory to **agricultural education and/or research**.
- 2.12 AGRICULTURAL USE** means the **use** of land, **buildings** or **structures** for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-**forestry**; maple syrup production; and associated on-farm **buildings** and **structures**, including, but not limited to, livestock facilities, manure storages, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. The definition of **agricultural use** shall not include **cannabis production facility**.
- 2.13 AGRICULTURAL-RELATED USE** means those farm-related commercial and farm-related **industrial uses** that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
- 2.14 ALTER**, when **used** in reference to a **building** or **structure** or portion thereof, means any **alteration** in a bearing wall or partition column, beam, girder, or other supporting member of a **building** or **structure**, or any increase in the area or cubic contents of a **building** or **structure**. When **used** in reference to a **lot**, **alter** means to decrease the width, depth or area of a **lot** or to decrease the width, depth or area of any **required yard**, **setback**, **landscaped open space** area or **parking area**, or to change the location of a boundary of such **lot** with respect to a public **highway** or **laneway**, whether such **alteration** is made by



conveyance or alienation of any portion of said **lot**, or otherwise. The words "**altered**" and "**alteration**" shall have a corresponding meaning.

- 2.15 AMBULANCE STATION** means a **building** or portion thereof where ambulances are dispatched to emergency situations.
- 2.16 AMENITY AREA** means open space areas, **balconies** or recreation facilities, or other similar facilities in a **residential** or mixed **use** development which provide recreational space for the residents of a development.
- 2.17 ANIMAL SHELTER** means a **building** or portion thereof where small domestic animals, household pets, birds, livestock and farm animals are given temporary shelter and accommodation, where minor treatment is given, and includes a public pound and crematorium but does not include any establishment engaged primarily in the retail sale of animals or in the breeding or training of animals for gain or profit.
- 2.18 ARENA** means a **building** or **structure** or portion thereof where facilities are provided primarily for athletic or recreational events.
- 2.19 ARTISAN SHOP** means a **building** or portion thereof **used** by an artist for the display and sale of fine arts, crafts, photography and antiques including furniture which are created, refurbished or reproduced on the premises by the artist but does not include any **manufacturing use**, **flea market** or **retail use** where goods sold are not produced by the artist on the premises.
- 2.20 ASSEMBLY HALL** means a **building** or portion thereof **used** for the gathering together of groups of **persons** for a specific function, including public meetings, but shall not include a "Banquet and/or Convention Centre".
- 2.21 ASSEMBLY USE** means a **building** or portion thereof wherein products and materials are assembled or joined together to create finished or semi-finished products.
- 2.22 ATTACHED** means a **building** otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with adjacent **building** or **buildings**.
- 2.23 AUDITORIUM** means a **building** or **structure** or portion thereof where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious, or social events including an **assembly hall**, **arena**, cinema, theatre, opera house,



concert hall, public museum, exhibition hall, convention centre or community social centre but does not include a commercial recreation centre, or drive in theatre, or any retail store or **eating establishment** unless such retail store or **eating establishment** is an **accessory use**.

- 2.24 AUTOMOTIVE USE** means the **use** of land, **buildings** and **structures** or a portion thereof, as a **vehicle fueling station**, **vehicle sales and rental establishment**, or **vehicle service and repair establishment** or **vehicle wash establishment** but shall not include a “**Truck Stop**”.

## B

- 2.25 BAKERY** means a **building** or portion thereof for producing, mixing, compounding or baking bread, biscuits, ice-cream cones, pies, cookies, cakes, buns or any **bakery** product of which flour or meal is the principal ingredient. A **bakery** may include a **bakeshop** as an accessory use.
- 2.26 BAKESHOP** means a **building** or portion thereof where products of a **bakery** are offered and kept for retail sale, including baking. A bakeshop may also include an **eating establishment**.
- 2.27 BALCONY** means a platform that projects from the wall of a **building** and is accessible from inside such **building** by means of a door.
- 2.28 BANQUET HALL** means a **building** or **structure**, or portion thereof **used** for the gathering together of groups of people for a specific purpose which may include the consumption of food and drink and where full kitchen facilities are provided on the same premises.
- 2.29 BASEMENT** means that portion of a **building** between two floor levels which is partly underground, but which has more than one-half of its **height**, from finished floor to finished ceiling.
- 2.30 BED AND BREAKFAST ESTABLISHMENT** means a **single detached dwelling**, **semi-detached dwelling** or townhouse **dwelling**, or accessory structure, which is owned by and is the principal residence of the proprietor and which provides sleeping accommodation for the travelling public, and may include the provision of breakfast, but shall not include a “**Hotel/Motel**” or “**Inn**”. The term “**Tourist Home**” shall have the same meaning.
- 2.31 BERM** means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

- 2.32 BOAT HOUSE** means a **building** or **structure** located on a **lot** which abuts the water's edge **used** to house, shelter or protect a boat or other form of water transportation, but shall not include a "**Dwelling**".
- 2.33 BREWERY or DISTILLERY** means a **building used** for the brewing or distilling of alcoholic beverages or beverage products with alcoholic content, where the **use** may involve the milling or distilling of fruit, grain, hops, rice or malt or other products. Where the **Brewery or Distillery** is **using** products grown on-site or **locally grown**, they may be permitted in the Agricultural **Zone**.
- 2.34 BUILDING** means a **structure**, whether permanent or temporary, having a roof supported by columns or walls or supported directly on the foundation and **used** for accommodation, shelter or storage of people, animals or goods but shall not include a **fence**, trailer, **truck camper**, **motor home**, or tent.
- 2.35 BUILDING LINE** means any line regulating the position of a **building** or **structure** on a **lot** in accordance with the requirements of the **Town** or any other regulatory authority.
- 2.36 BUILDING LINE, ESTABLISHED** means the average **setback** of **existing buildings** from the **streetline**, on the adjacent **lots** which have been built upon on the same side of the **street** between two intersecting **streets**, where more than one-half of the frontage between said intersecting **streets** have been built upon.
- 2.37 BUILDING PERMIT** means a permit **required** by any by-law and/or the Building Code Act and in each case issued pursuant to the Building Code Act.
- 2.38 BUILDING, PRINCIPAL OR MAIN** means the **building** in which is carried out, the principal purpose for which the **lot** is **used**.
- 2.39 BUILDING SUPPLY AND SERVICE** means a **building**, **structure** or lands where the principal function is the selling of a wide variety of **building** supplies including lumber, millwork, siding, **fencing**, plumbing, electrical, air conditioning and heating equipment and similar commodities.

## C

- 2.40 CAMPGROUND** means premises consisting of at least five camping sites for the overnight and/or temporary camping or parking of **travel trailers**, **truck campers**, or tents for recreational or vacation **use** and designed for seasonal occupancy only.

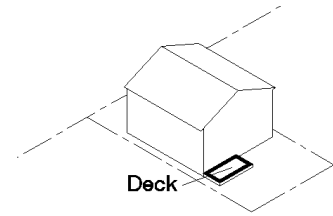
- 2.41 CANNABIS PRODUCTION FACILITY** means any **building** or **use**, licensed and/or authorized to possess, grow, sell, provide, ship, deliver, transport, destroy, test, produce, export and/or import cannabis for medical or non-medical purposes, including related research as defined in applicable Federal Regulation as amended from time to time.
- 2.42 CARPORT, PRIVATE** - see definition of "**Garage, Private**", contained **herein**.
- 2.43 CATERING** means the **use** of a **building** or part of a **building** where food is prepared on the premises and delivered elsewhere to be consumed.
- 2.44 CEMETERY** means land that is **used** as a place for the interment of the dead or in which human bodies have been buried and may include a columbarium and a mausoleum.
- 2.45 CHIEF BUILDING OFFICIAL** means the **person**, appointed by **Council**, as the **Chief Building Official** charged with the duty of enforcing and administering the provisions of the Building Code Act, as amended, or any successor thereto, together with any regulations thereunder.
- 2.46 CLINIC** means a **building** or portion thereof **used** by health care professionals, their staff and their patients for the purposes of consultation, diagnosis and treatment.
- 2.47 CLUB, COMMERCIAL** means a **building used** as an athletic, recreational or social **club** operated for gain or profit.
- 2.48 CLUB, PRIVATE** means a **building** or portion thereof where social, athletic or recreational activities are carried out solely by a private organization for its members.
- 2.49 COMMERCIAL USE** means the **use** of land, **buildings** or **structures** for the purpose of buying and/or selling of commodities and/or the supply of services for remuneration, but does not include activities associated with **industrial uses**.
- 2.50 COMMITTEE OF ADJUSTMENT** means the **Committee of Adjustment** as appointed by **Council** pursuant to the Planning Act.
- 2.51 COMMUNITY CENTRE OR COMMUNITY HALL** means a **building** or portion thereof **used** for community activities and which shall not be **used** for any commercial purpose.
- 2.52 CONCRETE BATCHING OR ASPHALT PLANT** means the **use** of land, **buildings** or **structures** for the purpose of the **manufacturing** of concrete or asphalt, or products or objects made therefrom.

- 2.53 CONSERVATION USE** means the **use** of an area of land that is generally in its natural state to preserve, protect and/or improve components of the natural heritage system and may include, as an **accessory use**, hiking trails and/or cross country ski trails, the protection against floods and erosion, **buildings** and **structures** such as nature interpretation centres and public information centres.
- 2.54 CONTAMINANT** means any solid, liquid, gas, odor, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.
- 2.55 CONTRACTOR'S YARD** means the **use** of land, **buildings** or **structures** wherein **vehicles** and equipment may be parked or stored for **use** in construction and/or renovation trades.
- 2.56 CONVENIENCE STORE** means a **building** or **structure** or portion thereof where a variety of household products, meat, baked goods and grocery items are offered for sale to serve the day to day needs of the residents of the immediate neighbourhood.
- 2.57 COUNCIL** means the elected **Council** of the **Town** of Lincoln.
- 2.58 CULINARY SCHOOL** means premises where the food is prepared by the participants and consumed on the premises and which is operated for gain or profit.
- 2.59 CULTURAL USE** means a **building** or **structure** or portion thereof which is **used** for cultural purposes such as a museum or art gallery.
- 2.60 CUSTOM WORKSHOP** means a **building** or **structure** or portion thereof **used** by a trade, craft or guild for **manufacturing** small quantities of made to measure or made to order clothes or articles and includes upholstering, furniture restoration and refinishing, custom order **manufacturing** of articles such as draperies and blinds, but does not include any **manufacturing uses** which generate nuisance impacts such as noise, dust or vibration.

## D

- 2.61 DAYCARE CENTRE** means premises for the temporary care and custody of more than five children who are under ten years of age that is operated for reward or compensation for a continuous period not exceeding twenty-four hours and has a license as **required** to operate.

**2.62 DECK** means a ground-oriented **structure** over 0.6 metres above any part of the **finished grade** of the adjoining exterior wall **used** as an outdoor living area or amenity space which may or may not be **attached** to a **building** and which does not have any walls or a roof.



**2.63 DENSITY** means the number of **dwelling units** per hectare on a **lot**.

**2.64 DRAINAGE DITCH AND IRRIGATION CHANNEL** means those channels or means of conveying the passage of water that the **Town**, Niagara Peninsula Conservation Authority and Ministry of Natural Resources agree, have physical characteristics that are man-made or have been **altered** to the point that they no longer perform the functions of a natural **watercourse**.

**2.65 DRIVE-THRU FACILITY** means a **use** which includes a facility where business may be conducted, including the sale of goods, food or other articles, directly with individuals who remain in their **vehicles**.

**2.66 DRIVEWAY** means a vehicular access provided between a **street** or **lane** or **parking area** or a **loading space** or between two **parking areas**, but does not include a **parking aisle**.

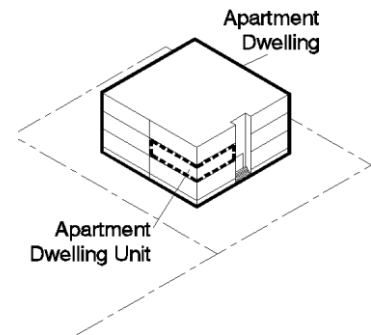
**2.67 DRY CLEANING DISTRIBUTION STATION** means a **building** or **structure** or portion thereof **used** for the purpose of receiving articles or goods of fabric to be subject to the process of dry-cleaning.

**2.68 DRY CLEANING ESTABLISHMENT** means a **building** or **structure** or portion thereof where dry-cleaning, dry-dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are **used** which emit no odours or fumes and from which no noise or vibration is emitted.

**2.69 DWELLING** means a **building used** for human habitation as a residence, with or without an **attached private garage**, but shall not include a **motor home**, **mobile home dwelling**, **vehicle**, trailer, **hotel/motel**, **tourist home**, **bed and breakfast establishment**, or **dwelling unit** accessory to a **non-residential use**.

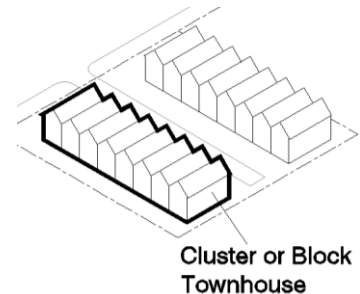


- 2.70 DWELLING, APARTMENT** means a **building** containing five or more **dwelling units**, which have a common entrance from the **street** level and where the occupants have the right in common to **use** halls, elevators, stairs, **yards** and **accessory buildings**.

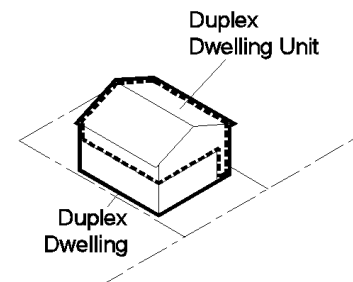


- 2.71 DWELLING, BACK-TO-BACK TOWNHOUSE** means **building** that is divided into three or more **dwelling units**, each of which has independent entrances. One side of the unit shares a common corridor or common wall, and the other side has an entrance directly to the outside yard area adjacent to the dwelling unit (also known as maisonettes). A **back-to-back townhouse dwelling** shall not be considered an apartment building for the purpose of this By-Law.

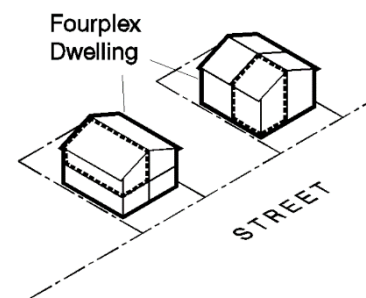
- 2.72 DWELLING, BLOCK TOWNHOUSE** means a group of no more than 8 **dwelling units** located on the same **lot**, where the **lot** has direct access onto and frontage along a public **street**.



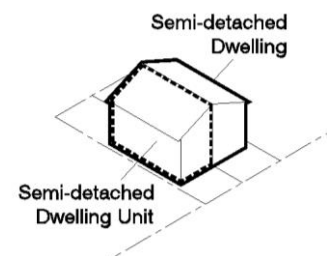
- 2.73 DWELLING, DUPLEX** means a **building** containing two **dwelling units**, on one **lot** but does not include a "Semi-detached Dwelling".



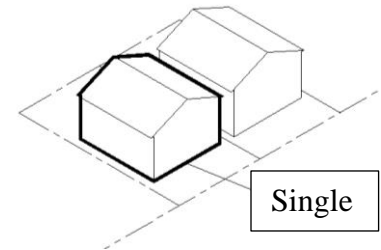
- 2.74 DWELLING, FOURPLEX** means a **building** containing four **dwelling units**.



- 2.75 DWELLING, LIVE-WORK** means a **dwelling unit** that includes working space accessible from the living area, regularly **used** by one or more of the residents of the **dwelling unit**, but does not include a **home-based business**.
- 2.76 DWELLING, MOBILE HOME** means a **dwelling** designed to be towed on its own chassis (**notwithstanding** that its running gear is or may be removed), and which is suitable for permanent or seasonal occupancy as a residence, except for minor and incidental unpacking and assembly operations, placement on a **mobile home** stand and connections to utilities, but which does not include a **travel trailer, motor home**, or other trailer or a **single detached dwelling** or a **modular home** constructed in parts and designed to be transported to a **lot** and where they are joined as an integral unit and placed on a permanent foundation over a cellar or **basement**.
- (a) **Mobile Home**, single wide, means a **mobile home dwelling** designed to be transported in a single load;
  - (b) **Mobile Home**, double wide means a **mobile home dwelling** consisting of two sections which are transported separately and are designed to be joined together into one integral unit.
- 2.77 DWELLING, SECONDARY RESIDENTIAL UNIT** means a **dwelling unit** that is secondary to a **single detached dwelling, semi-detached dwelling unit**, or a **townhouse dwelling unit**, and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the provisions of this By-law.
- 2.78 DWELLING, SEMI-DETACHED** means a **building** divided vertically into two **dwelling units** by a common wall extending from the base of the foundation to the roof, a minimum **height** of one **storey** above grade and a minimum horizontal distance of thirty percent of the horizontal depth of the **building**. The attachment along the common wall may include a **dwelling unit** wall and/or a garage wall. Each unit may be located on a separate **lot**.

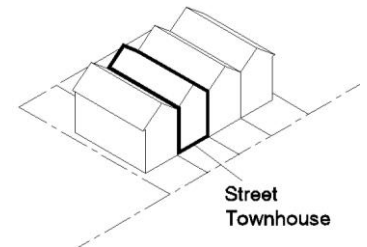


- 2.79 DWELLING, SINGLE DETACHED** means a **building** containing one **dwelling unit**, but does not include a "Mobile Home Dwelling".

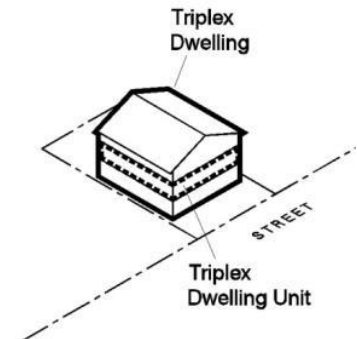


- 2.80 DWELLING, STACKED TOWNHOUSE** means a **building** containing 3 or more **dwelling units**, with each **dwelling unit** separated from the other both horizontally and vertically that may have a private independent entrance from a **yard** or a shared entrance from a common corridor, vestibule, or landing.

- 2.81 DWELLING, STREET TOWNHOUSE** means a townhouse **dwelling** which has direct access and frontage along a public **street**. Each **dwelling unit** may be located on a separate **lot**. For **street townhouses**, the maximum number of **attached** units shall be 8 units.



- 2.82 DWELLING, TRIPLEX** means a **building** that is divided horizontally into three **dwelling units**, each of which has an independent entrance either directly or through a common vestibule.



- 2.83 DWELLING UNIT** means one room or a group of rooms in a **building used** or designed or intended to be **used** as a single, independent and separate housekeeping unit:

- (a) In which a food preparation area and sanitary facilities are provided for the exclusive **use** of such housekeeping unit; and
- (b) Which has a private entrance from outside the **building** or from a common hallway or stairway inside the **building**; but does not include a tent, cabin,

trailer, **motor home**, **mobile home**, or in a **hotel/motel** or in a **bed and breakfast establishment** or in a **tourist home**.

- 2.84 DWELLING UNIT, ACCESSORY** means a **dwelling unit** accessory to and wholly contained within a permitted **non-residential use**.
- 2.85 DWELLING UNIT AREA** means the aggregate of the **floor areas** of all **habitable rooms**, bathrooms, kitchen areas, lobbies and hallways within a **dwelling unit**, and the thickness of any exterior walls.
- 2.86 DWELLING UNIT, STUDIO** means a **dwelling unit** in which only one room or part thereof contains sleeping accommodation and which room is also **used** as a living or dining room or both, as well as sleeping accommodation, but does not mean or include a **dwelling unit** containing one or more rooms designed exclusively for sleeping.
- 2.87 DYNAMIC BEACH** means a beach or dune where deposits are 0.3 metres thick or more, 10 metres in width and at least 100 metres in length along a shoreline and where the fetch (the distance the wind blows over the water) is more than five kilometres.
- 2.88 DYNAMIC BEACH HAZARD** means areas of inherently unstable accumulations of shoreline sediments along the Lake Ontario shoreline, as identified by provincial standards, as amended from time to time. The **dynamic beach hazard** limit consists of the flooding hazard limit plus a **dynamic beach** allowance.

## E

- 2.89 EATING ESTABLISHMENT** means a **building** or portion thereof where food is prepared and offered for sale to the public for consumption therein or for consumption away from the premises. An **eating establishment** may also include a facility licensed by the Alcohol and Gaming Commission of Ontario or any successor thereto but shall not include a "**Truck Stop**". An **eating establishment** may also include a "**Drive-Thru Facility**".
- 2.90 EATING ESTABLISHMENT, DINING** means a **building** or **structure** or portion thereof where food is prepared and offered for sale to the public for consumption on the premises.
- 2.91 EATING ESTABLISHMENT, TAKE-OUT** means a **building** or **structure** or portion thereof where food is prepared and offered for sale to the public for consumption away from the premises.

- 2.92 EMERGENCY CARE ESTABLISHMENT** means an **institutional use** that provides a means of immediate temporary accommodation and assistance for a short-term period in case of emergency.
- 2.93 EQUESTRIAN FACILITY** means an area of land where three or more horses are boarded and ridden by their owners or rented to others and/or where horseback-riding lessons may be given.
- 2.94 EQUIPMENT SALES AND RENTAL ESTABLISHMENT** means premises where machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.
- 2.95 ERECT** means, with reference to a **building** or **structure**, to build, **alter**, construct, reconstruct, relocate or enlarge and without limiting the generality of the foregoing also includes:
- (a) Any physical operation such as excavating, filling, grading or drainage works preparatory to **building**, construction, reconstruction; or
  - (b) **Altering** any **existing building** or **structure** by an **addition**, deletion, enlargement or other structural change; or
  - (c) The moving of a **building** or **structure** from one location to another; or
  - (d) Any work for which a **building permit** is **required**.
- "**Erected**" and "**Erection**" shall have a corresponding meaning.
- 2.96 EXISTING** means legally **existing** as of the date of passing of this By-law.
- 2.97 EXTRACTIVE USE** means the **use** of land, **buildings** or **structures** for the removal of earth, clay, marl, sand, gravel, stone, limestone, marble, fill, mineral or other similar substance and includes **accessory uses** such as equipment for crushing, screening or washing of sand, gravel or aggregate materials and the stockpiling and storage of said materials.

## F

- 2.98 FABRICATING** means the **use** of a **building**, or portion thereof, wherein materials and other components are joined together by hand or machine to create other products.

- 2.99 FARM LABOUR HOUSING** means secondary **dwelling units** within an **existing building** on the farm, or a temporary **structure**, such as a trailer or other portable **dwelling unit**, an **existing dwelling**, or a new structure or expansion, on a parcel of land that is part of the extended farm operation or located in a nearby settlement area or on a rural **lot**.
- 2.100 FARM IMPLEMENT SALES AND SERVICE** means the **use** of land and **buildings** for the purpose of selling, servicing and repairing new and **used** farm equipment and machinery.
- 2.101 FARM PRODUCE OUTLET** means a **building** or portion thereof wherein the retail sale of the following products are offered for sale to the general public:
- (a) Locally grown produce (a minimum of 70 percent of the retail **floor area**);
  - (b) Imported Produce;
  - (c) **Bakery** items and processed fruit prepared on the premises, grocery, deli and dairy products and locally made crafts (a maximum of 50 square metres retail **floor area**);
  - (d) Locally grown **greenhouse** and nursery products;
  - (e) Locally made Floral Products.
- 2.102 FARM SERVICE SUPPLY AND ESTABLISHMENT** means a **building** or **structure** or portion thereof, such as a farm co-op, **used** for the retail sale and rental for farm **use** of minor equipment and implements and parts thereof and tools, hardware and clothing and includes a **farm implement sales and service** establishment.
- 2.103 FEEDLOT** means any tract of land or **building** or **structure**, pen or corral, wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market for slaughter.
- 2.104 FEED MILL** means a **building** or **structure** or portion thereof wherein farm commodities are bought, sold, stored and also includes drying, processing and elevation for storage of farm commodities such as cereal grains, corn, soybeans, etc.
- 2.105 FENCE** includes a free standing wall, **structure** or partition constructed of any material or combination of materials, enclosing, partly enclosing or dividing **lot** boundaries or being **used** for decorative purposes.

- 2.106 FINANCIAL USE** means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged.
- 2.107 FIREHALL** means a **building** or portion thereof wherein fire fighting equipment and **vehicles** are stored. A **firehall** may also include accommodation for firefighters and other **accessory uses**.
- 2.108 FLEA MARKET** means the **retail use** of land, **buildings** and/or **structures** where buyers and sellers convene for the sale of old, **used** or new articles or goods.
- 2.109 FLOOR AREA**, with reference to a **dwelling**, - see definition of "**Dwelling Unit Area**", defined **herein**.
- 2.110 FLOOR AREA, GROSS**, with reference to **uses** other than a **dwelling**, means the total **floor area** of all **storeys** of a **building** or **structure**, including the **floor area** of any **basement**, which **floor areas** are measured between the exterior faces of the exterior walls of a **building** at each floor level, but excluding any **parking areas** or loading areas within the **building** or **structure**. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.
- 2.111 FLOOR AREA, GROUND** means the **floor area** of the lowest **storey** of a **building** or **structure**, excluding any **basement** or cellar which is measured between the exterior faces of the exterior walls of the floor level of the said **storey**.
- 2.112 FLOOR AREA, PUBLIC** means that portion of a **building** which is accessible to the public, including waiting, serving and seating areas, but excludes public washroom areas.
- 2.113 FOOD VEHICLE** means an outdoor **vehicle** not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled **vehicle** (i.e. food truck), a **vehicle** that is not self-propelled but can be towed (i.e. food trailer) and a **vehicle** moved by human exertion (i.e. food cart).
- 2.114 FORESTRY** means the **use** of land for planting, management and harvesting of timber resources but does not include a "**Sawmill**". However, it may include the **use** of portable **sawmills** and chippers on site as a temporary **use**.
- 2.115 FUEL PUMP** means a piece of equipment **used** to dispense fuel products such as gasoline, propane or natural gas and includes a **fuel pump** island.



**2.116 FUEL STORAGE DEPOT AND SUPPLY YARD** means the **use** of land, **buildings** or **structures** or portion thereof, wherein fuels such as gasoline, propane, natural gas, oil, kerosene, diesel fuel, coal and wood are stored or kept for sale or distribution and resale.

**2.117 FUNERAL HOME** means a premises where the preparation of the dead human body for internment or cremation is undertaken and may include **accessory uses** such as the sale of caskets and provision of facilities for public worship and service.

## **G**

**2.118 GARAGE, PRIVATE** means an **accessory building** or portion of a **building**, which is **used** for the sheltering of private **vehicles** and includes an open or partially enclosed shelter commonly known as a **carport**. Such **building** may be **used** for storage of household equipment incidental to the **residential** occupancy but shall not include facilities for repairing or servicing **vehicles** for gain or profit. The term **private garage** shall have the same meaning.

**2.119 GARAGE, PUBLIC** - see definition of "**Vehicle Service and Repair Establishment**", defined **herein**.

**2.120 GARDEN CENTRE** means the **use** of land, **buildings** or **structures** or portion thereof for the growing and/or retail sale of flowers, bushes, shrubs, trees, plants and other nursery stock. A **garden centre** also includes the incidental sale of such items as fertilizers, pesticides, soil, pots and garden ornaments and may also include **greenhouses**.

**2.121 GARDEN SUITE** means a small independent temporary **building**, physically separate from the principal **dwelling unit** with which it is associated, which may be **used** as a **dwelling unit**, or for activities accessory to those permitted in the principal **dwelling unit**.

**2.122 GAZEBO** means a freestanding roofed **building** or **structure** which is not enclosed, except for screening or glass and which is utilized for the purposes of an outdoor sitting area and is an **accessory use** to a **residential dwelling** but shall not include any other **use** or activity otherwise defined or classified in this By-law.

**2.123 GOLF COURSE** means the **use** of land for the purposes of playing golf and may include a driving range as an **accessory use**, but does not include miniature **golf courses** and similar **uses** operated for commercial amusement purposes. A **golf course** may also include **accessory buildings** and **structures** necessary

for the operation and maintenance of the **golf course** and **club** house facilities including an **eating establishment**, a **banquet hall**, meeting rooms and **retail uses** accessory to the **golf course**.

- 2.124 GOLF DRIVING RANGE** means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.
- 2.125 GRADE, FINISHED** means the average elevation of the surface ground adjoining a **building** or **structure** at all exterior walls.
- 2.126 GRAIN STORAGE AND DRYING FACILITY, COMMERCIAL** means the **use** of land, **buildings** or **structures** or portion thereof wherein agricultural commodities such as cereal grains, corn and soybeans are dried, stored, mixed or treated which is operated as commercial business.
- 2.127 GRAIN STORAGE AND DRYING FACILITY, PRIVATE** means a **use** accessory to an **agricultural use**, comprised of permanently fixed **buildings** or **structures** or portion thereof where cereal grains, corn or soybeans are dried and/or stored, but shall not include a **Commercial Grain Storage and Drying Facility**.
- 2.128 GREENHOUSE** means the **use** of a **building** or **structure** for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such **use** may also include the wholesale or retail sale of **greenhouse** products customarily, incidental, subordinate and exclusively devoted to the principal **use**, located on the same **lot** therein. A **retail use** accessory to a **greenhouse** shall have a maximum retail **floor area** of 200 square metres. For the purpose of this definition, a **greenhouse** shall also include a hoop house, but shall not include a **cannabis production facility**.
- 2.129 GROSS WEIGHT** means the combined weight and carrying capacity for which a **vehicle** or trailer is registered by the Ministry of Transportation, or any successor thereto.
- 2.130 GUEST ROOM** means a room or suite of rooms **used** or maintained for the accommodation of the public and which contain no provisions for cooking.
- 2.131 GYMNASIUM** means a **building** or portion of a **building** within a **school**, college or university **used** for various indoor sports and may include spectator accommodation.

## H

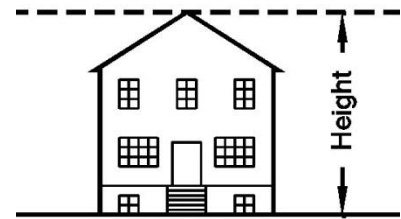
- 2.132 HABITABLE ROOM** means a room designed for living, sleeping, eating or food preparation, including a den, **library**, sewing room or enclosed sun-room but

does not include a bathroom, washroom, toilet room, storage room, laundry room, hallway or corridor area.

**2.133 HATCHERY** means an agricultural related **use** which consists of a **structure** designed to incubate the eggs of fowl for the purpose of hatching chicks for sale to agricultural operations.

**2.134 HAZARDOUS WASTE** means those wastes requiring special treatment in that they cannot be treated or disposed of by conventional facilities such as sewage treatment plants or municipal landfill sites and include explosive, flammable, volatile, radioactive, toxic and pathological waste.

**2.135 HEIGHT** means the vertical distance measured from the **finished grade** level to the highest point of the roof surface, or the parapet, whichever is greater. In the case of a **deck**, **height** means the **height** of the highest floor level. In calculating the **height** of a **building**, any construction **used** as an ornament or for the mechanical operation of a **building** such as a mechanical penthouse, fire hose tower, chimney, tower, cupola or steeple, is not to be included.



**2.136 HEREIN** means "in this By-law" and shall not be limited to any particular Section or subsection, Table or Schedule of this By-law.

**2.137 HIGHWAY** means a common and public **highway**, **street**, avenue, parkway, **driveway**, square, place, bridge, viaduct or trestle, designed and intended for, or **used** by, the general public for the passage of **vehicles** and which has been assumed for **public use** as a public **highway**.

**2.138 HOBBY FARM** means an area of land on which a barn, stable or **animal shelter** may be **erected** to house no more than two horses and no more than 5 sheep, cows, goats or similar domestic animals, kept for recreational purposes or for personal consumption by the occupants of a **dwelling unit** on the same **lot**.

**2.139 HOME BASED BUSINESS** means an occupation, business or professional practice accessory to a **dwelling unit**, its garage or its **accessory building** and operated by the principal resident of the **dwelling unit**. No more than 25% of the total area can be **used** for **home based business**.

**2.140 HOME FOR SPECIAL CARE** means a **building** that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of **persons** exclusive of staff, living under supervision and who, by reason of their emotional, mental, social or physical condition or legal status,

require a group living arrangement for their well-being, but does not include a place maintained and operated primarily for the care of or occupation by inmates or **persons** placed on probation or released on parole or for any other correctional purpose.

**2.141 HOSPITAL, PRIVATE** means an institution, **building** or other premises licensed by the Ministry of Health under the Private Hospitals Act.

**2.142 HOSPITAL, PUBLIC** means any institution, **building** or other premises or place established for the treatment of **persons** afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill **persons** that is approved under the Public Hospitals Act.

**2.143 HOSPITALITY ROOM** means part of a **winery, brewery and distillery building** where wine and food may be served but does not include the **use** of commercial cooking equipment on-site in the preparation of food. A **hospitality room** does not include an "**Eating Establishment**".

**2.144 HOTEL/MOTEL** means a commercial establishment **catering** to the needs of the travelling or vacationing public by supplying accommodation with or without food. Up to 40% percent of the gross floor area of the **Hotel/Motel** may include "**Apartment Dwelling**" units. A **Hotel/Motel** may include **accessory uses** such as **personal service uses, eating establishments** and banquet and/or convention facilities. **Motel/Hotel** has the same meaning but does not include an **Inn**.

**I**

**2.145 INDUSTRIAL USE** means the **use** of land, **buildings** or **structures** for the **manufacturing**, processing, **fabricating** or assembly of raw materials or goods, warehousing or bulk storage of goods and materials and related accessory and ancillary **uses**.

**2.146 INDUSTRIAL REPAIR GARAGE** means a **building** or portion thereof where commercial or industrial **vehicles** such as buses, trucks, construction and industrial **vehicles** are repaired but does not include the long-term storage of said commercial or industrial **vehicles**.

**2.147 INDUSTRIAL MALL** means a group of permitted **industrial uses** designed, developed and functioning as a single complex as opposed to an area comprising an individual industrial establishment.

**2.148 INN** means a **building used** for the purposes of supplying sleeping accommodation to the travelling public and may include the provision of meals but shall not include a “**Hotel/Motel**”.

**2.149 INSTITUTIONAL USE** means the **use** of land, **buildings** or **structures** for religious, charitable, educational, health or welfare purposes and without limiting the generality of the foregoing, may include churches, **places of worship**, public or private **schools**, public or **private hospitals**, **community centres**, government **buildings**, children's residences and special care residences.

## K

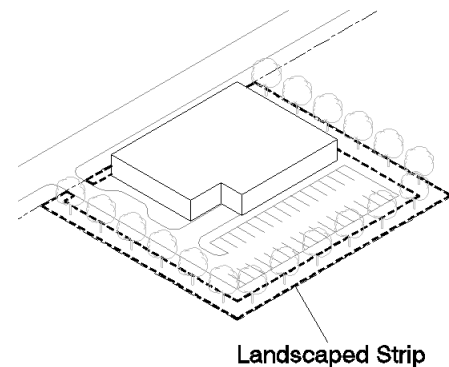
**2.150 KENNEL** means the **use** of lands, **buildings** or **structures** where more than four dogs, cats and other small domestic animals or household pets are:

- (a) Boarded for hire or gain; and/or
- (b) Kept for the purpose of breeding; and/or
- (c) Kept for personal **use** as sled dogs or show dogs; and/or
- (d) Kept for the purpose of training.

## L

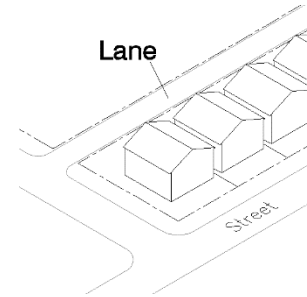
**2.151 LABORATORY** means a **building** or part thereof **used** for experimental study or for testing and analysis.

**2.152 LANDSCAPED AREA OR LANDSCAPED STRIP** means a permeable area not built upon and not **used** for any purpose other than as a **landscaped area** which may include grass, shrubs, flowers, trees and similar types of vegetation and decorative paths, decorative walkways, **fences** and similar appurtenances, but does not include **parking areas**, **driveways**, service walkways or ramps. The words "landscaping" and "landscaped" shall have the same meaning.



**2.153 LANDSCAPED OPEN SPACE** means the percentage of a **lot used** as a **landscaped area** or **strip**.

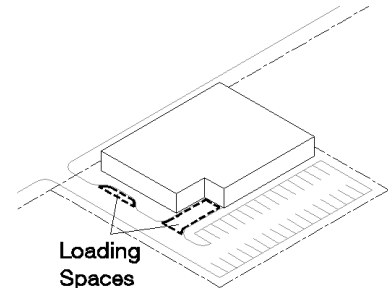
**2.154 LANE** means a public or private right-of-way which provides a secondary means of access to abutting **lots** and which is not intended for general traffic circulation.



**2.155 LIBRARY** means a **library**, branch **library** or distribution facility established under and subject to the provisions of the Public Libraries Act.

**2.156 LIVESTOCK USE** means the **use** of lands, **buildings** or **structures** including an accessory manure storage area, for the raising of poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats or other type of animal listed by the Agricultural Code of Practice.

**2.157 LOADING SPACE** means an area of land, exclusive of aisles or **driveways** and accessible to a **street** or **lane** which is provided and maintained upon the same **lot** or **lots** upon which the principal **use** is located and which is **used** for the temporary parking of one or more **commercial vehicles** while merchandise or materials are being loaded or unloaded from such **vehicle**, and such parking is not to be **used** for the purpose of offering commodities for sale or display.



**2.158 LOCALLY GROWN** means: (a) for agricultural fruit stands: agricultural products grown on site; and (b) in all other instances, fruit or produce or grains and other agricultural products grown on site and harvested in the **Regional Municipality** of Niagara and in the Province of Ontario.

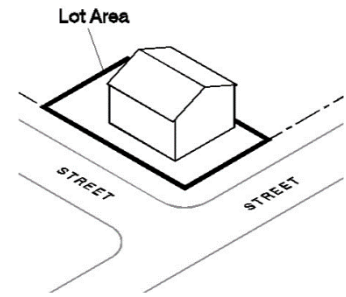
**Notwithstanding** the provisions of this clause, fruit or fruit juice from other sources not defined as “**locally grown**” in this by-law, may be **used** for the production of wine in the event of a crop failure.

**2.159 LONG-TERM CARE HOME** means a **long-term care home** as defined in the Long-Term Care Homes Act, 2007, as amended.

**2.160 LOT** means a parcel or contiguous parcels of land designated and registered at the Registry **Office** as one parcel of land in one ownership.

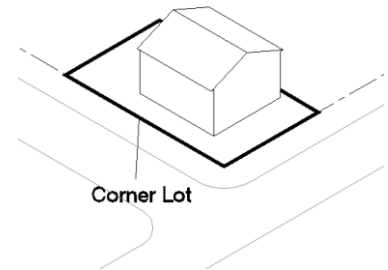


**2.161 LOT AREA** means the total horizontal area within the **lot lines** of a **lot**, excluding any area covered by water or marsh or between the rim of the banks of a river or **watercourse**. In the case of a **corner lot** having **streetlines** rounding at the corner with a radius of 6 metres or less, the **lot area** of such **lot** is to be calculated as if the **lot lines** were projected to their point of intersection.



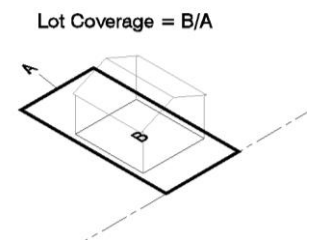
**2.162 LOT, CORNER** means

- (a) A **lot** situated at the intersection of and abutting on two or more **streets** and which **streets** have an angle of intersection of not more than 135 degrees regardless of whether or not such **streets** abut a 0.3 metre **reserve**;
- (b) A **lot** abutting a curve of a **street**, the adjacent sides of which curve contain an angle facing the **lot** of not more than 135 degrees, and such angle shall be formed by their tangents drawn from the points where the **side lot lines** meet the **streetline** but does not include a **lot** abutting the bulb of a cul-de-sac or a turning circle, regardless of whether or not such **streets** have a 0.3 metre **reserve**.



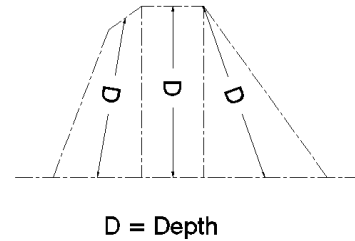
**2.163 LOT COVERAGE** means

- (a) That percentage of the **lot area** covered by all **buildings** above ground level, measured at the level of the lowest **storey** above grade, including all **porches**, verandahs and **decks**, having a **height** of 0.6 metres above any part of the **finished grade**, and covered **parking areas**, but excluding open unenclosed **patios**, steps, cornices, eaves, bay windows, chimney breasts and similar projections and **swimming pools**; and
- (b) Does not include that portion of the **lot area** which is occupied by a **building** or horizontal portion thereof which is completely below ground level; and
- (c) For the purposes of this definition the **lot coverage** in each **zone** applies and shall be deemed to apply only to that portion of such **lot** that is located within the said **zone**.





**2.164 LOT DEPTH** means the horizontal distance between the front and **rear lot lines**. If the front and **rear lot lines** are not parallel, **lot depth** shall mean the length of a straight line joining the middle of the **front lot line** with the middle of the **rear lot line**. When there is no **rear lot line**, **lot depth** shall mean the length of a straight line joining the middle of the **front lot line** with the apex of the triangle formed by the **side lot lines**.



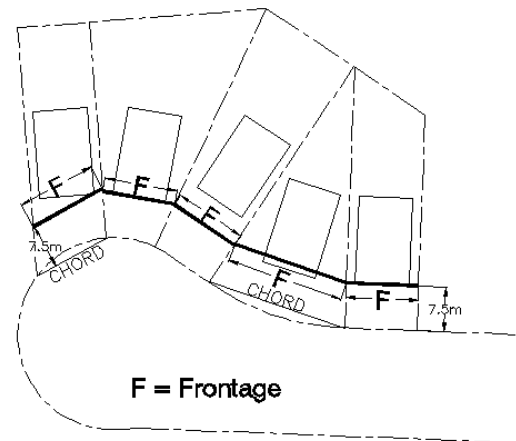
Where the **front lot line** is curved, **lot depth** shall be measured from a line drawn parallel to the chord of the arc constituting the **lot line**, lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. (For the purposes of this By-law, the chord of the **lot frontage** is a straight line joining the two points where the **side lot lines** intersect the **front lot lines**.)

**2.165 LOT FRONTAGE** means

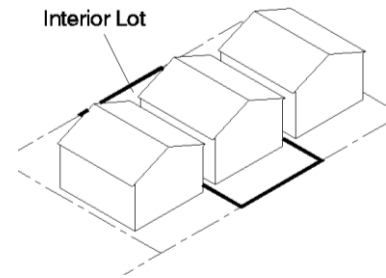
(a) The horizontal distance between the **side lot lines** measured along the continuous **front lot line** and if the **front lot line** is not continuous, measured along the longest **front lot line**;

(b) 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 7.5 metres back from and parallel to the chord of the **lot frontage**, and for the purposes of this definition, the chord of the **lot frontage** is a straight line joining the two points where the **side lot lines** intersect the **front lot lines**; and

(c) In the case of a **corner lot** where a radius has been established, the **lot frontage** is determined by measuring along the **front lot line** after the **side lot line** and **front lot line** have been extended to the point of intersection.

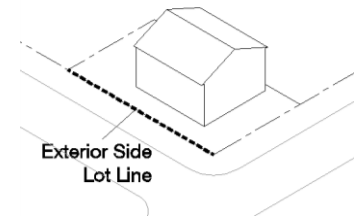


**2.166 LOT, INTERIOR** means a **lot** other than a **corner lot** or a **through lot**.



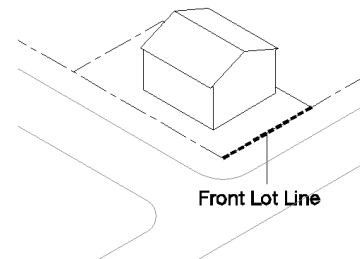
**2.167 LOT LINE** means any boundary of a **lot**.

**2.168 LOT LINE, EXTERIOR** means a **side lot line** that is also a **streetline**. "Flankage **lot line**" shall have the same meaning.

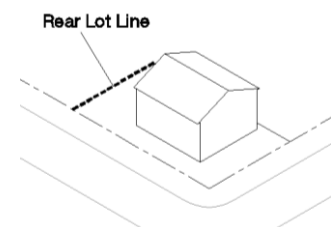


**2.169 LOT LINE, FRONT** means

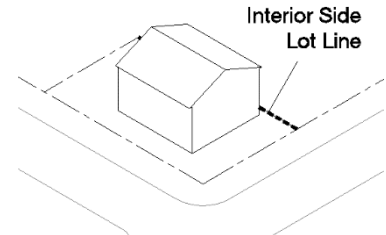
- (a) The **lot line** that divides the **lot** from the **street**;
- (b) In the case of a **corner lot**, the shorter **streetline** shall be deemed to be the **front lot line** and the longer **streetline** shall be deemed to be an exterior **side lot line**; and
- (c) In the case of a **corner lot** with two **streetlines** of equal length, the **lot line** that abuts the wider **street**, or abuts a **Regional Road** or a **Provincial Highway** shall be deemed to be the **front lot line**; and in the case of both **streets** being under the same jurisdiction, or the same width, the owner of such **corner lot** may designate either **streetline** as the **front lot line**; and
- (d) In the case of a **through lot**, the longer boundary dividing the **lot** from the **street** shall be deemed to be the **front lot line** and the opposite shorter boundary shall be deemed to be the **rear lot line**. In case each of such **lot lines** should be equal length the **Municipality** may designate either **street line** as the **front lot line**.



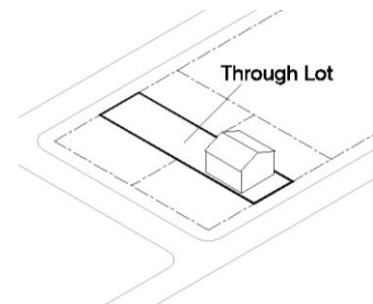
**2.170 LOT LINE, REAR** means the **lot line** or lines opposite a **front lot line**.



**2.171 LOT LINE, SIDE** means a **lot line** other than a **front lot line** or a **rear lot line**.



**2.172 LOT, THROUGH** means a **lot** other than an **interior lot** or a **corner lot** which has frontage on two **streets**.



## M

**2.173 MANUFACTURING** 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 product or part thereof, including, but not so as to limit the generality of the foregoing, the following processes:

- (a) Adapting for sale;
- (b) **Altering**;
- (c) Assembling;
- (d) Cleaning;
- (e) **Fabricating**;
- (f) Finishing;
- (g) Machining
- (h) Packing;
- (i) Polishing;

- (j) Processing;
- (k) Ornamenting;
- (l) Refinishing;
- (m) Repairing;
- (n) Restoring;
- (o) Washing.

However, the definition of **manufacturing** shall not include a "**Concrete Batching or Asphalt Plant**".

- 2.174 MANUFACTURING OF GREENHOUSE COMPONENTS** 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 of products and materials for the **greenhouse** industry including products and materials for the construction of **greenhouses** and equipment **used** in **greenhouses**.
- 2.175 MARINA** means an establishment on a navigable body of water **used** for boat docking and launching facilities and may include accessory thereto, locker room facilities, enclosed and **outside storage** areas for boats, a **marina** fueling station and sales, service and repair facilities and **club** facilities.
- 2.176 MERCHANDISE RENTAL USE** means a commercial establishment involved in the leasing and rental of merchandise.
- 2.177 MOBILE HOME LOT** means a parcel of land in a **mobile home park** for the placement of a **mobile home dwelling** and for the exclusive **use** of the occupants of the **mobile home dwelling**. "**Mobile Home Site**" and "**Mobile Home Lot**" shall have the same meaning.
- 2.178 MOBILE HOME PARK** means a development under single ownership not registered as a plan of subdivision pursuant to The Planning Act, managed by a **mobile home park** operator and having one or more **mobile home dwellings** or **mobile home lots** with individual **mobile home dwellings** situated thereon. Ownership and responsibility for maintenance of internal roads, underground services, communal areas and **buildings**, together with general **park** management including snow removal and garbage collection, etc., rests with the **mobile home park** operator.
- 2.179 MODULAR HOME** means a prefabricated **building** or **structure** which is designed to provide a permanent **dwelling unit** for one or more **persons** and which is placed on a finished permanent foundation but does not include a **mobile home dwelling, travel trailer, motor home** or other trailer.
- 2.180 MOTEL, HOTEL** - see definition of "**Hotel/Motel**".

**2.181 MOTOR HOME** means a self-propelled **vehicle** capable of being **used** for temporary sleeping and/or eating accommodation for one or more **persons**.

**2.182 MUNICIPALITY** means the **Town** of Lincoln.

**2.183 MUNICIPAL LAW ENFORCEMENT OFFICER** means a **person**, appointed by **Council**, charged with the duty of enforcing this By-law.

**2.184 MUNICIPAL SERVICES** means all publicly owned physical works and facilities necessary to sustain and service a **lot** and shall include **streets**, municipal water systems, **sanitary sewer** services, **storm sewers** and stormwater ponds.

## N

**2.185 NON-COMPLYING** means a **use**, **building** or **structure existing** at the date of the passing of this By-law is a permitted **use** under this By-law but which does not comply with a **zone** provision or requirement of the **zone** within which it is located.

**2.186 NON-CONFORMING** means the **use** or activity in respect of any land, **building** or **structure** which is not within the list of permitted **uses** set out in this By-law for the **zone** in which such land, **building** or **structure** is located.

**2.187 NON-RESIDENTIAL** when **used** in reference to a **use**, **building** or **structure**, means designed, intended or **used** for a purpose other than as a **dwelling**.

**2.188 NOTWITHSTANDING** when **used** in this By-law means in **spite** of, or instead of.

**2.189 NOXIOUS USES**, when **used** in reference to a **use**, **building** or **structure**, means a **use** which from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of gas, fumes or dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other material, a condition which becomes or may become hazardous or injurious in regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any **use** of land, **building** or **structure**.

**2.190 NURSING HOME** means a **nursing home** licensed under the Nursing Home Act.

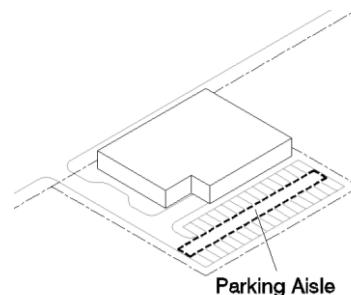
## O

- 2.191 OFFICE** means the **use** of a **building** or portion thereof, designed, intended or **used** for the practice of a profession, the carrying on of a business, the conduct of public administration, or where not conducted on an industrial site, the administration of an industry, but shall not include a **retail use**, any **industrial use**, **clinic**, **financial use** or **place of entertainment**.
- 2.192 ON-FARM DIVERSIFIED USE** means **uses** that are secondary to the principal **agricultural use** of the property and are limited in area. **On-farm diversified uses** include, but are not limited to, **home-based businesses**, **agri-tourism uses**, and **uses** that produce value-added agricultural products.
- 2.193 ONE HUNDRED YEAR FLOOD** for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.
- 2.194 ORNAMENTAL STRUCTURE** includes any ornamental fountain or other such **structure**, any statue, monument, cenotaph or other memorial but shall not include a mausoleum or columbarium.
- 2.195 OUTSIDE STORAGE** means the placing or locating in the open air and/or in partially closed **buildings** or **structures** of any goods, materials, parts, merchandise or equipment of any kind but does not include operative **vehicles** licensed or capable of being licensed to be operated on a **highway** at any time, or motorized construction **vehicles** or agricultural or **parks vehicles** or **vehicles** or **commercial vehicles**, whether or not operative or capable of being licensed.

## P

- 2.196 PARK** means an open space area, playground or playing field, which may include recreational facilities, including **buildings** for such facilities or support services.
- 2.197 PARK, PRIVATE** means a **park** other than a **public park**.
- 2.198 PARK, PUBLIC** means a **park** owned or controlled by the Corporation or any Board, Commission or other Authority established under any statute of the Province of Ontario.

**2.199 PARKING AISLE** means an area of land which abuts and provides direct vehicular access to one or more **parking spaces** within a **parking area**.



**2.200 PARKING AREA** means an area of land which is provided and maintained for the parking of **vehicles** and which area comprises all **parking spaces** of at least the minimum number **required** according to the provisions of this By-law and all aisles and related ingress and egress **lanes** and similar areas **used** for the purpose of gaining access to or from the said **parking spaces** and is provided and maintained in accordance with the provisions of this By-law.

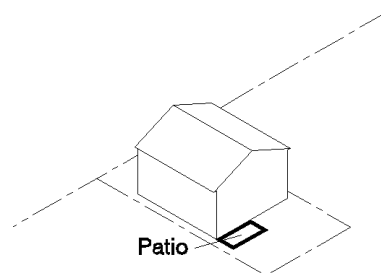
**2.201 PARKING GARAGE** means a **building** or **structure** **used** for the parking of **vehicles** including **commercial vehicles** of less than 1 tonne maximum capacity and may include aisles, **parking spaces** and related ingress and egress **lanes**, but shall not include a public **street**.

**2.202 PARKING SPACE** means an area of land which:

- (a) Is provided for the temporary parking or storage of one **vehicle** or bicycle for other than the purpose of sale or display; and
- (b) Is of a size which is adequate for the temporary parking or storage of one **vehicle** or bicycle in accordance with the provisions of this By-law; and
- (c) Has adequate access to permit ingress and egress of a **vehicle** or bicycle from a **street** by means of a **driveway**, aisles, maneuvering areas or similar areas, no part of which shall be **used** for the temporary storage of one or more **vehicles** or bicycles; and
- (d) May be located outside or within a **private garage**, **carport**, **building** or other covered area as identified in the particular **zone**.



**2.203 PATIO** means an uncovered area or **structure**, no portion of which is more than 0.6 metres above grade.



**2.204 PERSON** means an individual, individuals, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and their heirs, executors or other legal representative of a **person** to whom the same can apply according to law.

**2.205 PERSONAL SERVICE USE** means a **building** or portion thereof in which **persons** are employed in furnishing services and administering to the individual and personal needs of **persons** and includes such establishments as barber shops, tailor shops and dress making shops.

**2.206 PIT** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction or for industrial or **manufacturing use** but does not include a **wayside pit**.

**2.207 PIT OR QUARRY, WAYSIDE** means a temporary **pit** or **quarry** open and **used** by a **public authority**, or any **person** under contract with a **public authority**, solely for a project of road construction and not located on a road right-of-way.

**2.208 PLACE OF ENTERTAINMENT** means a motion picture or other theatre, **arena**, **auditorium**, **banquet hall**, convention centre, bowling alley, billiards parlour, rink, dance hall or music hall, but does not include any other **place of entertainment** defined or classified **herein**.

**2.209 PLACE OF WORSHIP** means a **building** set aside by any religious organization for public worship.

**2.210 PORCH** means a roofed **structure** abutting the exterior wall of a **structure**, which is **used** to define and provide entry to a **dwelling**. For the purpose of this definition, a **porch** may be comprised of a knee-wall or partial wall to support a roof but shall remain unenclosed.

**2.211 PORTABLE ASPHALT PLANT** means a facility:

- (a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials **used** in the process; and

- (b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**2.212 PORTABLE CONCRETE PLANT** means a **building** or **structure**:

- (a) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials **used** in the process; and
- (b) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**2.213 PORTABLE READY MIX PLANT** means a **use** that includes a **structure** that is not affixed to the ground on a permanent basis, but may be allowed to remain permanently, is dust controlled, and manufactures materials to produce ready mix concrete as the final product.

**2.214 POST OFFICE** means a **building** or portion thereof **used** by a government corporation, department or agency or **person** under contract with the same, involved in the handling and distribution of mail and includes the sale of related products such as envelopes and stamps.

**2.215 PRE-FABRICATED SHIPPING CONTAINER** means a metal container designed and utilized to ship freight, but does not include a truck body, truck trailer or **transport trailer**.

**2.216 PRINTING AND/OR PUBLISHING ESTABLISHMENT** means a **building** or part thereof **used** primarily for the printing and publishing of newspapers, periodicals, books, maps or similar publications and may also include the sales and servicing of printing and duplicating equipment.

**2.217 PRIVATE AMENITY AREA** means an outdoor area, exclusively **used** by the occupants of a **dwelling unit**.

**2.218 PRIVATE HOME DAYCARE** means the **accessory use** of a **dwelling unit** for the temporary care and custody of not more than five children who are under ten years of age who do not live in the **dwelling unit** and which is operated for reward or compensation for a continuous period not exceeding twenty-four hours.

**2.219 PROCESSING USE** means a **building** or portion thereof where goods or materials are treated or **altered** by special process or modified to make finished or semi-finished products.

**2.220 PROVINCIAL HIGHWAY** means a **street** under the jurisdiction of the Province of Ontario.

**2.221 PUBLIC AUTHORITY** means any Federal, Provincial, **Regional** or Municipal Corporation and includes any commission, board, authority, agency, ministry or department established by or for any of them.

**2.222 PUBLIC TRANSPORTATION DEPOT** means the **use** of land, **buildings** and **structures** or portion thereof which provides a place for reception, boarding, loading and unloading of people such as a bus shelter, taxi depot and train station.

**2.223 PUBLIC USE** means designed, adapted or **used** for civic, political, educational, social or recreational purposes by various levels of government and their commissions, boards, agencies, ministries or departments.

**2.224 PUBLIC UTILITY** means any utility which supplies, water, **sanitary sewers**, **storm sewers**, electricity, gas, steam, telecommunications, cable television, transportation, drainage, refuse collection and disposal services to the general public.

**2.225 PUBLIC UTILITY YARD** means the **use** of land, **buildings** or **structures** or portions thereof **used** by a **Public Utility** for the parking and storing of **vehicles**, equipment and materials and **accessory uses** thereto. "Public Works **Yard**", shall have the same meaning.

**2.226 POLICE STATION** means a **building** or portion thereof **used** as the headquarters or a substation of a police force.

## Q

**2.227 QUARRY** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, or industrial **manufacturing** purposes, but does not include a **wayside quarry** or open **pit** metal mine.

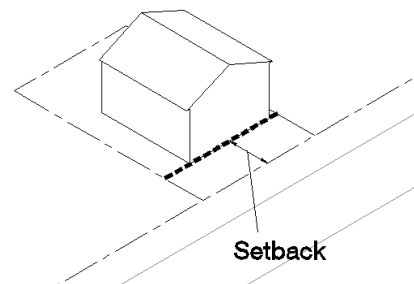
## R

**2.228 RADIO, TV OR CABLE TV STUDIO** means a **building** or portion thereof **used** by a radio station, television station or cable tv company for the transmission and broadcasting of various programs and which may include **accessory uses** such as transmission facilities.

- 2.229 RECREATIONAL USE** means the **use** of land, **buildings** or **structures** for **parks**, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, **golf course**, **golf driving ranges** and miniature golf, picnic areas, beaches, **swimming pools**, day camps, **community centres**, and other similar **uses**, together with **accessory buildings** and **structures**, but does not include a track for the racing of animals, **vehicles**, motorcycles or motorized snow **vehicles** or other **vehicles**.
- 2.230 RECREATIONAL VEHICLE** means a **vehicle used** for the temporary and seasonal accommodation of **persons notwithstanding** that such **vehicle** may be jacked up or have its running gear removed, but shall not include a "**Mobile Home**", but may include a trailer, boat, snowmobile or a motorcycle.
- 2.231 RECREATIONAL VEHICLE PARK** means a **campground**, **trailer camp** or **trailer park** which is under single ownership, which has been planned and improved for providing for the **use** of the public, overnight or short term seasonal accommodation sites for tents, trailers, **travel trailers**, campers and other **recreational vehicles** that provide sleeping accommodation, but shall not include a "**Mobile Home Park**". "**Trailer Camp**", "**Trailer Park**" and "**Recreational Vehicle Park**" shall have the same meaning.
- 2.232 RECYCLING ESTABLISHMENT** means premises in which **used** materials are separated and/or processed and then shipped to other users that will then **use** those materials to manufacture new or recycled products.
- 2.233 REGION OR REGIONAL** means or refers to the Corporation of the **Regional Municipality** of Niagara.
- 2.234 REGIONAL ROAD** means any **street** or road under the jurisdiction of the **Region**.
- 2.235 REGULATORY FLOODPLAIN** means lands which have the potential to be impacted by a **One Hundred Year Flood** and are subject to the regulations and authority of the Niagara Peninsula Conservation Authority.
- 2.236 REQUIRED** means as **required** by the provisions contained **herein**.
- 2.237 RESEARCH CENTRE** means a place **used** for the purpose of conducting pure and applied research and experimentation in the field of science, medicine and technology and includes such facilities as lecture rooms, administrative **offices**, **laboratories**, display rooms, pilot units, simulating equipment and service and machine shops to serve the **research centre** operation, but does not include industrial and **manufacturing** operations other than those **required** as part of research.

- 2.238 RESERVE** means a strip of land abutting a public **street** and owned by the authority having jurisdiction over the public **street**.
- 2.239 RESIDENTIAL** means the **use** of land, **buildings** or **structures** or portion thereof, for human habitation.
- 2.240 RETAIL USE** means a **building** or portion thereof in which goods; wares, merchandise, substances, articles or things are offered and kept for sale to the general public.
- 2.241 RETIREMENT HOME** means a premises that provides accommodation primarily to retired **persons** or couples where each private bedroom or living unit has a separate bathroom and separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided and where common lounges, recreation rooms and medical care facilities may also be provided, but where full culinary facilities are not provided within a unit. A **Retirement Home** shall not include an "**Apartment Dwelling**."
- S**
- 2.242 SALVAGE YARD** means a place where derelict and/or non-functional **vehicles** are wrecked and/or disassembled for resale and where second hand goods or scrap material are collected, sorted and stored for commercial purposes.
- 2.243 SAWMILL** means the **use** of land, **buildings** or **structures** or portion thereof for the purposes of cutting logs and timber into smaller components and the selling thereof.
- 2.244 SCHOOL** means a public, private, religious or philanthropic elementary **school**, high **school**, technical **school**, vocational **school**, college or university offering educational, religious or vocational training, but excludes a "**Commercial School**".
- 2.245 SCHOOL, COMMERCIAL** means a **school**; other than a public, private, religious or philanthropic **school**; where academic or technical subjects or trades or recreation or physical fitness skills are taught and which is operated for gain or profit.
- 2.246 SERVICE OR REPAIR USE** means a **building** or portion thereof **used** for the servicing, repairing, installing or renting of household articles, appliances, equipment, goods or materials, but does not include the **manufacturing** of articles or the service or repair of **vehicles**.

**2.247 SETBACK** means the shortest distance between the main wall of a **building, structure** or open **storage use** to the **lot line, streetline** or **zone** boundary whichever is designated or stated in the phrase in which the term is **used**.



**2.248 SEWER, SANITARY** means a system of underground conduits; either publicly or privately operated which carries sewage to a place for treatment.

**2.249 SEWER, STORM** means a system of open ditches and/or underground conduits, either publicly or privately operated which carries storm water and surface drainage to an outlet.

**2.250 SHIPPING OR DISTRIBUTION USE** means a **building** or portion thereof **used** for the receiving, storage and transportation of goods and may include a "Warehouse".

**2.251 SHORT-TERM ACCOMODATION** means the **commercial use** of an entire **dwelling unit**, of the principal resident, that may be rented for a period up to 28 consecutive days for **use** as temporary accommodation and **used** as an occasional or seasonal **residential dwelling** for recreation, rest or relaxation. Short term rental accommodation shall not include **hotel/motel, bed and breakfast establishment, inn**, boarding house **dwelling** or similar commercial or **institutional use**. The principal resident shall not reside in the **dwelling unit**, while the short-term accommodation is being rented.

**2.252 SIGN** means a display board, screen, cloth or **structure** having characters, letters or illustrations applied thereto or display thereon in any manner which directs attention to an object, activity, **person**, institution, organization or business and which includes:

- (a) A **sign** within a **building** that is visible from a **street**; and
- (b) The posting or painting of an advertisement or notice on any **building** or **structure**.

**2.253 SIGN AND DISPLAY SHOP** means a **building** or portion thereof where **signs** are prepared, made or customized for sale or lease to the general public.

**2.254 SOLAR APPARATUS** means any device or combination of devices employed in the collection of direct solar radiation for the purposes of heating or cooling a **building**, heating water, generating electricity or other, converting solar rays into usable forms of energy.

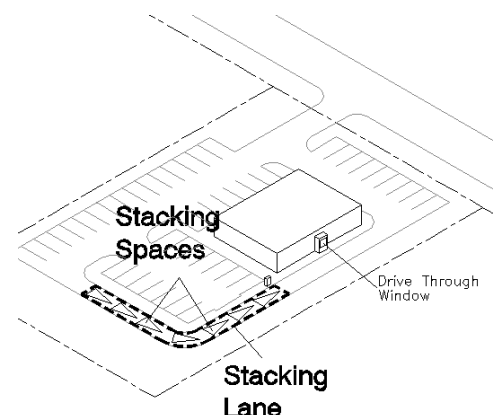
**2.255 SPECIAL EVENT** means an organized, one-time, annual or infrequently-occurring gathering or function involving more than 150 people, on (i) private property, (ii) public property not administered by the Community Services Department, or (iii) a combination of both, organized by an Event Organizer which is not the **Town**, that celebrates a unique aspect of the community.

**2.256 SPECIAL TRADE CONTRACTOR** means a business involved in a specialized trade such as an electrician, heating and air conditioning contractor, plumber, painter, etc. which does not involve the **use** of construction and industrial **vehicles**.

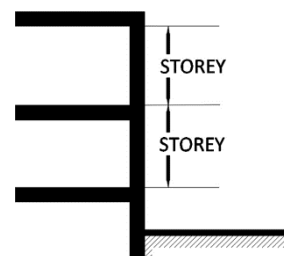
**2.257 SPECIALTY FOOD STORE** means a **commercial use** which specializes in certain types of food products and which include a butcher shop, **bakeshop** and delicatessen.

**2.258 STACKING LANE** means a continuous on-site queuing **lane** that includes **tandem parking spaces** for motorized **vehicles** which is separated from other vehicular traffic and pedestrian circulation, by barriers, markings or **signs**.

**2.259 STACKING SPACE** means a portion of a **stacking lane** which provides standing room for **vehicles** in a queue and, without limiting the generality of the foregoing, includes a queue for a drive-through facility restaurant, an automobile washing establishment, a drive-through financial institution or a drive-through pharmacy where permitted by this by-law.



**2.260 STOREY** means that portion of a **building**, other than an attic, **one-half storey**, **basement** or cellar, included between the surface of any floor and the surface of the floor, roof **deck** or **deck** ridge next above it.



**2.261 STOREY, ONE-HALF** means that portion of a **building** situated wholly or in part within the roof, and in which there is sufficient space to provide a **height** between finished floor and finished ceiling of between 1.5 metres and 2.5 metres over a

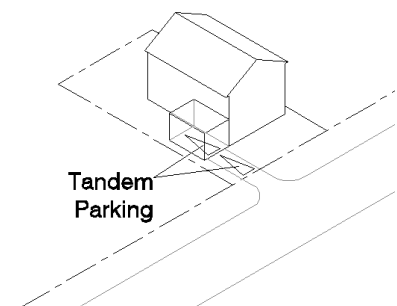


**floor area** which is not less than one-third nor more than two-thirds of the **floor area** of the **storey** next below.

- 2.262 STREET** means a public **highway** or public road or an open road allowance owned and maintained by the Province of Ontario, the **Region** or the **Town**. The words "road allowance" or "**street** allowance" has the same meaning. This definition does not include unopened or closed road allowances, a **lane**, an alley or a right-of-way.
- 2.263 STREET, PRIVATE** means a private road or right-of-way that accesses multiple properties that is not owned or maintained by the **Town** or any other **Public Authority**.
- 2.264 STREETLINE** means the limit of a **street** or road allowance and is the dividing line between a **lot** and a **street** or road.
- 2.265 STRUCTURE** means anything including a **building** constructed or **erected**, and the **use** of which requires location on the ground, or **attached** to something having location on the ground, but shall not include pavement, curbs, walks, open air surface areas or moving **vehicles**.
- 2.266 SWIMMING POOL** means a privately owned body of water located at, below or above ground level in which the depth of the water at any point can exceed 0.6 metres and is **used** or capable of being **used** for swimming, diving or bathing, but shall not include a pond or other such body of water, created and **used** or intended to be **used**, for agricultural or industrial purposes.
- 2.267 SWIMMING POOL SALES AND SERVICE OUTLET** means a commercial establishment involved in the sale of **swimming pools**, pool chemicals and related pool products.

## T

- 2.268 TANDEM PARKING** means two **parking spaces**, located one behind the other.



- 2.269 TOP OF BANK** means the upper edge of the slope of a stream valley or shoreline where the slope intersects the horizontal plain or the flood plain identified and regulated by a Conservation Authority pursuant to the Conservation Authorities Act.
- 2.270 TOURIST HOME** - see definition of "**Bed and Breakfast Establishment**", contained **herein**.
- 2.271 TOWN** means the Corporation of the **Town** of Lincoln.
- 2.272 TRAILER CAMP, TRAILER PARK** - see definition of "**Recreational Vehicle Park**", contained **herein**.
- 2.273 TRAILER, TRANSPORT** means a **vehicle** constructed to be **attached** to a truck and **used** or capable of being **used** for transporting goods, materials, equipment or livestock **notwithstanding** that such **vehicle** is jacked up or that its running gear is removed.
- 2.274 TRAILER, TRAVEL** means a **recreational vehicle** so constructed that it is suitable for being **attached** to a **vehicle** for the purpose of being drawn or propelled by a **vehicle**, **notwithstanding** that such **vehicle** is jacked-up or that its running gear is removed, which is **used** or intended to be **used** for temporary or seasonal sleeping accommodation and includes a tent trailer, but shall not include a "**Mobile Home**".
- 2.275 TRUCK, CAMPER** means a unit that is constructed in a manner such that it may be **attached** to a **vehicle**, as a separate unit, and is capable of being temporarily utilized for living, sleeping or eating.
- 2.276 TRUCK STOP** means an **eating establishment** where the primary clientele are transport truck drivers and includes professional drivers and the travelling public, including automobile and **vehicle** fuel and repair services and restaurants, and may include related and ancillary services such as communication and delivery services, financial services, personal services, lodging for professional drivers, convenience and retail stores and amusement games establishments, but does not include **hotels** and **motels**.
- 2.277 TRUCK TRANSPORT TERMINAL** means the **use** of land, **buildings** or **structures** or portion thereof where **commercial vehicles**, primarily transport trucks, are kept for hire, rental or lease, or stored or parked for remuneration, or from which **commercial vehicles** or transport trucks are dispatched for hire as common carriers.

## U

- 2.278 USE** means the purpose for which any portion of a **lot, building or structure** is designed, arranged, intended, **used**, occupied or maintained.
- 2.279 UNITARY EQUIPMENT** means any apparatus **used** for the purpose of heating, cooling, changing of air, refrigeration, pumping or filtering of water or any similar type of equipment **used** for these purposes, except for an air conditioning unit located in a window opening.

## V

- 2.280 VEHICLE** means an automobile or **vehicle used** for carrying passengers or for transporting goods and may include a farm implement, **mobile home, motor home, travel trailer**, snowmobile or marine craft.
- 2.281 VEHICLE, COMMERCIAL** means a **vehicle** which is designed for the transport of goods and which is **used** for business, employment or commercial purposes.
- 2.282 VEHICLE BODY SHOP** means a **building** or portion thereof where the repairing, straightening, filling, grinding, painting or replacing of body, interior and frame components of **vehicles** takes place.
- 2.283 VEHICLE FUELING STATION** means the **use** of land, **buildings or structures** where automotive fuels and accessories are sold at retail any may include a **convenience store** as an **accessory use**, but shall not include a **"Truck Stop"**.
- 2.284 VEHICLE SALES AND RENTAL ESTABLISHMENT** means the **use** of land, **buildings and structures**, or portion thereof, where **vehicles** are displayed, sold, leased or rented. Repair or maintenance of such **vehicles**, including a **vehicle body shop**, may be included as an **accessory use**.
- 2.285 VEHICLE SERVICE AND REPAIR ESTABLISHMENT** means a **building**, or portion thereof, where mechanical repairs and servicing of **vehicles** occurs, and may include the incidental retail sale to the general public of automotive parts and accessories and cars not exceeding six at any one time, but shall not include an **"Industrial Repair Garage"**, a **"Truck Stop"** or a **"Vehicle Body Shop"**.
- 2.286 VEHICLE WASH ESTABLISHMENT** means a **building or structure** or portion thereof where **vehicles** are washed or cleaned.
- 2.287 VENDING MACHINE** means any mechanical or electronic machine or device intended for the dispensing of food, beverages and merchandise.

- 2.288 VETERINARY CLINIC, LARGE ANIMAL** means premises where a veterinary surgeon treats large domestic livestock such as bovine, equine and livestock, and in which such animals may be boarded. For the purpose of this definition, a **Small Animal Veterinary Clinic** shall be permitted as an **accessory use** to a **Large Animal Veterinary Clinic**.
- 2.289 VETERINARY CLINIC, SMALL ANIMAL** means premises where a veterinary surgeon treats small domestic animals, such as dogs and cats and in which up to 10 such animals may be boarded.
- 2.290 VISIBILITY TRIANGLE** means an unobstructed triangular space formed by the **streetlines** of a **corner lot** and a line drawn from a point in one **streetline** to a point in the other **streetline**, each such point requiring the following distance from the point of intersection of the **streetlines** (measured along the **streetlines**):
- (a) 4.5 metres for local roads;
  - (b) 7.0 metres for collector roads; and
  - (c) Arterial Roads to be in accordance with the latest edition of the Geometric Design Guidelines published by TAC.
  - (d)
  - (e) Regional roads to be in accordance with Regional Official Plan requirements.

Where the two **streetlines** do not intersect at a point, the point of intersection of the **streetlines** shall be deemed to be the intersection of the projection of the **streetlines** or the intersection of the tangents to the **streetlines**.

## W

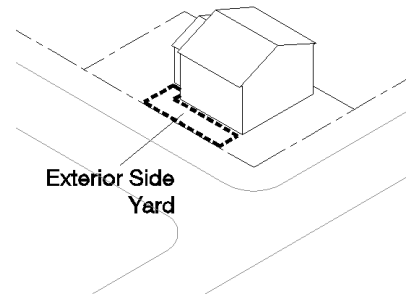
- 2.291 WAREHOUSE OR STORAGE USE** means a **building** or portion thereof **used** for the storage of goods, but shall not include a "**Retail Use**", a "**Fuel Storage Depot**" and "**Supply Yard**" or a "**Truck Transport Terminal**".
- 2.292 WASTE DISPOSAL SITE** means a Provincially licensed facility where garbage, refuse or domestic, institutional, commercial or industrial waste is dumped, destroyed or stored in suitable containers.
- 2.293 WASTE TRANSFER STATION** means the **use** of land for the collection of waste into bulk containers for the further transport to a land fill site, recycling facility or other waste disposal facility.

- 2.294 WATERCOURSE** means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.
- 2.295 WATER SUPPLY, PUBLIC** means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the **Town**, the **Region** and/or the Ministry of the Environment and/or any **public utilities** commission, for **public use**.
- 2.296 WEIGH STATION** means a facility designed to accommodate trucks and trailers for the purpose of determining the weight of truck and trailer loads.
- 2.297 WAYSIDE PIT** means a temporary **pit** or **quarry** opened and **used** by a **Public Authority** for road construction purposes and which is not located within the right-of-way of a public **street**.
- 2.298 WHOLESALE USE** means a **building** or portion thereof in which goods, wares, merchandise or articles are stored or kept for distribution purposes to retail merchants, but shall not include a "**Retail Use**".
- 2.299 WIND MACHINE** means a device designed to circulate air to prevent crop damage on an agricultural parcel of land.
- 2.300 WIND MILL** means a device **used** for pumping water for irrigation purposes on an agricultural parcel of land.
- 2.301 WIND TURBINE** means a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for **use**.
- 2.302 WINERY** means the **use** of agricultural lands, **buildings** or **structures** for the growing, processing of fruit, fermentation, production, bottling, aging and storage of wine and wine related products. A **winery** may also include an accessory retail outlet, a warehouse, **hospitality room**, **eating establishment**, **office** and a **laboratory**.

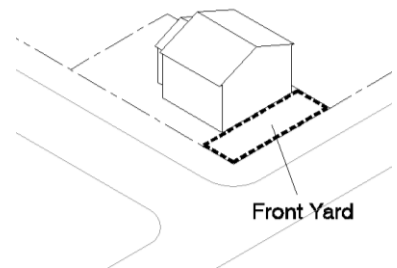
## Y

- 2.303 YARD** means an open, uncovered space on a **lot** appurtenant to a **main building** or **structure** and unoccupied by any **building** or **structure**, except as specifically permitted in this By-law. In determining **yard** measurements, the minimum horizontal distance from the respective **lot lines** shall be **used**. (See illustration located after the Schedules).

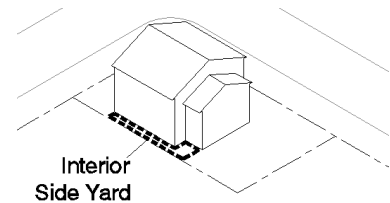
**2.304 YARD, EXTERIOR SIDE** means a side **yard** immediately adjoining a public **street**.



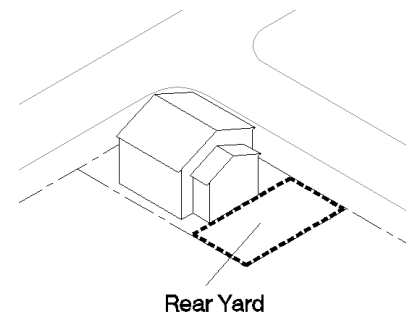
**2.305 YARD, FRONT** means a **yard** extending across the full width of a **lot** between the **front lot line** and the nearest wall of any **building** or **structure** on the **lot**.



**2.306 YARD, INTERIOR SIDE** means a side **yard**, other than an **exterior side yard**.



**2.307 YARD, REAR** means the **yard** extending across the full width of the **lot** between the **rear lot line** of the **lot** and the nearest wall of any **principal building** or **structure** on the **lot**.



**2.308 YARD, REQUIRED** means the minimum **yard required** by the provisions of this By-law.

## Z

**2.309 ZONE** means an area designated on a Zoning Map Schedule and established by this By-law for a specific **use**.

**2.310 ZONING ADMINISTRATOR** means the Director of Planning and Development or designate, or other **persons**, appointed by **Council**, charged with the duty of administering this By-law.



## SECTION 3 - GENERAL PROVISIONS

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## 3.2 APPLICATION

The provisions of Section 3 shall apply to all **zones**, unless otherwise specified in these provisions.

## 3.3 AGRICULTURAL USES

### 3.3.1 Agriculture-Related Uses

- (a) **Agriculture-related uses** may only be permitted in accordance with the following:
  - (i) all **buildings** related to the **use** shall be located within a cluster of **existing buildings**;
  - (ii) the aggregate activity area occupied by an **agriculture-related use** including all associated **uses** such as but not limited to parking, loading areas, and recreational amenities shall not exceed 5% of total **lot area** to a maximum of 1,000 square metres;
  - (iii) Production lands which are **used** for the growing of crops and simultaneously **used** as part of the activity area shall not be included in the calculation of the 5%; and

- (iv) site plan control shall apply to any development.

### 3.3.2 On-farm Diversified Uses

- (a) **On-farm diversified uses** may only be permitted in accordance with the provisions of Section 5, the Agricultural (A) **Zone**, and in accordance with the following:
  - (i) the **use** shall be secondary to the main farm **use** on the subject lands;
  - (ii) all **buildings** related to the **use** shall be located within a cluster of **existing buildings**;
  - (iii) the aggregate activity area occupied by an **on-farm diversified use**, including all associated **uses** such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of total **lot area** to a maximum of 4,000 square metres. Aggregate activity area for **on-farm diversified uses** shall be calculated in accordance with the following:
    - (1) production lands which are **used** for the growing of crops and simultaneously **used** as part of the activity area shall not be included in the calculation of the 2%;
    - (2) the area of **existing lanes** shall be not be included in the area calculations;
    - (3) the area of **existing buildings** or **structures**, built prior to April 30, 2014, occupied by on-farm diversified agriculture **uses** shall be discounted by 50% in the area calculations; and
    - (4) the area of new **structures**, **setbacks**, outdoor storage, **landscaped areas**, **berms**, **lanes**, and parking, are counted at 100% in the area calculations;
  - (iv) **Agricultural Produce Stands** may only be permitted in accordance with the provisions of Section 5, the Agricultural (A) **Zone**, and in accordance with the following:
    - (1) Is accessory to the principal farm operation; and
    - (2) Is of a seasonal nature; and

- (3) The **floor area** is not greater than 30 square metres;
- (v) A **Winery** as an **on-farm diversified use** may only be permitted in accordance with the provisions of this Section and Section 5, the Agricultural (A) **Zone**;
- (vi) A **Brewery or Distillery** as an **on-farm diversified use** may only be permitted in accordance with the provisions of this Section and Section 5, the Agricultural (A) **Zone**.

### 3.3.3 Farm Labour Housing

- (a) Additional permanent or portable **farm labour housing** may be permitted for full-time farm help where the size and/or nature of the farm operation makes the employment of such help necessary, subject to the following criteria:
  - (i) Both the farmer and the employee shall be employed full-time on the farm;
  - (ii) **Farm labour housing** will be located within the existing farm-building cluster; and
  - (iii) Sewage and water services shall be as required by the **Region's Planning and Development Services Department**.

### 3.3.4 Cannabis Production Facilities

A **cannabis production facility** may be permitted in an Agriculture **Zone** (A), only on a site-specific basis, through an amendment to this Zoning By-law, and in accordance with the following provisions:

- (a) A **cannabis production facility** shall not be permitted on any **lot** containing a **dwelling unit**;
- (b) All **buildings** or **structures** or portions of land thereof **used** for a **cannabis production facility** shall be located a minimum of 300 metres from any **Residential**, Institutional and Open Space **Zone**;
- (c) All **buildings** or **structures** or portions of land thereof **used** for a **cannabis production facility** shall be located a minimum of 300 metres from any **residential use**, day nursery and **institutional use**;

- (d) All **accessory structures** shall be **setback** a minimum of 30 metres from all property lines;
- (e) A **building** or **structure used** for security purposes may be located within the **required front yard**;
- (f) Where a **building** or **structure**, or land is **used** for a **cannabis production facility** and is adjacent to any **Zone** or **use** outlined in sections 3.3.4 (b) or (c), a 3 metre wide **landscaped strip** shall be provided along the side and **rear yards**;
- (g) All **uses** associated with the **cannabis production facility** shall take place entirely within a wholly enclosed **building**. No outdoor growing of cannabis is permitted;
- (h) Outdoor storage is prohibited;
- (i) All loading and **loading spaces** must be located in a wholly enclosed **building**;
- (j) A minimum separation distance of 1,000 metres shall be provided between **cannabis production facilities**; and
- (k) **Existing structures** may not be converted or retrofitted for a **cannabis production facility**. An **addition** to an **existing cannabis production facility** must comply with the requirements of this Section”

### 3.4 ACCESS TO COMMERCIAL AND INDUSTRIAL ZONES FROM RESIDENTIAL ZONES

No **person** shall **use** any land in a **Residential Zone** for vehicular access to or from any land in a Commercial or Industrial **Zone**.

### 3.5 ACCESSORY USES, BUILDINGS AND STRUCTURES

Except as provided otherwise within a specific **zone**, **accessory buildings** and **structures** not **attached** to the **main building** shall:

- (a) Not be established until or unless the **main building** or **use** to which it is accessory is established;
- (b) Not be **used** for human habitation;

- (c) Not be **used** for gain or profit;
- (d) Not be located in the **required front yard** or the **required exterior side yard**;
- (e) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (f) Have a total **lot coverage** for all **accessory buildings** of not more than 10 percent in any **Residential Zone** and not more than 5 percent in any other **Zone** and have a **lot coverage** which together with the coverage of the **main building** on the site, does not exceed the maximum **lot coverage** of the zoning category in which it is located; and
- (g) Comply with the provisions of the respective **zone** categories as follows:

Zone Categories	Interior Side Yard Setback	Rear Yard Setback	Maximum Height
<b>(i) Agricultural Zones</b>			
Up to and including 60 square metres	1 m	1 m	6m
Over 60 square metres and up to and including 130 square metres	6 m	6 m	6 m
Over 130 square metres	6 m <b>(1)</b>	15 m	12.5 m
<b>(ii) Residential Zones (2)</b>	1 m	1 m	6 m
<b>(iii) Commercial Zones</b>			
Abutting a <b>Residential Zone</b>	3 m	3 m	6 m
Abutting any other <b>Zone</b>	1.2 m	1.2 m	6 m
<b>(iv) Industrial Zones</b>			
Abutting a <b>Residential Zone</b>	3 m	3 m	6 m
Abutting any other <b>Zone</b>	1.2 m	1.2 m	6 m
<b>(v) All other Zone Categories</b>	3 m	3 m	6 m

## Notes:

- (1) Except that where an **interior side yard** abuts a **residential zone**, an **interior side yard** of 15 metres is **required**.
- (2) Except that:
  - (a) Where a common **accessory building** or **structure** is being **erected** simultaneously on both sides of a **semi-detached** or **street townhouse lot line** as one **building**, no **interior side yard** is **required**;

- (b) Where an **accessory building** or **structure** is being **erected** on a **semi-detached** or **street townhouse lot**, an **interior side yard** of 0.3 metres is **required**.

### 3.6 AMENITY AREA REQUIRED

Where permitted by this By-law, on a **lot** containing an **apartment dwelling** and where any institutional residence or **retirement home** contains independent suites with individual cooking and washroom facilities, **amenity areas** shall be provided accordance with the following provisions:

- (a) Each **dwelling unit** or suite shall be provided with a minimum **amenity area** of 10 square metres for each **dwelling unit** or suite.
- (b) **Notwithstanding** clause a) of this section, the **required** amount of **amenity area** shall not be **required** to exceed fifteen percent (15%) of the **lot area**.
- (c) Where the number of **dwelling units** or suites on the **lot** exceeds 4, a minimum of 50.0 square metres of the **amenity area** shall be **required** in a contiguous area.

### 3.7 BED AND BREAKFAST ESTABLISHMENTS

Where permitted, a **bed and breakfast establishment** shall be subject to the requirements of the **Zone** in which it is located, and it shall:

- (i) Be permitted only within a **single detached dwelling, semi-detached dwelling** and **townhouse dwelling**;
- (ii) Be clearly secondary to the main **residential use**, which is owner-occupied;
- (iii) Not contain more than 6 **guest rooms**;
- (iv) Where **required** by the **Town**, be licensed pursuant to the Municipal Act, 2001;
- (v) Not provide outside display, other than a legal **sign** which shall not exceed 0.3 square metres in area in the HR, R and RM1 **Zones**, and which shall not exceed 0.6 square metres in area in all other **Zones**, indicating the name of the **bed and breakfast establishment**;
- (vi) That approval be obtained from the **Regional** Public Health Department and the **Town's Building** and Fire Departments; and



- (vii) Comply with the parking provisions of Section 4.

### 3.8 BUILDING RESTORATION

- (a) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any **existing building** or **structure**, provided that such strengthening or restoration does not increase the **height**, area, or volume or result in the change of the **use** of such **building** or **structure** so as to contravene any of the provisions of this By-law.
- (b) Nothing in this By-law shall prevent the replacement of a **building** or **structure** which has been partially or completely destroyed by fire, an act of God or any other means, except within a floodplain, beyond the control of the owner, on all or part of the **existing** foundation, provided the said **building** or **structure** is replaced within five years of it being partially or completely destroyed.

### 3.9 DRIVE-THRU FACILITIES

- (a) **Notwithstanding** any other provisions of this By-law, where a **building** or **structure** incorporates a **drive-thru facility**, an area for **vehicles** waiting to **use** the **drive-thru facility** shall be provided, in addition to any other **parking areas**. The waiting area shall be located a minimum of 4.5 metres from any **Residential** or Institutional **Zone** and **vehicles** may be parked in tandem within this area.
- (b) All **drive-thru** windows on **buildings** facades shall not face any **streetline**.
- (c) **Drive-thrus** lanes are prohibited between the streetline and the building.
- (d) **Drive-thrus** are prohibited within the Central Business District **Zone**.

### 3.10 ENCROACHMENTS

Every part of any **yard required** to be provided in any **zone** shall be open and unobstructed by any **structure** from the ground to the sky, in accordance with the following:

Structure	Yard	No part of any building or structure shall project into the specified yard more than:
Eaves or gutters, sills, belt courses, cornices, chimneys,	Any <b>yard</b>	0.5m <b>(2)</b>

Structure	Yard	No part of any building or structure shall project into the specified yard more than:
firewalls, bay windows, pilasters or other <b>ornamental structure</b>		
<b>Fences</b> , freestanding walls, flag poles, garden trellises, retaining walls, light standards and similar <b>accessory structures</b> and appurtenances and hedges, trees and shrubs	Any <b>yard</b>	Unrestricted <b>(3)</b>
A loading dock with or without a roof or canopy	Any <b>yard</b>	Unrestricted, however a minimum <b>setback</b> of 7.5 m is <b>required</b> adjacent to a <b>Residential Zone</b> .
Underground cellar for a <b>winery</b>	Any <b>yard</b>	7.5 m
Exterior stairs in a <b>Residential Zone</b>	Any <b>yard</b>	No restriction, provided the stairs are: (i) No longer than 1.5 metres; (ii) No wider than 1.5 metres; and (iii) No closer to a <b>lot line</b> than 0.6 metres.
<b>Balconies</b> , canopies, drop awnings, unenclosed <b>porches</b>	<b>Front yard, exterior side yard or rear yard</b>	2 m <b>(1)</b>
Canopy <b>attached</b> to an <b>apartment dwelling</b>	<b>Front yard or exterior side yard</b>	3 m
Clothes poles and antennae	Any <b>yard</b> except a <b>front yard</b>	
Decks (uncovered)	<b>exterior side yard</b>	4 m

Structure	Yard	No part of any building or structure shall project into the specified yard more than:
	or rear yard	
Fire escapes	Exterior side or rear yard	1.5 m, however, a minimum <b>interior side yard setback</b> of 1.2 m is required.
Gate house in an industrial zone	Front yard or exterior side yard	Unrestricted
Solar panel	Any yard except a front yard or exterior side yard,	Minimum <b>setback</b> of 1.2 m from any <b>lot line</b> is required.
Signs	in accordance with the <b>Town's</b> Sign By-law	in accordance with the <b>Town's</b> Sign By-law
Swimming pools	In accordance with Section 3.35	In accordance with Section 3.35

## Notes:

- (1) Within the RM2 and RM3 **Zones**, **balconies** of an **apartment dwelling** not exceeding 3 **storeys**, may project into any **required yard** a distance of not more than 2 metres.
- (2) Eaves or gutters for **accessory buildings** may project into any **required yard** a distance of 0.25 metres
- (3) Except that in the case of a **lot** in a **Residential Zone**, no **structure**, hedge or other obstruction of visibility that is more than 1 metre in **height** is permitted within 3 metres of the **front lot line**.

### 3.11 ESTABLISHED BUILDING LINE

Within any **zone** where a permitted **building** or **structure** is to be **erected** on a **lot** located between two adjacent **lots** on which are located **existing buildings** not more than 30 metres apart, such permitted **building** or **structure** may be **erected** closer to the **streetline**, than **required** by this By-law, provided that the **front yard setback** of the proposed **building** or **structure** has a depth at least as great as the average depth of the **front yards** of said adjacent **buildings** and **structures**.

### 3.12 FENCING

**Fences**, freestanding walls and decorative walls not including **swimming pool fences** are permitted subject to the locational requirements outlined in subsection 6.8 and subject to the following **height** restrictions:

- (a) In any Industrial or Commercial **Zone** - maximum **height** of 3 metres
- (b) In any other **Zone** - maximum **height** of 2 metres

### 3.13 FOOD VEHICLES

The following provisions shall apply to food **vehicles**:

- (a) Every **food vehicle** shall operate in accordance with the regulations for the **zone** in which the **food vehicle** is located.
- (b) No **food vehicle** shall occupy a designated accessible **parking space**.
- (c) No portion of a **food vehicle** shall be located within a Fire Route designated in accordance with the Fire Code or a **Town** By-law.
- (d) No portion of a **food vehicle** shall be located within any **visibility triangle**.
- (e) Where **required** by the laws and regulations of the Province and **Town** By-laws, approval shall be obtained from the **Regional** Public Health Department, the Technical Standards and Safety Authority, and the **Town**, as applicable, to operate a **food vehicle** in any **zone**.

### 3.14 FUEL

Where **vehicle fueling stations** are permitted by this By-law, the following provisions shall apply:

- (a) **Fuel pumps** and **fuel pump** islands may be located in any **required yard**, however a minimum **setback** of 4.5 metres is **required** from any **visibility triangle** and 3 metres from any **lot line**.
- (b) A canopy or a roof may be **erected** over **fuel pumps** and **fuel pump** islands or may be extended from the **main building** to the pump island, however a minimum **setback** of 3 metres is **required** between the extent of the canopy or the roof and any **lot line**.
- (c) Where the **lot** is a **corner lot**, no portion of any canopy or roof shall be located within any **visibility triangle**.

### 3.15 GARAGE OR YARD SALES OR AUCTIONS

**Notwithstanding** any other provision of this By-law, a garage or **yard** sale or auction is a permitted **use** in any agricultural, **residential**, commercial or industrial **zone** provided that such sales are restricted to no more than three occasions per year and no more than three consecutive days at a time on any one **lot**.

### 3.16 HOMES FOR SPECIAL CARE

Where a **home for special care** is permitted, it shall be subject to the requirements of the **zone** in which it is located, and the following:

- (a) Parking shall be provided in accordance with Section 4.1.
- (b) The **home for special care** shall comprise the sole **use** of the **dwelling**.
- (c) The **home for special care** shall be subject to Provincial approval or licensing as may be **required**.
- (d) The maximum number of residents permitted in a **home for special care** shall be 10 residents, excluding the staff or the receiving family; and
- (e) The minimum **floor area** per **home for special care** shall be 100 square metres.

### 3.17 HEIGHT EXCEPTIONS

The **height** provisions of this By-law shall not apply to the following **uses**, nor shall such **uses** be **used** in calculation of **height**:

- (a) Silo;
- (b) Chimney;
- (c) Pergola

- (d) Cabana
- (e) Towers occupiable for access only, such as a spire, clock tower or minaret, in all **zones** except for a religious institution where permitted in a **Residential Zone**;
- (f) Cupola;
- (g) Elevator enclosure or mechanical or service penthouse occupying not more than 10% of the area of the roof of the **building** on which it is located;
- (h) Fire training tower;
- (i) Flag pole;
- (j) Grain elevator;
- (k) Lightning rod;
- (l) Navigational aids;
- (m) Ornamental dome;
- (n) Power transmission tower;
- (o) Radio, television or telecommunications tower or antennae accessory to a permitted **use**;
- (p) Roof stairway;
- (q) Skylight;
- (r) **Solar apparatus**;
- (s) **Unitary equipment**;
- (t) Water storage tank;
- (u) Weather monitor
- (v) **Wind machine**; and
- (w) Windmill.

### 3.18 HOME-BASED BUSINESS

Where a **home-based business** is permitted, it shall be subject to the requirements of the **zone** in which it is located, and the following:

- (a) The **home-based business** shall only be carried out by an occupant of the **dwelling** in which the **home-based business** is located;
- (b) The **home-based business** shall be clearly secondary to the main **residential use** and shall not change the **residential** character of the **dwelling**;
- (c) Not more than 25% of the **floor area** of the **dwelling** shall be **used** for the purpose of a **home-based business**;
- (d) There is no outside display, other than a legal **sign** which shall not exceed 0.3 square metres in area, indicating to **persons** outside that part of the **dwelling** is being **used** for a **home-based business**;

- (e) No **outside storage** of goods or materials associated with the **home-based business use** is permitted;
- (f) The **home-based business** shall not generate regular or frequent delivery or pick-up of materials, or commodities by **commercial vehicles**; and
- (g) The **home-based business** shall comply with the parking provisions of Section 7 and the following:
  - (i) In any **Residential Zone** only one **commercial vehicle** up to a maximum gross **vehicle** weight of 3,600 kilograms and a maximum length of 6.5 metres may be parked or stored in a **parking space**, a garage or a **carport**;
  - (ii) In any Agricultural **Zone** a maximum of two **commercial vehicles** may be parked or stored in a **parking area**, garage or **carport** providing one of the two **commercial vehicles** does not exceed a maximum gross **vehicle** weight of 3,600 kilograms and a maximum length of 6.5 metres.
  - (iii) The home-based business shall not occupy any parking space required by the principal use.

### 3.19 HOLDING ZONES (H SYMBOL)

Holding (H) **Zones** are established and identified on Schedule “A” to this By-law in parenthesis with a corresponding number, such as (H), following the **zone** symbol.

- (a) Prior to the removal of the Holding (H) symbol, the only permitted **uses** on the lands subject to the Holding (H) symbol shall be those **uses** legally **existing** at the date the Holding (H) symbol is applied.
- (b) Where a Holding (H) symbol is imposed on any land, the By-law which places the Holding (H) symbol on said lands shall set out the conditions to be satisfied to effect its removal.
- (c) The following table establishes the holding provisions, including the extent of permitted **uses** while the holding symbol (H) is in place, and the conditions that must be satisfied for the removal of the holding symbol (H). Additional holding symbol criteria may be established through site specific **zone** exceptions as outlined in the applicable **zone** exceptions to this By-law:



	Holding Symbol	Permitted Used Until the Holding Symbol is Removed	Conditions for Removal of the Holding Symbol
i)	H	<b>Existing</b> , legally established <b>uses</b> in existence on the date of passing of this By-law.	<p>(a) The owner has entered into a site plan/subdivision agreement, including the agreement being registered on title;</p> <p>(b) Sufficient securities relating to the site plan agreement have been submitted; and</p> <p>(c) Services have been confirmed by the Town and are in place.</p>

- (d) Notwithstanding the provisions of the applicable zones, the lands indicated as R2-34 (H), R2-35 (H), RM1-33 (H), RM1-34 (H), RM2-15 (H), RM2-16 (H), RM2-17 (H), GC-18 (H), GC-22 (H), GC-29 (H), OC-XX (H), OS (H), and OS-4 (H) on Schedule A4 shall have the “H” symbol removed by Town Council passing a By-law under Section 36 of the Planning Act. The following conditions shall first be completed to the satisfaction of the Director of Planning of the Town of Lincoln:

That to address the servicing solution for the Prudhommes Landing Subdivision, the Developer / Owner agrees to complete a Overall Servicing Phasing Strategy which:

- i) includes details on the timing and securities for the design and construction of a new sanitary force main and sewage pumping station, as well as monitoring. The design of the sanitary force main and sewage pumping station shall be subject to the review and approval by the Niagara Region; and
  - ii) includes details on the timing for the design and construction of an upgraded watermain on Victoria Avenue, subject to the review and approval by the Town of Lincoln.
- (e) The lands identified on Schedule ‘A4’ as a Deferral Area shall be permitted to redevelop in accordance with the uses and provisions of the applicable zone once the Town has amended the Prudhommes Secondary Plan accordingly as part of a conformity exercise to implement the new Niagara Official Plan.

### 3.20 INNS

An **Inn** shall include a maximum of 10 guest rooms, dwelling units or combination thereof wherein such **dwelling units** are not restricted to occupancy by a **person** as their principal residence and may include 1 **accessory dwelling unit** for the owner or operator thereof.

### 3.21 LANDSCAPED STRIPS

- (a) Where a **lot** in the Commercial, Industrial or Institutional **Zones** abuts a side or **rear lot line** in an Agricultural or **Residential Zone**, then a **landscaped strip** abutting such **lot line** or portion thereof shall be provided as follows:
  - (i) In a Commercial or Industrial **Zone**, the minimum width of the **landscaped strip** shall be 3 metres;
  - (ii) In an Institutional **Zone**, the minimum width of the **landscaped strip** shall be 1.5 metres;
- (b) Where an **apartment building** in the RM2 or RM3 **Zones** abuts a side or **rear lot line** of a R1 **Zone** and R2 **Zone**, then a 3 metre wide **landscaped strip** abutting such **lot line** or portion thereof shall be provided; and
- (c) Where a **lot** in an Industrial **Zone** abuts Ontario **Street** the minimum width of the **landscaped strip** abutting Ontario **Street** shall be 4 metres.

### 3.22 LOTS ABUTTING A 0.3 (ONE FOOT) RESERVE

Where in any **zone** a 0.3 metre **reserve** separates an **exterior side yard** from a **street**, the **exterior side yard** requirement of the **zone** shall be provided as though the said **reserve** is non-existent.

### 3.23 LOT AND YARD REQUIREMENTS

#### 3.23.1 REQUIREMENTS 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**.

#### 3.23.2 FRONTAGE ON AN IMPROVED STREET

Except as noted in subsection 3.23.4, no **building** or **structure** shall be **erected** or enlarged on any **lot** which does not have the minimum **required lot frontage** on a public **street** or road.

### 3.23.3 MINIMUM LOT AREA

Except as noted in subsection 3.23.4, the minimum **lot area** shall be as contained in the appropriate section of this By-law for the **zone** in which the **lot** is located. However, the **Regional** Public Health Department may require a larger **lot area** for **water supply** and sewage disposal facilities, in which case the **lot area** requirements of the **Regional** Public Health Department shall prevail.

### 3.23.4 EXCEPTIONS FROM LOT FRONTAGE AND LOT AREA REQUIREMENTS

- (a) A parcel of land **existing** at the date of the passing of this By-law, which is situated in the Agricultural (A) **Zone** and which lacks the **required lot frontage** on an improved **street** and/or the **required lot area** may be **used** for any permitted **use** within the Agricultural (A) **Zone**, except **kennels**, new **greenhouses** and cannabis production facilities provided all other requirements of this By-law are satisfied, and provided the minimum **lot frontage** on a public **street** or road is 20 metres;
- (b) A parcel of land **existing** at the date of the passing of this By-law, which is situated in the Hamlet **Residential** (HR), **Residential 2** (R2) or **Residential 1** (R1) and which lacks the **required lot frontage** on an improved **street** and/or the **required lot area**, may be **used** for a **single detached dwelling**, provided all other requirements of this By-law are satisfied and provided the minimum **lot frontage** on an improved **street** is 7.5 metres.

### 3.23.5 EXISTING LOTS OF RECORD

Where an **existing lot** of record in any **zone** has lesser **lot frontage** on an improved **street** and/or lesser **lot area** than is **required** by this By-law, an **addition** to any **existing building** or **structure** may be **erected** and **used** on such **lot**, provided that such **addition** to such **building** or **structure** meets all other requirements of this By-law. However, where a parcel of land is not serviced by **sanitary sewers**, approval from the **Regional** Public Health Department is **required** prior to any development taking place.

### 3.23.7 DEVELOPMENT WITHIN ENVIRONMENTAL CONSERVATION **ZONE**

**Additions** to and/or reconstruction of **existing buildings** and **structures** shall not be permitted within the (EC) **Zone** unless appropriate approvals have been received by the Region, the Niagara Peninsula Conservation Authority in accordance with the provisions of the Conservation Authorities Act and the **Town** in accordance with the Planning Act.

### 3.23.8 NUMBER OF **SINGLE DETACHED DWELLINGS** PER LOT

Where this By-law allows a **single detached dwelling** to be located on a **lot**, not more than one **single detached dwelling unit** shall be permitted, except in the case of a **farm labour housing**.

### 3.24 MINIMUM DISTANCE SEPARATION REQUIREMENTS

- (a) New and expanded livestock facilities, manure storage facilities and anaerobic digesters are subject to the Minimum Distance Separation II (MDS II) requirements developed by the province, as amended from time to time, and shall comply with the requirements of the Ontario Nutrient Management Act.
- (b) No **dwelling** shall be **erected** or located on a separate **lot** unless it complies with the requirements of the Ontario Nutrient Management Act and the Minimum Distance Separation (MDS I) formulae and guidelines developed by the province, as amended from time to time. An **existing** off-site **dwelling**, destroyed by a catastrophic event, may be replaced by a new **dwelling** provided that the new **dwelling** is sited no closer to the **lot** on which the livestock facility is located than the previously **existing dwelling**.
- (c) No **bed and breakfast establishment** located on a separate **lot** shall be permitted unless the **dwelling** in which it is located complies with the Minimum Distance Separation (MDS I) formulae and guidelines developed by the province, as amended from time to time.
- (d) A new livestock facility may replace a former livestock facility destroyed by a catastrophic event, provided that the new livestock facility does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what existed at the livestock facility prior to the catastrophic event, such that there is no switch to a livestock type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.
- (e) **Notwithstanding** the MDS requirements, where new development on a vacant **lot** of record is unable to comply with the MDS requirements, a **dwelling** may be permitted on the **lot** provided the **dwelling** is located on

the **lot** the furthest distance reasonably feasible from the impacted livestock facilities.

### 3.25 MINOR VARIANCES TO BY-LAW NUMBER 93-14-Z1, AS AMENDED

A minor variance approved by the **Town Committee of Adjustment** granted in relief to the provisions of By-law Number 93-14-Z1, as amended, of the **Town**, shall remain in effect and a **building permit** may be issued by the **Chief Building Official** up to the effective date of this By-law.

### 3.26 MULTIPLE ZONES

**Notwithstanding** anything contained in this By-law, where more than one **zone** category applies to any land, all provisions relating to each **zone** category shall be complied with, on each such portion of the **lot** so zoned except that where a portion of the said **lot** is zoned Environmental Conservation (EC), the said portion may be **used** in the calculation of the **required lot frontage** provision.

### 3.27 NATURAL ENVIRONMENTAL AREA AND NIAGARA ESCARPMENT PLAN AREA OVERLAYS

#### 3.27.1 NATURAL ENVIRONMENTAL AREA OVERLAY

Lands located within the Natural Environmental Area Overlay illustrated on Schedule "A" are natural features that are considered to be significant at a Provincial, **regional** or local level. The delineation of the Natural Environmental Area is based on the most current information available, and may not be accurate or up to date in some areas.

- (a) Development and site **alteration** shall not be permitted unless it is demonstrated through the completion of an environmental analysis, such as an Environmental Impact Study, in accordance with the policies of the Official Plan, and to the satisfaction of the **Town**, Region, applicable Conservation Authority and the Niagara Escarpment Commission, that there will be no negative impacts on the natural features or on their functions. The environmental analysis shall identify appropriate **setbacks** and buffers where **required**.
- (b) Subject to the above, all permitted **uses**, **lot** and **building** requirements shall be in accordance with the underlying **zone** where the Natural Environmental Area Overlay is shown and in accordance with all other applicable provisions of this By-law.
- (c) **Notwithstanding** the above, **existing agricultural uses** and

legally **existing uses** are permitted.

### 3.27.2 NIAGARA ESCARPMENT PLAN AREA OVERLAY

- a) Lands located within the Niagara Escarpment Plan Area Overlay illustrated on Schedule “A” are lands that provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The delineation of the Niagara Escarpment Area is based on the most current information available, and may not be accurate or up to date in some areas.
- b) Development within the Niagara Escarpment Development Control Area is regulated by the Niagara Escarpment Commission through the issuance of development permits.
- c) Within the Niagara Escarpment Plan Area Overlay, development includes a change in the **use** of any land, **building** or **structure**.

### 3.28 PRIVATE HOME DAYCARE

Where **private home daycare** is permitted, it shall be subject to the requirements of the **zone** in which it is located, and the following:

- (a) Is permitted within any **residential dwelling unit**.
- (b) **Notwithstanding** any other provisions of this By-law, no part of any **required front yard** shall be **used** for the purposes of an outdoor play space accessory to a **private home daycare**.

### 3.29 PUBLIC USES

Nothing in this By-law shall:

- (a) Prevent the **use** of any land as a **public use** provided by or on behalf of the **Town of Lincoln, Regional Municipality** of Niagara, Province of Ontario, Government of Canada or any commission, board authority, agency, ministry or department established by or for any of the above, provided that:
  - (i) Any **buildings** or **structures** shall be in compliance with the relevant provisions of this By-law;

- (ii) Any **building, structure** or **use** shall not adversely affect the character or amenity of the neighbourhood in which it is located; and
  - (iii) The **use** is not industrial.
- (b) Prevent the **use** of land for a **street** or prevent the construction, installation, operation and maintenance of public infrastructure such as sidewalks, trails, watermains, sanitary and **storm sewers**, storm detention ponds, gas mains, pipes and mains, electrical transmission and distribution lines, cables and conduits, telephone, cable television lines or other supply lines or communication lines, and appurtenances such as water booster stations and sewage and/or storm pumping stations to the forgoing provided that the location of any such pipes, mains, lines, cables and conduits have been approved by the **Town** where applicable; and
- (c) Prevent the **use** of any land for the **erection** of **buildings** or **structures** not exceeding 30 square metres, or the installation of other facilities essential to the operation of **public utilities** as defined in this By-law, provided that any such **use, building** or **structure** shall not adversely affect the character or amenity of the neighbourhood in which same is located.

### 3.30 RAILWAY AND PIPELINE RIGHT-OF-WAY SETBACKS

**Notwithstanding** anything contained in this By-law:

- (a) No **residential building** shall be located closer than 30 metres to a railway right-of-way; and
- (b) No **building** or **structure** shall be located closer than 3 metres to any natural gas pipeline.

### 3.31 REQUIREMENT FOR MUNICIPAL SERVICES

**Notwithstanding** any other provisions of this By-law, no lands shall be **used** nor any **building** or **structure erected** or **used** thereon, unless:

- (a) Municipal **sanitary sewer** and water services are available and capable of servicing the said land, **building** or **structures**. Municipal **sanitary sewer** and water services are **required** for development within any Urban Boundary as shown on Schedules 'A1', 'A2', 'A3', 'A4', 'A5', 'A6' and 'A7', and no **use** shall be permitted without being connected to such services in such area.



- (b) Written approval is received from the **Regional** Public Health Department for the **use** of private sewage and **water supply** outside of the Urban Boundary.

### 3.32 SECONDARY RESIDENTIAL UNITS

Where permitted by this By-law, a **secondary residential unit** shall be subject to the following provisions:

- (a) A maximum of one secondary residential unit shall be permitted within a **single detached dwelling, semi-detached dwelling, or townhouse dwelling**. A **secondary residential unit** shall not be permitted in association with any other **dwelling unit** type.
- (b) One **secondary residential unit** is also permitted in a **structure** accessory to a **single detached dwelling, semi-detached dwelling or townhouse dwelling** provided the **single detached dwelling, semi-detached dwelling or townhouse dwelling** does not already contain a **Secondary Residential Unit**.
- (c) The maximum **gross floor area** of a **secondary residential unit** shall not be greater than 50% of the **gross floor area** of the principal **residential dwelling** on the lot.
- (d) A **parking space** shall be provided for the **secondary residential unit** in addition to the minimum number of **required parking spaces** for the **dwelling**, in accordance with Section 4.1 of this By-law. The **required parking space** is permitted to be configured as a **tandem parking space**.
- (e) A **secondary residential unit** shall have a direct and independent entrance, which shall be:
  - (i) an entrance through a common vestibule from within the **dwelling**;
  - (ii) an entrance via an **attached** garage;
  - (iii) an exterior direct entrance from the **rear yard**, provided there is access to the **rear yard** entrance via an **interior side yard**, which is maintained as a clear and unobstructed access with a minimum width of 1.2 m to the **rear yard**; and/or

- (iv) an entrance from a side **yard**, provided the side **yard** is maintained as a clear and unobstructed access with a minimum width of 1.2 m to the entrance.
- (f) The **secondary residential unit** shall be constructed and designed in accordance with the requirements of the Building Code and all other applicable provisions of this By-law.

### 3.33 SHORT-TERM ACCOMMODATIONS

Where permitted, a **short-term accommodation** shall be subject to the requirements of the **Zone** in which it is located, and it shall:

- (a) Be permitted only within a **single detached dwelling** of the principal resident, **semi-detached dwelling** of the principal resident, townhouse **dwelling** of the principal resident, and **apartment dwelling** only in the unit the principal resident resides in;
- (b) Be clearly secondary to the main **residential use**;
- (c) Where **required** by the **Town**, be licensed pursuant to the Municipal Act, 2001;
- (d) Not provide outside display, other than a legal **sign** which shall not exceed 0.3 square metres in area in the HR, R1, R2 and RM1 **Zones**, and which shall not exceed 0.6 square metres in area in all other **Zones**, indicating the name of the short term accommodation;
- (e) That approval be obtained from the **Regional** Public Health Department and the **Town's Building** and Fire Departments; and
- (f) Comply with the parking provisions of Section 4.

### 3.34 SIGNS

**Signs** shall be permitted in accordance with the **Town's** Sign By-law, except for signs on Regional roads which are subject to Regional Review and may require a Regional Sign Permit

### 3.35 SWIMMING POOLS

**Notwithstanding** anything contained in this By-law, a **swimming pool** is permitted as an **accessory use** to any **use** permitted in any Agricultural **Zone**, Residential **Zone**, Commercial **Zone**, Institutional **Zone**, and Open Space **Zone**, subject to the following regulations:

- (a) No pool shall be located within the **required front yard** for any **Residential Zone**, and shall not be located within the **required front yard** and **required exterior side yard** for any other **zone**;
- (b) A pool including an **attached deck** shall not be located within 1.2 metres of any interior **side lot line**, **exterior side lot line** or **rear lot line** for any **Residential Zone**, and not within 1.5 metres of any interior **side lot line** or **rear lot line** for any other **zone**;
- (c) Any **building** or **structure required** for changing clothes or for pumping or filtering facilities or other similar **use** shall comply with the **accessory uses** section of the **zone** category in which it is located;
- (d) A pool shall be considered part of the **landscaped open space** requirement of the **zone** category in which it is located;
- (e) A pool shall be **fenced** in accordance with the **Town's Pool Fence By-law**; and
- (f) Where a parcel of land is not serviced by **sanitary sewers**, approval from the **Regional Public Health Department** is **required** prior to any **swimming pool** being **erected** or installed on the lands.

### 3.36 TEMPORARY GARDEN SUITES

A **garden suite** is permitted, subject to the passage of a temporary **use** by-law. Such a by-law may permit a **garden suite** on a **lot** for a period not to exceed 20 years. A **garden suite** shall also be subject to the following regulations:

- (a) The size of a **garden suite** shall not exceed 60 square metres and shall be no smaller than the minimum size allowed by the Ontario Building Code;  
  
The size of a **garden suite** shall not exceed the lot coverage provisions as established in section 3.5 (f) and shall be no smaller than the minimum size allowed by the Ontario Building Code;
- (b) Shall be permitted on **lots** large enough to accommodate;
- (c) Shall be permitted where adequate water and sanitary service levels can be sustained;
- (d) A **garden suite** shall be constructed to be habitable year round;

- (e) Shall be subject to and must be in compliance with the same setbacks for the primary **dwelling**. The setbacks for **accessory buildings** do not apply; and
- (f) **Garden suites** will be included in a sites overall **lot coverage**.

### 3.37 TEMPORARY RESIDENTIAL USES

**Notwithstanding** any provision in this By-law, a **mobile home** may be located and **used** as a temporary residence in an Agricultural (A) **Zone** for a period of time not to exceed six months. Except as provided for in this By-law no **person** shall **erect**, locate or occupy a **mobile home** on a **lot** in any **zone** except as **farm labour housing** within the Agricultural (A) **Zone** or within a **Mobile Home Park**.

During the construction of a **single detached dwelling**, or where a new **single detached dwelling** is to be **erected** in an Agricultural (A) **Zone** which intends to replace an **existing single detached dwelling**, the **existing single detached dwelling** may remain located on the **lot** a maximum of sixty days after the new **dwelling** is occupied, subject to the following regulations:

- (a) The requirements of the Niagara Public Health Department are met; and
- (b) An agreement is entered into between the **Town** and the owner of the **lot**, including the deposit of sufficient securities, to ensure removal of the **mobile home** or the **existing single detached dwelling** upon completion of the new **single detached dwelling**.

### 3.38 TEMPORARY USES

Nothing in this By-law shall prevent the temporary **use** of land for the following **uses**:

- (a) The **use** of any land or the **erection** or **use** of any **building** or **structure** for a construction camp, work camp, tool shed, scaffold or other **building** or **structure** incidental to and necessary for any construction, provided such temporary **structures** are located on the lands upon which such work is underway and only for so long as may be reasonably necessary to complete such construction;
- (b) The **erection** of a **building** for a temporary real estate sales **office** on or in proximity to the lands which are for sale;
- (c) The **use** of any land for the **erection** of an **agricultural produce stand** for the sale of **locally grown** produce subject to the following regulations:

- (i) Maximum Area of Stand - 20 square metres
  - (ii) Maximum **Height** - 5 metres
  - (iii) Minimum **setback** from any **street** - 7.5 metres
  - (iv) All Other **Yards** - in accordance with the provisions of subsection 5.3
- (d) The retail sale of Christmas trees, except on any **Residential** Zoned lands. The site shall be cleared by January 15th of the following year;
- (e) The location of a mobile trailer on lands zoned Agricultural, Commercial or Industrial, provided it is **used** for campaign purposes during a Municipal, Provincial, or Federal election or an election held under the provisions of the Municipal Act, or any successor or amending legislation thereto. A mobile trailer shall only be situated on a property from the time the election is called until two weeks following the election;
- (f) The selling of fireworks on lands zoned Commercial or Industrial, except lands **used** for a **vehicle fueling station**, during the periods permitted by the **Town** By-law to Prohibit and Regulate the Sale and **Use** of Fireworks and Pyrotechnic Special Effects Within the **Town** of Lincoln, subject to the regulations of the applicable **zone** category;
- (g) The locating or storing of **used** concrete and/or asphalt products on any land for any purpose, including crushing and sorting, provided such activity is incidental to and necessary for a public undertaking, is within the limits of said undertaking, or on land adjacent to said undertaking for the duration of such undertaking;
- (h) The **use** of a tent for **special events** provided the tent is removed at the end of the **special event**; and
- (i) The **use** of a tent on a seasonal basis from May 1 to October 31 each year within the Agricultural (A) **Zone** for **special events** or any **use** permitted in the Agricultural (A) **Zone** or any **use** accessory to a permitted **use** in the Agricultural (A) **Zone**, subject to the following:
  - (i) The seasonal tent is located on the same lands as the farm operation or **winery** or **brewery** or **distillery**;
  - (ii) The number of **special events** is limited to a maximum of 24 events per calendar year;

- (iii) The seasonal tent is removed by November 2; and
- (iv) The seasonal tent complies with the following **setbacks**:
  - Minimum **Front Yard** - 15 metres
  - Minimum **Exterior Side Yard** - 15 metres
  - Minimum **Interior Side Yard** - 15 metres
  - Minimum **Rear Yard** - 15 metres.

### 3.39 THROUGH LOTS

Where a **lot** is not a **corner lot** and has frontage on more than one **street**, the **setback** and **front yard** requirements contained **herein**, shall apply on each **street** in accordance with the provisions of the **zone** or **zones** in which such **lot** is located.

### 3.40 USES PERMITTED IN ALL ZONES

Nothing in this By-law shall prevent the **use** of land for the following **uses**:

- (a) **Conservation use**, not including **buildings** or **structures** except where specifically permitted;
- (b) **Forestry use**;
- (c) Public memorial or public **ornamental structure**;
- (d) Public railway line excluding any marshalling **yard** associated therewith;
- (e) Public **street**;
- (f) Traffic **sign**, traffic signal or any **sign** or notice of any governmental department, agency or authority, or any **sign erected** in accordance with the **Town's Sign By-law**;
- (g) **Wayside pit or quarry** except within any **Residential** or Environmental Conservation **Zone** or any lands within the Ontario Greenbelt Plan (2005) between Lake Ontario and lands under the jurisdiction of the Niagara Escarpment Commission; and
- (h) **Building** or **structure** accessory to any permitted **use**, except where specifically precluded, and subject to the provisions of subsection 3.5 and any other requirement contained **herein**.

### 3.41 USES PROHIBITED IN ALL ZONES

- (a) **Notwithstanding** anything contained in this By-law the following **uses** are prohibited within the **Town**:
- (i) Commercial **manufacturing** of fertilizers;
  - (ii) Junk **yard**, **salvage yard**, **vehicle** wrecking **yard** or the collection, storage or sale of junk, salvage, partially or completely dismantled **vehicles** or trailers, or parts of **vehicles** or trailers or the stockpiling of **used** tires;
  - (iii) Locating or storing on any land for any purpose any disused railroad car, street car body, truck body, bus body, or truck trailer without wheels, whether or not the same is situated on a foundation;
  - (iv) **Abattoir**;
  - (v) The keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any wild animal including any tamed or domesticated wild animal on any **lot** or in any **building** or **structure** in any **Residential Zone**, or any **lot** in the Agricultural **Zone** having a **lot area** less than 0.8 ha;
  - (vii) Track for the racing of **vehicles**, motorcycles or motorized snow **vehicles**;
  - (viii) Locating or storing of **used** concrete and/or asphalt products on any land for any purpose including crushing and sorting, except as follows:
    - In an Extractive Industrial (EI) **Zone**; and/or
    - As a temporary **use** associated with a public undertaking within the limits of the said undertaking or on land adjacent to said undertaking for the duration of such undertaking;
- (b) In addition to the prohibited **uses** specified in clause (a) of this subsection, no **use** shall be permitted within the **Town** which from its nature or the material **used** therein is declared under the Public Health Act or Regulations thereunder to be a noxious trade, business or manufacture;
- (c) In addition to the prohibited **uses** specified in clause (a) of this subsection, all **uses** of land and the **erection** or **use** of any **building** or **structure** for a purpose not permitted under the permitted **uses** subsection of each **zone**, established by this By-law, are prohibited in the said **zone**, save and except for those **uses** of land and the **erection** or **use** of any **building** or **structure**



for a purpose permitted in accordance with the applicable provisions of this By-law;

- (d) **Notwithstanding** anything contained **herein**, no land shall be **used** and no **building** or **structure** shall be **erected, altered** or **used** for any purpose which results in a **contaminant** being discharged into the natural environment, as determined in accordance with the provisions of the Environmental Protection Act and without limiting the generality of this subsection, for any purpose that creates or is likely to result in an adverse effect including;
  - (i) Impairment of the quality of the natural environment for any **use** that can be made of it;
  - (ii) Injury or damage to property or to plant or animal life;
  - (iii) Harm or material discomfort to any **person**;
  - (iv) An adverse effect on the health of any **person**;
  - (v) Impairment of the safety of any **person**;
  - (vi) Rendering of any property or plant or animal life unfit for **use** by man;
  - (vii) Loss of enjoyment of normal **use** of property, and
  - (viii) Interference with the normal conduct of business;
- (e) The **use** of **recreational vehicles** for permanent human habitation; and
- (f) The **use** of tents for permanent human habitation, or for business or other purposes is prohibited, provided, that these provisions shall not prevent the **use** of tents in accordance with subsection 3.37 of this By-law or for children's play or for picnics.

### 3.42 VISIBILITY TRIANGLES

To prevent the possible obstruction or impairment of vision of a **vehicle** operator, any **use, building, structure, fence**, hedge, bush, tree or vegetation exceeding one metre in **height** above the lowest finished elevation of the centreline of the abutting **streets**, shall be prohibited within any **visibility triangle**. This provision shall not apply to field crops, wire farm **fences**, traffic **signs**, or **sign** posts less than 20 centimetres in width or diameter.

### 3.43 WASTE DISPOSAL ASSESSMENT AREA OVERLAY

Lands located within the Waste Disposal Assessment Area Overlay, 500 metres from the fill area of a closed site as shown on Schedule "A", shall be **used** for no other purpose than those **uses** which legally existed prior to the passing of this By-law. The **uses** permitted within the underlying **zone** shall not be permitted until an assessment is completed to determine

- (a) The impact of any potential methane gas migration;
- (b) Whether the proposed **use** will be adversely affected by noise, odour, dust or other nuisance factors from the **waste disposal site**;
- (c) Potential traffic impacts;
- (d) Whether the proposed **use** will be adversely affected by ground and surface water contamination by leachate migrating from the **waste disposal site**; and
- (e) The impact of the proposed **use** on leachate migration from the landfill site.

The assessment is intended to address these matters and other items outlined in the Province's Guideline D-4, April 1994, or its successor as **required** to ensure that the proposed land **uses** are compatible in nature and do not adversely impact upon each other.

The studies **required** to support a development application within the assessment area shall be based on the type and/or scale of the development proposed, or the studies may be waived as appropriate. The nature of the **required** studies and their scope shall be determined by the **Town** in consultation with the **Region** at the time the development is proposed.

All lands within the assessment area shall be subject to a Holding Provision in the Implementing Zoning By-law. The lifting of a Holding Provision permitting the development of any new **use** or new or enlarged **buildings** or **structures** within the assessment area shall not occur until The **Town** is satisfied that all of the studies **required** by the **Town** and **Region** have been completed.

### SECTION 4 – PARKING AND LOADING REQUIREMENTS

#### 4.1 PARKING PROVISIONS

##### 4.1.1 NUMBER OF REQUIRED PARKING SPACES

Where land, **buildings** or **structures** are **used** in accordance with this By-law, every owner shall provide and maintain off-street **vehicle parking areas** for the sole **use** of the owner, occupant or **persons** making **use** of the premises on the same **lot** in accordance with the requirements outlined for the respective **uses** as specified in the table below and in accordance with the other provisions contained in this Section. In addition, the owner or occupant of any **lot**, **building** or **structure erected** shall provide and maintain bicycle **parking spaces** in accordance with the table below.

Use	Minimum Number of Parking Spaces	Bicycle Parking Requirements
<i><b>Residential Uses</b></i>		
<b>Apartment Dwelling</b>	1 space per <b>dwelling unit</b>	0.25 spaces per <b>apartment dwelling unit</b>
<b>Bed and Breakfast Establishment</b>	2 spaces per <b>dwelling unit</b> plus 1 additional space for each <b>guest room</b>	0.25 spaces per guest room
<b>Short-term accommodation</b>	2 spaces per <b>dwelling unit</b> plus 1 additional space for each <b>guest room</b>	0.25 spaces per guest room
<b>Duplex Dwelling</b>	2 spaces per <b>dwelling unit</b>	N/A
<b>Dwelling Unit in a Mixed Use Development</b>	1 space per <b>dwelling unit</b> in addition to the requirements for other <b>uses</b> in the development	0.25 spaces per dwelling unit
<b>Farm Labour Housing</b>	1 space per <b>dwelling unit</b>	N/A
<b>Fourplex Dwelling</b>	1 space per <b>dwelling unit</b>	N/A
<b>Home for Special Care</b>	2 spaces per <b>dwelling unit</b> plus 1 additional space for the <b>group home</b>	N/A
<b>Home Based Business</b>	2 spaces per <b>dwelling unit</b> plus 1 additional space for <b>home based business use</b>	N/A
<b>Nursing Home, Long-Term Care Home and</b>	.25 spaces per bed or per room or per unit, whichever is greater and 1 space per employee	0.25 spaces per number of employees

Use	Minimum Number of Parking Spaces	Bicycle Parking Requirements
Retirement Home		
Secondary Residential Unit	1 spaces per <b>dwelling unit</b>	-N/A
Single Detached Dwelling, Semi-Detached Dwelling, Stacked Townhouse Dwelling, Street Townhouse Dwelling	2 spaces per <b>dwelling unit</b>	N/A
Triplex and Fourplex	1 space per <b>dwelling unit</b>	N/A
Other Residential Uses	2 spaces per <b>dwelling unit</b>	N/A
<b>Commercial Uses</b>		
Veterinary Clinic	1 space per 30 square metres of <b>gross floor area</b>	N/A
Clinic	6 spaces per practitioner	N/A
Commercial or Private Club	1 space per 10 square metres of <b>gross floor area</b>	N/A
Drive-Thru Facility	10 tandem spaces, in addition to the requirements of subsection 3.9	N/A
Dry Cleaning Distribution Station	1 space per 6 square metres of <b>public floor area</b> with a minimum of 2 spaces	N/A
Eating Establishment	Dining: 1 space per 4.5 square metres of <b>public floor area</b>  Takeout: 1 space per 6 square metres of <b>public floor area</b>	1.0 spaces per 100 square metres of <b>gross floor area</b>
Hotel/Motel, Inn	1 space per <b>guest room</b> plus the <b>required</b> parking for any other use	1 space per 200 square metres of <b>gross floor area</b>
Marina	1 space per boat slip	N/A
Office Use	1 space per 30 square metres of <b>gross floor area</b>	1 space per 1000 square metres of <b>gross floor area</b>
Personal Service Use	1 space per 30 square metres of <b>gross floor area</b>	N/A

Use	Minimum Number of Parking Spaces	Bicycle Parking Requirements
Retail Use	1 space per 30 square metres of <b>gross floor area</b>	1 space per 200 square metres of <b>gross floor area</b>
Service or Repair Use	1 space per 30 square metres of <b>gross floor area</b>	N/A
Other Commercial Uses	1 space per 30 square metres of <b>gross floor area</b> .	1 space per 200 square metres of <b>gross floor area</b>
<b>Automotive Uses</b>		
Vehicle Fueling Station	2 spaces	N/A
Vehicle Sales and Rental Establishment	1 space per 30 square metres of <b>gross floor area</b> with a minimum of 10 spaces	N/A
Vehicle Service and Repair Establishment	1 space per 30 square metres of <b>gross floor area</b> with a minimum of 10 spaces of which 50% of the <b>required</b> spaces may be <b>tandem parking</b>	N/A
Farm Implement Sales and Service Establishment	1 space per 30 square metres of <b>gross floor area</b>	N/A
Vehicle Wash Establishment	Mechanical: 5 Tandem spaces per bay  Self Serve: 3 spaces per bay	N/A
<b>Industrial Uses</b>		
Industrial Mall	1 space per 50 square metres of <b>gross floor area</b>	N/A
Industrial Use	1 space per employee on the largest shift	N/A
<b>Institutional Uses</b>		
Place of Worship	The greater of: 1 space per 6 seats or 3 linear metres of pew space	
Schools	Elementary: 1.5 spaces per classroom plus 5 additional spaces  Secondary: 5 spaces per classroom plus 5 additional spaces  College, University: 1 space per 30 square metres of <b>gross floor area</b> .	1 space per 100 square metres of <b>gross floor area</b> .

Use	Minimum Number of Parking Spaces	Bicycle Parking Requirements
Other Institutional Uses	1 space per 30 square metres of gross floor area.	N/A
<b>Recreational Uses</b>		
Place of Entertainment, Recreational Use	The greater of: 1 space per 6 seats or 1 space per 10 square metres of gross floor area.	N/A
<b>Agricultural Uses</b>		
Greenhouse Use, Agricultural Produce Warehouse and/or Shipping Use, Cannabis production facility	1 space per employee on the largest shift	N/A
Winery, Brewery or Distillery	1 space per 50 square metres of gross floor area.	N/A

#### 4.1.2 VISITOR PARKING

For **apartment dwellings, block townhouse dwellings, maissonette and stacked townhouse dwellings, parking spaces** shall be provided and **used** to accommodate the **vehicles of persons** visiting the **dwelling units** at a ratio of 1 additional visitor **parking space** for every 10 **dwelling units** or part thereof. All **required** visitor **parking spaces** shall be clearly identified, demarcated and signed accordingly.

#### 4.1.3 PARKING SPACE AND PARKING AREA PROVISIONS

**Parking spaces** and **parking areas** shall be designed and maintained in accordance with the following requirements:

- a) Each **parking space** shall be readily accessible at all times and arranged in such a manner to provide access and maneuvering space for the parking and removal of a **vehicle**, except that this does not apply in the case of a **single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, modular home, street townhouse dwelling, back-to-**

**back townhouse dwelling, or secondary dwelling unit.**

- b) The dimensions required for **parking spaces** shall be in accordance with Schedule 'B'.
- c) Where a **lot, building** or **structure** accommodates more than one type of **use**, the **parking space** requirements shall be the sum of the requirements for the separate parts of the **lot, building** or **structure** occupied by the separate types of **uses**.
- d) Where an **addition** is made to a **building** or the **use** is changed, then additional **parking spaces** must be provided up to the number **required** for the **addition** or change in **use**.
- e) For the purposes of calculating the total number of **parking spaces**, where the application of ratios results in a fraction of a **parking space**, the **required** number of **parking spaces** for each permitted **use** shall be increased to the next higher whole number.
- f) Where off-**street** parking for any **use** other than a **residential use within a Residential Zone** abuts a **side lot line** or **rear lot line** in a **Residential Zone**, a screen shall be **erected** or planted and maintained along the side or **rear lot line** and the screen shall have a minimum **height** of 1.5 metres and shall be suitable for provision of privacy and protection from **vehicle** headlights.
- g) The **front yard** on any **lot**, excepting the **driveway** shall be landscaped and no parking shall be permitted within this **landscaped open space**. a minimum area of 0.5 metres between the **driveway** and nearest **lot line** must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
- h) The width of a driveway accessing a residential lot shall be in accordance with the Table below:

Lot Frontage	Maximum Driveway Width
9 metres or less	3.5 m
Greater than 9 metres	50% of the lot frontage to a maximum of 8.5 metres

- i) For commercial, industrial, institutional properties and residential property with more than three (3) dwelling units, the width of the driveway shall be established through the Site Plan Control Approval process.



#### 4.1.4 DESIGNATION OF ACCESSIBLE PARKING SPACES

- a) Accessible **parking spaces** shall be designated in accordance with the following table:

	Total number of <b>parking spaces required</b>	Minimum number of accessible parking required to be designated
i)	0 to 12 required <b>parking spaces</b>	One (1) Type A
ii)	13 to 100 required <b>parking spaces</b>	4% of the total number of parking spaces <sup>(1)</sup> , of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>
iii)	101 to 200 required <b>parking spaces</b>	1 space plus 3% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>
iv)	201 to 1000 required <b>parking spaces</b>	2 spaces plus 2% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>
v)	1001 or more <b>parking spaces</b>	11 spaces plus 1% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>

(1) Where the minimum number of required Accessible Parking Spaces results in one (1) Accessible Parking Space being required, the parking space shall be a Type A parking space.

(2) Where the minimum number of required Accessible Parking Spaces results in an odd number of Accessible Parking Spaces being required, the additional space may be a Type B parking space.

- b) The calculation of accessible **parking spaces** shall be included as part of the total calculation of **parking spaces required** for any **lot, building or use**.
- c) Accessible **parking spaces** shall not be **required** for **single detached dwellings, semi-detached dwellings, triplex dwellings, fourplex dwellings, townhouse dwellings, back-to-back townhouse dwellings, duplex dwellings or modular**

**homes.**

- d) The dimensions required for an accessible **parking space** shall be in accordance with Schedule 'B'
- e) The 1.5 metre unobstructed pedestrian access aisle may be shared by two abutting accessible **parking spaces** and must meet the following requirements:
  - (i) the unobstructed pedestrian access aisle shall extend the full length of the accessible **parking space**; and
  - (ii) the unobstructed pedestrian access aisle shall be marked with high tonal contrast diagonal lines, to discourage parking in them, where the surface is asphalt, concrete or some other hard surface.
- f) Accessible **parking spaces** shall be designed in accordance with the **Town's** Accessible Parking By-law.

#### 4.1.5 SHARED PARKING REQUIREMENTS FOR MIXED USE DEVELOPMENTS

For mixed **use** development where more than one of the **uses** listed in the table below are located on the same **lot**, the minimum parking requirement may be reduced through sharing of **parking spaces**, and the cumulative total of **parking spaces required** for all the **uses** on the **lot** may be calculated as follows:

- (a) Calculate the **required parking spaces** for each **use** in the mixed-**use** development;
- (b) Multiply the number of **parking spaces required** in the By-law by the occupancy rate for each **use** in each of the time periods (weekday and weekend, morning, afternoon, evening and overnight occupancy);
- (c) For each time period add the **parking space** calculations for all the **uses** to arrive at a cumulative total; and
- (d) The largest cumulative total of all the **uses** in any time period is the number of **parking spaces required** for the **lot**.

	Type of Use	Morning Occupancy Rate
i)	<b>Office/Clinic/Financial Use</b>	Morning: 100 Afternoon: 95 Evening: 25 Overnight: 0
ii)	<b>Eating Establishment</b>	Morning: 15 Afternoon: 50 Evening: 100 Overnight: 0
iii)	<b>Retail Use / Personal Service Use</b>	Morning: 80 Afternoon: 90 Evening: 90 Overnight: 0
iv)	Overnight Accommodation – <b>Hotel, Motel, Short-term accommodation</b>	Morning: 70 Afternoon: 60 Evening: 75 Overnight: 100
v)	<b>Residential</b>	Morning: 90 *Visitor – 20 Afternoon: 40 *Visitor – 10 Evening: 90 *Visitor – 80 Overnight: 100 *Visitor – 100
	Type of Use	Percentage of Peak Period (Weekend)
vi)	<b>Office/Clinic/Financial Use</b>	Morning: 10 Afternoon: 10 Evening: 10 Overnight: 10
vii)	<b>Eating Establishment</b>	Morning: 15 Afternoon: 50 Evening: 100 Overnight: 0
viii)	<b>Retail Use / Personal Service Use</b>	Morning: 80 Afternoon: 100

		Evening: 10	
		Overnight: 0	
ix)	Overnight Accommodation – <b>Hotel, Motel, Short-term accommodation</b>	Morning: 70	
		Afternoon: 60	
		Evening: 75	
		Overnight: 100	
x)	<b>Residential</b>	Morning: 90	*Visitor – 20
		Afternoon: 40	*Visitor – 10
		Evening: 90	*Visitor – 80
		Overnight: 100	*Visitor – 100

#### 4.1.5 CALCULATION OF REQUIRED SPACES

- (a) Where part of a **parking space** is **required**, such part shall be considered one **parking space** for the purpose of calculating the minimum total **parking space** requirements.
- (b) Where a **building** or **structure**, other than an **industrial mall**, or **lot** accommodates more than one **use**, the **parking space** requirements for the **lot** shall be the sum of the requirements for the individual **uses**, unless the Section 4.1.4 (Shared Parking Requirements for Mixed **Use** Developments) apply.
- (c) **Parking spaces** shall be provided for any **addition** to a **building** or **structure** or a change in **use**, except that, where a **building** or **structure** has less than the **required parking spaces** as of the effective date of this By-law, this By-law shall not be interpreted to require that the deficiency be made up in the event of an **addition** or change of **use** provided that any parking **required** for such **addition** or change of **use** is provided.

## 4.2 LOADING PROVISIONS

Where **loading spaces** or docks are provided on a **lot**, sufficient space shall be provided on the same **lot** for the maneuvering of **vehicles using the loading spaces** or docks. Such maneuvering space shall not utilize any **parking space required** by this By-law. **Loading spaces** within a Commercial **Zone** shall not be located within 3 metres of a **Residential Zone** or an Institutional **Zone** and **loading spaces** within an Industrial **Zone** shall not be located within 6 metres of a **Residential Zone** or an Institutional **Zone**.

Loading spaces shall not be permitted between a building and a street. Where a lot has a frontage of less than 45.5 metres, and is not a through lot, all loading shall take place between the building and the rear lot line. Where a lot is a through lot, loading and unloading shall take place anywhere on the lot except between a building and a Highway or arterial road. Where loading spaces are visible from the streetline, screening features shall be provided. **SECTION 5 - AGRICULTURAL ZONE**

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the Agricultural **Zones** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

### 5.1 List of Applicable Zones

Agricultural Zones	
ZONE	SYMBOL
Agricultural Zone	A

### 5.2 Permitted Uses

**Uses** permitted in the Agricultural **Zones** are identified with a “●” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 5.1 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted use. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 5.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 5.2 – Permitted Uses**

<b>Uses</b>	<b>A</b>
<b>Residential Uses</b>	
<b>Home-Based Business</b> (refer to Section 3.18)	A
<b>Secondary residential units</b> (refer to Section 3.32)	A
<b>Single detached dwelling</b>	●
<b>Agricultural Uses</b>	
<b>Agricultural use</b>	●
<b>On-farm diversified use</b> (refer to Section 3.3)	A

<b>Uses</b>	<b>A</b>
<b>Agricultural-related use</b> <i>(refer to Section 3.3)</i>	<b>A</b>
<b>Agri-tourism use</b> <i>(refer to Section 3.3)</i>	<b>A</b>
<b>Conservation use</b> , save and except any buildings	•
<b>Farm Labour Housing</b> <i>(refer to Section 3.3)</i>	<b>A</b>
<b>Greenhouse</b>	•
<b>Commercial Uses</b>	
<b>Kennel</b>	<b>A</b>
<b>Private home daycare</b> <i>(refer to Section 3.28)</i>	<b>A</b>

### 5.3 Zone Regulations

The following **zone** regulations identified in Table 5.3 shall apply to the respective Agricultural **Zones**.

**Table 5.3 – Zone Regulations**

<b>Zone Regulations</b>	<b>Agricultural</b>	<b>A</b>	
		<b>Single Detached Dwelling</b>	<b>All Other Uses</b>
<b>Minimum Lot Area</b>	16.2 ha except that no minimum lot area is <b>required</b> for <b>conservation use</b>	4,000 sq.m without municipal water and sanitary sewers  475 sq.m with municipal water and sanitary services	3.2 ha
<b>Minimum Lot Frontage</b>	100 m, except that no minimum lot frontage is <b>required</b> for <b>conservation use</b>	45 m without municipal water and sanitary sewers  15 m without municipal water and sanitary sewers	50 m
<b>Minimum Front Yard</b>	15 m	15 m	15 m
<b>Minimum Interior Side Yard</b>	6 m, except that where the <b>interior side yard</b> abuts a <b>Residential Zone</b> , 15 m is <b>required</b>	3 m	15 m
<b>Minimum Exterior Side Yard</b>	15 m	15 m	15 m
<b>Minimum Rear Yard</b>	15 m	15 m	15 m
<b>Maximum Gross Floor Area</b>	For <b>Agricultural Produce Processing</b> : 500 sq. m., which may include a retail <b>floor area</b> of 10% of the <b>gross floor area</b>	N/A	500 sq. m., which may include a maximum combined retail and <b>hospitality room floor area</b>



		A	
			of 200 sq. m.
Maximum Building Height	12.5 m	12.5 m	12.5 m
Minimum Dwelling Unit Area	N/A	100 sq.m	N/A
Maximum Lot Coverage	N/A	15%	N/A
Outside Storage	N/A	N/A	See (1)

Notes:

- (1) Outside operations and storage of goods and materials including refuse containers, shall only be permitted to the rear of the **building** and must be located outside of the **required exterior side yard, required interior side yard and required rear yard**.

Outside operations and storage of goods and materials are to be fully screened from view of adjacent properties by means of **fencing** and/or landscaping features.

#### 5.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

## SECTION 6 - RESIDENTIAL ZONES

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the **Residential Zones** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

### 6.1 List of Applicable Zones

Residential Zones	
ZONE	SYMBOL
Hamlet Residential	HR
Residential 1	R1
Residential 2	R2
Residential Multiple 1	RM1
Residential Multiple 2	RM2
Residential Multiple 3	RM3

### 6.2 Permitted Uses

**Uses** permitted in the **Residential Zones** are identified with a “•” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 6.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted **use**. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 6.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 6.2 – Permitted Uses**

<i>Uses</i>	HR	R1	R2	RM1	RM2	RM3
Single detached dwelling	•	•	•	E		
Semi-detached dwelling			•			
Duplex dwelling			•			
Triplex				•		
Fourplex				•		
Stacked Townhouse dwelling					•	•
Block Townhouse dwelling				•	•	•

## RESIDENTIAL ZONES

<b>Uses</b>	<b>HR</b>	<b>R1</b>	<b>R2</b>	<b>RM1</b>	<b>RM2</b>	<b>RM3</b>
<b>Back-to-Back Townhouse dwelling</b>					•	•
<b>Street Townhouse dwelling</b>				•		
<b>Apartment dwelling</b>					•	•
<b>Live-Work dwelling</b>				•		
<b>Bed and breakfast establishment (1)</b>	•	•	•			
<b>Home for Special Care (1)</b>	•	•	•	•	•	•
<b>Home-based business (1)</b>	A	A	A	A		
<b>Long-term care home including accessory dwelling units</b>				•	•	•
<b>Private home daycare</b>	A	A	A	A	A	A
<b>Retirement home including accessory dwelling units</b>					•	•

Notes:

- (1) Subject to specific **use** provisions contained in the General Provisions of this By-law.

### 6.3 Zone Regulations

The following **zone** regulations identified in Table 6.3a shall apply to the respective **Residential Zones**.

**Table 6.3a – Zone Regulations**

<b>Zone Regulations</b>	<b>HR</b>	<b>R1</b>	<b>R2</b>		
			<b>Single detached</b>	<b>Semi Detached</b>	<b>Duplex</b>
<b>Minimum Lot Frontage</b>	45 m	15 m for an <b>interior lot</b> and 18 m for a <b>corner lot</b>	12 m for an <b>interior lot</b> and 15 m for a <b>corner lot</b>	18 m for an <b>interior lot</b> and 23 m for a <b>corner lot</b>	18 m for an <b>interior lot</b> and 21 m for a <b>corner lot</b>
<b>Minimum Lot Area</b>	4,000 sq. m.	425 sq.m	375 sq. m.	600 sq. m.	600 sq. m.
<b>Minimum lot frontage per dwelling unit</b>	N/A	N/A	N/A	9 m for an <b>interior lot</b> , and 12 m for a <b>corner lot</b>	N/A
<b>Minimum Front Yard</b>	15 m	6 m	6 m	6 m	6 m
<b>Minimum Interior Side Yard</b>	3 m	1.2 m <b>(1)</b>	1.2 m <b>(1)</b>	1.2 m on each side except that where no <b>attached</b> garage is provided, the minimum side <b>yard</b> on one side shall be 3 m	1.2 m <b>(1) (2)</b>
<b>Minimum Exterior Side Yard</b>	15 m	3 m, where an entrance to a garage faces an <b>exterior side yard</b> , the minimum <b>exterior side yard</b> for the garage shall be 6 m	2 m, where an entrance to a garage faces an <b>exterior side yard</b> , the minimum <b>exterior side yard</b> for the garage shall be 6 m	2 m, where an entrance to a garage faces an <b>exterior side yard</b> , the minimum <b>exterior side yard</b> for the garage shall be 6 m	2 m, where an entrance to a garage faces an <b>exterior side yard</b> , the minimum <b>exterior side yard</b> for the garage shall be 6 m

## RESIDENTIAL ZONES

Zone Regulations	HR	R1	R2		
			Single detached	Semi Detached	Duplex
Minimum Rear Yard	15 m	7.5 m	7.5 m	7.5 m	7.5 m
Maximum Lot Coverage	15%	40%	45%	45%	45%
Maximum Building Height	12.5 m	12.5 m	12.5 m	12.5 m	12.5 m

Notes:

- (1) Except:
  - a) Where there is an **attached** one **storey** garage the minimum side **yard** adjacent to the garage shall be 0.9 metres; and
  - b) Where no **attached** garage is provided, the minimum side **yard** on one side shall be 3 metres.
- (2) No **interior side yard** is **required** for a **semi-detached dwelling** between the common vertical wall dividing one unit from another

The following **zone** regulations identified in Table 6.3b shall apply to the respective **Residential Zones**.

**Table 6.3b – Zone Regulations**

<b>Zone Regulations</b>	<b>RM1</b>					
	<b>Triplex</b>	<b>Fourplex</b>	<b>Townhouse</b>			
			<b>Street</b>	<b>Block</b>	<b>Stacked</b>	<b>Back-to-back</b>
<b>Minimum Lot Area</b>	600 sq. m.	800 sq. m.	See below	See below	See below	See below
<b>Minimum Lot Area Per Dwelling Unit</b>	200 sq. m.	200 sq. m.	200 sq. m. for <b>interior lot</b> and 300 sq. m. for <b>corner lot</b>	250 sq. m.	250 sq. m.	250 sq. m.
<b>Minimum Lot Frontage</b>	20 m	24 m	6.7 m for an <b>interior lot</b> and 10 metres for a <b>corner lot</b>	20 m	20 m	20 m
<b>Minimum Front Yard</b>	6 m	6 m	4 m for the dwelling unit, 6 m for the attached garage	4 m for the dwelling unit, 6 m for the attached garage	4 m for the dwelling unit, 6 m for the attached garage	N/A
<b>Minimum Interior Side Yard</b>	3 m on one side and 1.8 m on the other side	1.5 m for end units <b>(2)(3)</b>	1.5 m for end units <b>(2)(3)</b>	7.5 m	7.5 m	7.5 m
<b>Minimum Exterior Side Yard</b>	2 m <b>(1)</b>	2 m <b>(1)</b>	2 m <b>(1)</b>	6 m	6 m	6 m
<b>Minimum Rear Yard</b>	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m	N/A

Zone Regulations	RM1					
	Triplex	Fourplex	Townhouse			
			Street	Block	Stacked	Back-to-back
Maximum Lot Coverage	50%	50%	50%	50%	50%	50%
Minimum Landscaped Open Space	20%	N/A	30%	30%	20%	20%
Minimum Distance Between Buildings Located on the Same Lot	N/A	N/A	N/A	3 m	3 m	3 m
Maximum Building Height	12.5 m	12.5 m	12.5 m	12.5 m	12.5 m	12.5 m

Notes:

- (1) Where an entrance to a garage faces an **exterior side yard**, the minimum **exterior side yard** for the garage shall be 6 metres.
- (2) Except that where no **attached** garage is provided, the minimum side **yard** shall be 3 metres.
- (3) No **interior side yard** is **required** between the common vertical wall dividing one unit from another.

**Table 6.3c – Zone Regulations**

Zone Regulations	RM2	RM3
Minimum Lot Area Per Dwelling Unit	166 sq. m.	83 sq. m.
Maximum Lot Area Per Dwelling Unit	400 sq. m.	200 sq. m.
Minimum Front Yard	6 m	6 m
Minimum Interior Side Yard	6 m (1)	6 m (2)
Minimum Exterior Side Yard	6 m	6 m
Minimum Rear Yard	7.5 m (1)	7.5 m (2)
Maximum Lot Coverage	40%	40%



<i>Zone Regulations</i>	RM2	RM3
Minimum <b>Landscaped Open Space</b>	30%	30%
Maximum <b>Building Height</b>	13 m	26 m

Notes:

- (1) Except that where the **interior lot line** is adjacent to a R1 or R2 **Zone**, a minimum **interior side yard** of 9 m is **required**.
- (2) Except that where the **rear lot line** is adjacent an R1 or R2 **Zone**, a minimum **rear yard** of 12 metres is **required**.

#### 6.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

##### 6.4.33 RM1-33 (PRUDHOMMES LANDING)

Notwithstanding the provisions of the Residential Multiple 1 Zone, the following shall apply to the lands indicated as RM1-33 on Schedule 'A4':

##### 6.4.33.1 DEFINITIONS

(a) DWELLING, STACKED TOWNHOUSE means a building divided vertically and horizontally into not less than four but not more than twenty four dwelling units by solid common walls with a maximum horizontal distance of fifty five metres. Each dwelling unit shall have its own entrance with direct access to grade.

(b) DWELLING, BACK-TO-BACK TOWNHOUSE means a building divided vertically into not less than four but not more than sixteen dwelling units by common walls, including a common rear wall without a rear yard, of which each dwelling unit has its own entrance with direct access to grade.

(c) VISITOR PARKING means parking spaces for the exclusive use of visitors to the lot and or building. Visitors parking shall be located on the same lot on which the building is located or within the common elements to the building.

##### 6.4.33.2 PERMITTED USES

- (a) Block Townhouse dwelling
- (b) Back-to-Back Townhouse dwelling

## (c) Stacked Townhouse dwelling

6.4.33.3 ALL DWELLINGS

- |   |  |
|---|--|
| (a) Minimum Density   | 35 units per hectare   |
| (b) Maximum Density   | 75 units per hectare   |
| (c) Maximum Building Height   | 4 storeys up to a maximum of 14.0 metres for a flat roof building and 18.0 metres for a peaked roof building |
| (d) Minimum Landscaped Open Space   | 30%  |
| (e) Minimum Parking Requirements  | 1.25 spaces per dwelling unit plus 0.3 visitor parking spaces per dwelling unit                              |
| (f) Minimum outdoor amenity space   | 10.0 square metres per dwelling unit   |
| (g) The garage shall not protrude in front of the dwelling unless there is a habitable room over the garage or there is a porch or verandah constructed in line with the dwelling. Where the garage does protrude in front of the dwelling, it shall not protrude more than 2 metres. |  |

6.4.33.4 BLOCK TOWNHOUSES

- |                                   |  |
|-----------------------------------|--|
| (a) Minimum Lot Area Per Unit     | 180 square metres  |
| (b) Minimum Lot Frontage Per Unit | 6.0 metres for an interior lot and 9.0 metres for a corner lot               |
| (c) Minimum Yard Requirements     |  |
| (i) Front Yard                    | 4.5 metres, except that the minimum setback for the garage shall be 6 metres |
| (ii) Interior Side Yard           | 2.25 metres  |
| (iii) Exterior Side Yard          | 3.0 metres   |
| (iv) Rear Yard                    | 7.0 metres   |

- (d) The garage shall not exceed 60% of the width of the dwelling unit.

#### 6.4.33.5 STACKED TOWNHOUSES

- |  |   |
|--|---|
| (a) Minimum Lot Frontage on a Public or Private Street   | 35 metres   |
| (b) Minimum Yard Requirements  |   |
| (i) Setback to a Public or Private Street  | 4.5 metres, except that the minimum setback for the garage shall be 6 metres  |
| (ii) Interior Side Yard  | 3.0 metres  |
| (iii) Rear Yard  | 7.0 metres  |
| (c) Minimum Width of Planting Strip  | 3 metres, adjacent to the rear lot line, where the rear yards of separate stacked townhouse buildings share a rear lot line |
| (d) Maximum Building Length  | 50 metres   |
| (e) Minimum Separation Distance between the front or rear wall of a building to the front or rear wall of another building | 12 metres   |
| (f) Minimum separation distance between the side wall of a building to the front or rear wall of another building          | 9.0 metres  |
| (g) Minimum separation distance between the side wall of a building to another   | 3.0 metres  |

#### 6.4.33.6 BACK-TO-BACK TOWNHOUSE DWELLINGS

- |                                   |  |
|-----------------------------------|--|
| (a) Minimum Lot Area Per Unit     | 75 square metres   |
| (b) Minimum Lot Frontage Per Unit | 6.7 metres for an interior lot and 9.7 metres for a corner lot |
| (c) Minimum Yard Requirements     |  |

- |  |  |
|--|--|
| (i) Setback from a Private Street  | 4.5 metres for a dwelling and 6 metres for a garage  |
| (ii) Interior Side Yard  | 2.25 metres. No interior side yard is required between the common vertical wall dividing one unit from another |
| (iii) Exterior Side Yard   | 3.0 metres   |
| (iv) Rear Yard   | 0 metres   |
| (d) Minimum Separation Distance between the front or rear wall of a building to the front or rear wall of another building | 12 metres  |
| (e) Minimum separation distance between the side wall of a building to the front or rear wall of another building          | 9.0 metres   |
| (f) Minimum separation distance between the side wall of a building to another   | 3.0 metres   |
| (g) The garage shall not exceed 60% of the width of the dwelling unit.   |  |

#### 6.4.34 RM1-34 (PRUDHOMMES LANDING)

Notwithstanding the provisions of the Residential Multiple 1 Zone and Subsection 6.4 Special Provisions, the regulations of Subsection 6.4.33 shall apply to the lands indicated as RM1-34 on Schedule 'A4', with the exception of the following:

- |   |   |
|---|---|
| (a) Maximum Building Height   | 3 storeys up to a maximum of 14.0 metres, except that the maximum height adjacent to an Environmental Conservation Zone shall be 2.5 storeys up to a maximum of 11.0 metres |
| (b) Minimum Yard Setback adjacent to an Environmental Conservation Zone | 7.5 metres  |
| (c) Minimum Yard Setback adjacent to North Service Road                 | 14.0 metres   |

- (d) Minimum Width of Planting Strip 4.5 metres  
Adjacent to North Service Road

#### 6.4.XX Additional Zone Provisions for Schedule A4 - Figure 1 Lands

Notwithstanding the provisions of the RM1-33, RM2-15, and RM2-16 Zones, the following additional regulations shall apply to all lands identified by Area on Schedule A4 - Figure 1:

##### 6.4.XX.1 Only Permitted Uses Prior to Removal of the "H"

For such time as the "H" symbol is in place, the lands shall only be used in accordance with the provisions of the applicable R2, RM1-33, RM2-15, RM2-16, and RM2-17 Zones.

##### 6.4.XX.2 Conditions for Removal of the "H"

The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following conditions shall first be completed to the satisfaction of the Director of Planning of Town of Lincoln:

- a) That sufficient water and wastewater services are available to the satisfaction of the Niagara Region and the Town of Lincoln;
- b) That the Owner submits an Engineering Report that demonstrates to the satisfaction of the Town of Lincoln and Niagara Region that required capacities for water, fire flow and sanitary sewer to service the subject lands are addressed, including identification of any required servicing extensions/alterations/upgrades to support the proposed development and address any capacity constraints identified.
- c) The subject development application cannot proceed until the appropriate sanitary capacity solution(s) to service the development have been constructed and are functioning to the satisfaction of the Niagara Region and the Town of Lincoln; upgrades referred to in this clause would be above and beyond those contemplated in 2021.
- d) That the Owner demonstrates that wastewater sewer services from the upgraded Regional Pumping Station "Victoria Shores" or appropriate sanitary capacity solution(s) have been extended to the subject lands if required, and that where appropriate, easements have been secured for any wastewater servicing extension(s) to the satisfaction of Niagara Region and the Town of Lincoln; upgrades referred to in this clause would be above and beyond those

contemplated and underway in 2021.

- e) That the Owner demonstrates there are no water supply (including fire flow) constraints and water services have been extended to the subject lands, and that where appropriate, easements have been secured for any water servicing extension(s) to the satisfaction of Niagara Region and the Town of Lincoln
- f) That the Owner has submitted an approved/upgraded Transportation Impact Study (TIS) to the satisfaction of the Town of Lincoln, Regional Municipality of Niagara, and the Ministry of Transportation, identifying and designing future required upgrades, and validating that sufficient road capacity is currently available to accommodate the proposed development
- g) That suitable financial arrangements have been prepared to the satisfaction of the Town of Lincoln, and if required the Regional Municipality of Niagara, and/or the Ministry of Transportation with respect to any cost sharing arrangements, if applicable, pertaining to any servicing infrastructure matters;
- h) That the Owner has submitted an approved Shadow Study by a qualified professional, to the satisfaction of the Town of Lincoln if required, as part of the Site Plan Application;
- i) That the Owner has submitted an approved Wind Study by a qualified microclimate professional or Professional Engineer, to the satisfaction of the Town of Lincoln if required, as part of the Site Plan Application;
- j) That the Owner update the Planning Justification Report that is completed by a Registered Professional Planner, to the satisfaction of the Town of Lincoln. The update should include assessment of amenity space and, if required, include a Park Issues Assessment of the public and private outdoor amenity spaces that are proposed to service the proposed development
- k) Registration on title of a Section 37 Agreement per the Planning Act and to the satisfaction of the Town of Lincoln
- l) The applicant has entered into a Site Plan Agreement and the Agreement has been registered on title.

#### 6.4.XX.3 Additional Permitted Uses After Removal of the "H"

The following additional uses are permitted in the RM1-33 Zone as identified in Area 1 on Schedule A4 - Figure 1:

- a) Apartment dwelling
- b) Hotel

c) Community facilities

The following additional uses are permitted in the RM2-15 Zone as identified in Area 1 on Schedule A4 - Figure 1:

- a) Office use, only permitted on the ground floor
- b) Financial Use, only permitted on the ground floor
- c) Institutional Use, only permitted on the ground floor
- d) Daycare Centre, only permitted on the ground floor
- e) Personal Service Use, only permitted on the ground floor
- f) Eating Establishment (excluding drive-thru facility) , only permitted on the ground floor

#### 6.4.XX.4 Additional Zone Provisions After Removal of the “H”

##### 6.4.XX.4.1 Zone Provisions for All Lands

The following regulations apply to all lands identified as subject to this Special Provision as per Schedule A4 - Figure 1, after removal of the holding provision:

- |     |  |  |
|-----|--|--|
| (a) | Maximum Density  | - 580 units per hectare * (regardless of phases and timing, the entire high-density area will be included in one large site plan which can be phased as they need) |
| (b) | Minimum Lot Area   | - 5,000 square metres  |
| (c) | Minimum Lot Frontage   | - 30 metres  |
| (d) | Maximum Floor Area Per Floor                                   | - Above 7 storeys, the maximum floor area shall be 2,000 square metres per floor of the building tower   |
| (e) | Maximum Lot Coverage   | - 50%, excluding any parking garage area   |
| (f) | Minimum Landscaped Open Space                                  | - 25%  |
| (g) | Minimum Width of Planting Strip Adjacent to a GC Zone          | - 3.0 metres   |
| (h) | Minimum Width of Planting Strip Adjacent to North Service Road | - 4.5 metres   |

- (i) Maximum Main Wall Building Length - 65 metres before a break in the main wall of no less than 5 metres in width by 2 metres in depth
- (j) Minimum Yard Requirements:
  - (i) Yard abutting a Public Street - 2 metres, except where the yard abuts North Service Road, the minimum yard setback shall be 14 metres
  - (ii) Interior side and rear yard - 10 metres
- (k) Maximum Yard abutting a Public Street - 12 metres, except where the yard abuts North Service Road, the maximum yard setback shall be 26 metres
- (l) Minimum Amenity Area Required - 10 square metres per dwelling unit
- (m) Minimum Parking Requirements
  - 1.25 spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit
  - Where public parking spaces are provided on the same lot on which the use is located, the number of public parking spaces provided may be used towards the required number of visitor parking spaces
  - All other uses in accordance with the provisions of Section 7
- (n) Minimum Bicycle Parking Requirements - .15 long-term bicycle parking spaces per dwelling unit. Long-term bicycle parking spaces shall be for the use of occupants of a building and shall be located in a secure enclosed bicycle parking area



- (o) The parking of motor vehicles is prohibited in the first storey of an above grade parking structure for the first 9.0 metres of the depth of the parking structure that fronts a public street only.
- (p) All parking spaces, parking areas, ramps and/or driveways shall be located to the rear of all buildings. Surface parking areas shall be fully screened from view of any public street by means of landscaping features.
- (q) A minimum of 40% of the lot frontage adjacent to a collector road shall be occupied by a main wall.
- (r) A minimum of 40% of the building façade on the ground floor, and 25% of the building façade for floors above the ground floor, that is oriented toward a public street shall be occupied by glazing, doors, and or green wall or other agreed upon surface treatment.

#### 6.4.XX.4.2 Additional Zone Provisions for Area 1 Lands

The following regulations apply to all lands identified as Area 1 on Schedule A4 - Figure 1:

- (a) Maximum Building Height - 12 storeys to a maximum of 42 metres. Notwithstanding the maximum building height, the façade of the building facing a public road shall include step-backs of a minimum of 4.0 metres above the third storey.

#### 6.4.XX.4.3 Additional Zone Provisions for Area 2 Lands

The following regulations apply to all lands identified as Area 2 on Schedule A4 - Figure 1:

- (b) Maximum Building Height - 15 storeys to a maximum of 52.5 metres. Notwithstanding the maximum building height, the façade of the building facing a public road shall include step-backs of a minimum of 4.0 metres above the third storey.

#### 6.4.XX.4.4 Additional Zone Provisions for Area 3 Lands

The following regulations apply to all lands identified as Area 3 on Schedule A4 - Figure 1:

- |   |  |
|---|--|
| (c) Maximum Building Height<br>(upon execution of a Section 37 agreement) | - 18 storeys to a maximum of 63 metres. Notwithstanding the maximum building height, the façade of the building facing a public road shall include step-backs of a minimum of 4.0 metres above the third storey. |
|---|--|

#### 6.4.XX.4.5 Additional Zone Provisions for Area 4 Lands

The following regulations apply to all lands identified as Area 4 on Schedule A4 - Figure 1:

- |   |  |
|---|--|
| (d) Maximum Building Height<br>(upon execution of a Section 37 agreement) | - 20 storeys to a maximum of 70 metres. Notwithstanding the maximum building height, the façade of the building facing a public road shall include step-backs of a minimum of 4.0 metres above the third storey. |
|---|--|

#### 6.4.XX.4.6 Additional Zone Provisions for Area 5 Lands

The following regulations apply to all lands identified as Area 5 on Schedule A4 - Figure 1:

- |   |  |
|---|--|
| (e) Maximum Building Height<br>(upon execution of a Section 37 agreement) | - 25 storeys to a maximum of 85 metres. Notwithstanding the maximum building height, the façade of the building facing a public road shall include step-backs of a minimum of 4.0 metres above the third storey. |
|---|--|

#### 6.4.XX.2.7 Bonusing Provisions

Zoning compliance is required in order to permit the increased building height and density permissions on lands identified as Area 1 on Schedule 4A - Figure 1 as contained in subsection 14.3.18.2, and shall be dependent upon conformity to the community benefits policies outlined in the Prudhommes Secondary Plan and the registration on title of an agreement or agreements pursuant to Section 37 of the Planning Act. The owner of the subject lands shall provide to the satisfaction of the Town the facilities, services, and matters in the form of one or more of the following:

- a) Contributions by the Owner of the subject property to the Town of Lincoln

to be used for eligible community benefits as identified in the Prudhommes Secondary Plan

6.4.XX RM2-20 (OFFICE USE)

Notwithstanding the provisions of the Residential Multiple 2 (RM2) Zone, a real estate office, an insurance office and a law office may be permitted within the existing building on the lands indicated as RM2-20 and shall be subject to the following provisions:

- (a) No more than 1 office use is permitted within the existing building at any time.

## SECTION 7 - COMMERCIAL AND MIXED USE ZONES

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the **Commercial** and **Mixed Use Zone** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

### 7.1 List of Applicable Zones

Commercial Zones	
ZONE	SYMBOL
Neighbourhood Commercial Zone	NC
General Commercial Zone	GC
Office Commercial Zone	OC
Rural Commercial Zone	RUC
Mixed Use Zones	
ZONE	SYMBOL
Central Business District	GC (CBD)

### 7.2 Permitted Uses

**Uses** permitted in the **Commercial** and **Mixed Use Zones** are identified with a “●” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 7.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted **use**. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 7.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 7.2 – Permitted Uses**

<i>Uses</i>	NC	GC	RUC	OC	GC (CBD)
<b>Residential Uses</b>					
<b>Apartment building</b>		● (2)			●
<b>Single detached dwelling</b>			●		
<b>Semi-detached dwelling</b>					
<b>Townhouse dwelling</b>					
<b>Bed and breakfast establishment (1)</b>					
<b>Home-based business (1)</b>					

## COMMERCIAL AND MIXED USE ZONES

<b>Uses</b>	<b>NC</b>	<b>GC</b>	<b>RUC</b>	<b>OC</b>	<b>GC (CBD)</b>
<b><i>Agricultural Uses</i></b>					
Agricultural produce warehouse and/or shipping			•		
Agricultural education and/or research use			•		
Commercial grain storage and drying facility			•		
Farm produce outlet			•		
Farm service and supply establishment			•		
Feed mill			•		
<b><i>Commercial uses</i></b>					
Artisan shop	•	•	•		•
Automotive use		•			
Banquet hall		•		•	
Bed and breakfast establishment (1)		•	•		
Brewery or Distillery		•	•		•
Commercial or private club		•			
Commercial school		•			
Convenience store	•	•	E	•	•
Dry cleaning distribution station	•				
Eating establishment	•	•		•	•
Financial use	•	•			•
Funeral home		•		•	•
Garden centre			•		
Hotel/motel		•		•	•
Inn		•			•
Large animal veterinary clinic			•		
Marina and marina facilities			•		
Office use	•	•	•	•	•
Outside storage		A	A		
Parking area		•			•
Personal service use	•	•		•	•
Place of entertainment		•		•	
Private home daycare			•		
Public transportation depot		•			
Recreational use				•	
Retail use		•		A	•
Service or repair use		•			
Specialty food store	•	•			•

## COMMERCIAL AND MIXED USE ZONES

<b>Uses</b>	<b>NC</b>	<b>GC</b>	<b>RUC</b>	<b>OC</b>	<b>GC (CBD)</b>
<b>Vehicle fueling station and additions thereto</b>		•	E		
<b>Vehicle service and repair establishment and additions thereto</b>		•	E		
<b><i>Institutional Uses</i></b>					
<b>Ambulance station</b>		•			
<b>Clinic</b>		•			•
<b>Culinary school</b>		•			•
<b>Daycare centre</b>	•	•			•
<b>Firehall</b>		•			
<b>Police station</b>		•			
<b>Post office</b>		•			
<b>Veterinary Clinic</b>		•			

Notes:

- (1) Subject to specific **use** provisions contained in the General Provisions of this By-law.
- (2) Apartment building is permitted in the GC Zone, in conjunction with a commercial use.

### 7.3 Zone Regulations

The following **zone** regulations identified in Table 7.3 shall apply to the respective Commercial and **Mixed Use Zones**.

**Table 7.3 – Commercial Zone Regulations**

<b>Zone Regulations</b>	<b>NC</b>	<b>GC</b>	<b>RUC</b>	<b>OC</b>	<b>GC (CBD)</b>
<b>Minimum Lot Area</b>	700 sq. m.	1,000 sq. m.	8,000 sq. m.	3000 sq. m.	No minimum
<b>Minimum Lot Frontage</b>	15 m	15 m	60 m	30 m	No minimum
<b>Minimum Front Yard</b>	3 m	3 m	15 m	3 m	0 m
<b>Minimum Interior Side Yard</b>	3 m, except that where the <b>interior side yard</b> abuts a <b>Residential Zone</b> , 4.5 m is <b>required</b>	0 m, except that where the <b>interior side yard</b> abuts a <b>Residential Zone</b> , 4.5 m is <b>required</b> , and except that where the <b>interior side yard</b> abuts a railway right-of-way, 7.5 m is <b>required</b>	15 m	6 m, except that where the <b>interior side yard</b> abuts a <b>Residential Zone</b> , 10 m is <b>required</b> , and except that where the <b>interior side yard</b> abuts a railway right-of-way, 7.5 m is <b>required</b>	0 m <b>(3)</b>
<b>Minimum Exterior</b>	3 m	3 m	15 m	6 m <b>(4)</b>	6 m <b>(4)</b>

## COMMERCIAL AND MIXED USE ZONES

<b>Zone Regulations</b>	<b>NC</b>	<b>GC</b>	<b>RUC</b>	<b>OC</b>	<b>GC (CBD)</b>
<b>Side Yard</b>					
<b>Minimum Rear Yard</b>	7.5 m, except that where the <b>rear yard</b> abuts a <b>Residential Zone</b> , 12 m is required	7.5 m, except that where the <b>rear yard</b> abuts a <b>Residential Zone</b> , 12 m is required	15 m	9 m, except that where the <b>rear yard</b> abuts a <b>Residential or Agricultural Zone</b> , 15 m is required.	0 m
<b>Maximum Front Yard and Exterior Side Yard</b>	6 m	6 m	N/A	6 m	3 m
<b>Maximum Lot Coverage</b>	40%	40%	20%, except that there is no maximum <b>lot coverage</b> requirement for <b>greenhouses</b> accessory to a <b>garden centre</b>	50%	No maximum
<b>Minimum Landscaped Open Space</b>	20%	20%	30%	20%	none
<b>Maximum Building Height</b>	12.5 m	12.5 m (8)	12.5 m	21m (6) (8)	17 m
<b>Minimum Building Height</b>	N/A	N/A	N/A	N/A	2 storeys
<b>Maximum Overall Building Area</b>	750 sq. m	N/A	N/A	N/A	N/A



## COMMERCIAL AND MIXED USE ZONES

<b>Zone Regulations</b>	<b>NC</b>	<b>GC</b>	<b>RUC</b>	<b>OC</b>	<b>GC (CBD)</b>
<b>Outside Storage (1)</b>	Not permitted	Not permitted (1)	Permitted (2)	Not permitted	Not permitted (1)
Minimum percentage of windows and doors along any façade facing any <b>streetline</b>	N/A	25% of the <b>building</b> façade	N/A	25% of the <b>building</b> façade	25% of the <b>building</b> façade
Minimum window <b>height</b> on windows facing any <b>streetline</b>	N/A	1.8 m	N/A	1.8 m on the ground floor	1.8 m
Maximum window sill <b>height</b> on windows facing any <b>streetline</b>	N/A	1.2 m	N/A	1.2 metres on the ground floor	1.2 m
Maximum Retail <b>Floor Area</b> for <b>Farm Produce Outlet</b> and <b>Convenience Store</b>	N/A	N/A	200 sq. m	N/A	N/A
<b>Retail Use Area</b>		N/A	N/A	maximum of 10% of the <b>ground floor area</b> or 200 m <sup>2</sup> , whichever is the greater	N/A
Other		N/A	N/A	See (7)	N/A

Notes:

- (1) **Outside storage** is prohibited, unless:
- a) Is screened from view from any **street** or abutting **Residential Zone**;
  - b) Not located in **required front yard** and/or **exterior side yard**;
  - c) Accessory to a permitted **use**; and
  - d) Is located 9 metres from a **Residential** or Institutional **Zone**.

## COMMERCIAL AND MIXED USE ZONES

- (2) **Outside storage** permitted subject to the following:
  - a) Permitted in the rear and **interior side yard**;
  - b) Only merchandise offered for sale is permitted in the **front yard** and **exterior side yard**; and
  - c) Shall be accessory to a permitted **use**.
- (3) Except that where the **interior side yard** abuts a **Residential Zone**, 4.5 metres is **required**. Where any portion of the **height** of a **building** is greater than 15 metres and abuts a R1 or R2 **Zone**, that portion of the **building** shall be **setback** from the R1 or R2 **Zone** a minimum distance of the **height** of the **building**
- (4) Except that where the **rear yard** abuts a **Residential Zone** 12 metres is **required**. Where any portion of the **height** of a **building** is greater than 15 metres and abuts a R1 **Zone**, that portion of the **building** shall be **setback** from the R1 **Zone** a minimum distance of the **height** of the **building**.
- (5) Except that the maximum height adjacent to a **Residential Zone** shall be 12.5 metres.
- (6) Maximum **building height** is 24 metres for **motel/hotel**, 21 metres for all other permitted uses in Table 7.2.
- (7) No exterior walls that face a **street** or are exposed to public view from a **street**, or constitute the principal point of public entry shall be constructed of blank walls.
- (8) For lands identified in Schedule A1 – Figure 1, the Maximum building height shall as shown on the 'Height Overlay'.

#### 7.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

##### 7.4.1 GC-29 (PRUDHOMMES LANDING)

Notwithstanding the provisions of the General Commercial Zone or any other provision contained herein to the contrary, the following shall apply to the lands zoned GC-29 on Schedule 'A4':

##### 7.4.1.1 DEFINITION

- (a) URBAN SQUARE means a publicly accessible, mainly hardscaped open space area located at grade.

**COMMERCIAL AND MIXED USE ZONES****7.4.1.2      PERMITTED USES**

- (a) Accessory apartment dwelling units, including ancillary residential uses, in conjunction with one or more of the permitted uses (dwelling units permitted above the ground floor only)
- (b) Animal hospital excluding outside pens
- (c) Automotive Rental Establishment
- (d) Banquet and/or Convention Centre
- (e) Clinic
- (f) Commercial or private club
- (g) Commercial school
- (h) Community centre
- (i) Convenience store
- (j) Car wash and gas bar (adjacent to North Service Road only)
- (k) Culinary school
- (l) Daycare centre
- (m) Drive-thru facility (adjacent to North Service Road only)
- (n) Eating establishment including seasonal outdoor patio use
- (o) Financial use
- (p) Firehall
- (q) Hotels
- (r) Institutional uses
- (s) Office use
- (t) Parking Garage
- (u) Personal service use
- (v) Place of entertainment
- (w) Post office
- (x) Recreation use
- (y) Retail use
- (z) Supermarket
- (aa) Tourism centre and/or welcome centre

**7.4.1.3      PROVISIONS**

## COMMERCIAL AND MIXED USE ZONES

- (a) Maximum Gross Leasable Floor Area per Premise for Commercial Uses - 4,645 square metres per premise
- (b) Maximum Density - 275 units per hectare
- (2) Car Wash and Gas Bar Use and Drive-Thru Facility Use - Shall be located adjacent to the North Service Road frontage with a minimum building separation distance of 25 metres from any collector road and any residential building
- (a) Place of Entertainment and Outdoor Patio Use - Shall be located with a minimum separation distance of 35 metres from any residential building in an RM1 Zone
- (b) Outside Storage - Outside storage is prohibited, unless:
  - (i) Screened from view from any street or abutting Prestige Industrial Zone;
  - (ii) Not located in required front yard and/or exterior side yard; and
  - (iii) Accessory to a permitted use
- (c) Minimum Lot Area - 1,000 square metres, where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations
- (d) Minimum Lot Frontage - 20 metres

## COMMERCIAL AND MIXED USE ZONES

- |                               |   |
|-------------------------------|---|
| (e) Minimum Building Height   | <ul style="list-style-type: none"> <li>- 3 storeys and 10.5 metres, with a minimum ground floor height of 3.65 metres<br/>Notwithstanding the minimum building height:               <ul style="list-style-type: none"> <li>(i) Two buildings that are one storey shall be permitted in the GC-29 Zone and shall be located adjacent to the North Service Road frontage with a minimum separation distance of 25 metres from any collector road; and</li> <li>(i) One additional building that is one storey shall be permitted in the GC-29 Zone for the purposes of a free-standing supermarket only</li> </ul> </li> </ul> |
| (f) Maximum Building Height   | <ul style="list-style-type: none"> <li>- 6 storeys up to 22.5 metres<br/>Notwithstanding the maximum building height, the façade of the building facing a public street shall include a stepback of a minimum of 2.0 metres above the 3<sup>rd</sup> storey</li> <li>- The number of building storeys permitted shall be in addition to any storey that has a minimum 80% gross floor area used for parking facilities including stairs, elevators, mechanical facilities, bicycle parking, and locker storage areas</li> </ul>   |
| (g) Minimum Yard Requirements | <ul style="list-style-type: none"> <li>(i) Yard Setback Abutting a Public Street               <ul style="list-style-type: none"> <li>- 3.0 metres, except where the yard abuts North Service Road, the minimum yard setback shall be 14.0 metres</li> </ul> </li> <li>(ii) Interior Side Yard               <ul style="list-style-type: none"> <li>- 3.0 metres</li> </ul> </li> </ul>   |

## COMMERCIAL AND MIXED USE ZONES

- (h) Minimum Landscaped Open Space - 20%
- (i) Minimum width of a Planting Strip Adjacent to North Service Road - 4.5 metres
- (j) Minimum Amenity Area Required for a Mixed Use Development - 4 square metres per dwelling unit
- (k) Minimum of 40% of the length of the front and exterior side lot line shall be occupied by a main wall within the first 9.0 metres depth of the lot line abutting a collector road. This requirement excludes any lot line occupied by an urban square.
- (l) Minimum Parking Requirements
  - Dwelling Units - 1.0 spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit
  - All Other Uses - In accordance with the provisions of Section 7
- (m) Minimum Bicycle Parking Requirements - 1 short-term bicycle parking space for each 1,000 square metres of gross floor area used for Commercial Use, up to a maximum of 20 bicycle parking spaces per lot. Short-term bicycle parking spaces shall be located within a bicycle parking area at grade
  - .15 long-term bicycle parking spaces per dwelling unit. Long-term bicycle parking spaces shall be for the use of occupants of a building and shall be located in a secure enclosed bicycle parking area

## COMMERCIAL AND MIXED USE ZONES

- (n) Location of Surface Parking
- Must be screened from view from any public street
  - Minimum setback of 10.0 metres adjacent to a collector road. Notwithstanding the minimum setback, surface parking is permitted to occupy a maximum of 20% of the cumulative length of the lot line facing any collector road
- (o) A minimum of 40% of the building façade on the ground floor, and 25% of the building façade for floors above the ground floor, that is oriented toward a public street shall be occupied by glazing, doors, and or green wall.”

## 7.4.2 GC-31 (BEACON)

Notwithstanding the provisions of the General Commercial Zone, the lands indicated as GC-31 on Schedule 'A' may only be used for the following uses:

- Artisan Shop
- Automotive Use
- Casino
- Eating Establishment
- Farm produce outlet
- Garden Centre
- Hotel
- Marina
- Parking Lot
- Place of Entertainment
- Private clubs accessory to a permitted use
- Recreational use
- Retail Use
- Accessory single detached dwelling

In addition, the lands are located within the 100 Year Erosion Limit of Lake Ontario and therefore the Niagara Peninsula Conservation Authority will determine the required setback from Lake Ontario.

## 7.4.3 OC-1 (PRUDHOMMES LANDING)

Notwithstanding the provisions of the Office Commercial Zone or any other provision

**COMMERCIAL AND MIXED USE ZONES**

contained herein to the contrary, the following shall apply to the lands zoned OC-1 on Schedule 'A4':

**7.4.3.1 PERMITTED USES**

- (a) Banquet and/or convention centre
- (b) Clinic
- (c) Commercial school
- (d) Community Facilities/Centre
- (e) Culinary school
- (f) Daycare Centre
- (g) Financial Use
- (h) Firehall
- (i) Government services
- (j) Hotels
- (k) Office use
- (l) Personal service use, accessory to a permitted use
- (m) Post office
- (n) School
- (o) Recreation use, accessory to a permitted use
- (p) Research and development centre
- (q) Retail use, accessory to a permitted use
- (r) Tourist centre and/or welcome centre

**7.4.3.3 PROVISIONS**

Notwithstanding Subsection 7.3 Zone Regulations of the Office Commercial (OC) Zone, those lands as indicated as OC-1 on Schedule 'A4' shall also be subject to the following provisions:

- |                             |   |   |
|-----------------------------|---|---|
| (a) Accessory Uses          | - | Shall occupy a maximum of 20% of the total floor area of each building within which any accessory use is located                |
| (2) Minimum Lot Frontage    | - | 20 metres   |
| (p) Minimum Lot Area        | - | 1000 square metres  |
| (q) Minimum Building Height | - | 2 storeys and 7.0 metres  |
| (r) Maximum Building Height | - | 6 storeys up to 25 metres. Notwithstanding the maximum building height, the façade of the building facing a public street shall |



## COMMERCIAL AND MIXED USE ZONES

- include a stepback of a minimum of 2.0 metres above the 3<sup>rd</sup> storey
- (s) Minimum Landscaped Open Space - 20%
  - (t) Minimum Yard Setback Requirements
    - (i) Yard Abutting A Public Street - 1.0 metres
    - (ii) Interior Side and Rear Yard - 10 metres
  - (u) Maximum Yard Setback Abutting A Public Street - 6.0 metres
  - (v) Minimum Width of a Planting Strip Adjacent to a Residential Zone - 3.0 metres
  - (w) Parking - In accordance with the provisions of Section 7
  - (x) Minimum Bicycle Parking Requirement - 1 short-term bicycle parking space for each 1,000 square metres of building gross floor area, up to a maximum of 20 bicycle parking spaces per lot. Short-term bicycle parking spaces shall be located within a bicycle parking area at grade
  - (y) Location of Surface Parking
    - Must be screened from view from any public street and Residential Zone
    - Minimum setback of 10.0 metres adjacent to a collector road"

## 7.4.4 OC-2 (PRUDHOMMES LANDING)

Notwithstanding the provisions of the Office Commercial Zone, the regulations of

## COMMERCIAL AND MIXED USE ZONES

Subsection 7.4.3 (OC-1) shall apply to the lands indicated as OC-2 on Schedule 'A4', with the exception of the following:

- |  |  |
|--|--|
| (a) Maximum Building Height  | 15 storeys to a maximum of 52.5 metres.  |
| (b) Maximum Yard Setback Abutting a Public Street                  | 12.0 metres, except where the yard abuts North Service Road, the maximum yard setback shall be 20.0 metres |
| (c) Minimum Yard Setback adjacent to North Service Road            | 14.0 metres  |
| (d) Minimum Width of Planting Strip Adjacent to North Service Road | 4.5 metres   |

#### 7.4.5 OC-3 (VEHICLE FUELING STATION) Roll # 010-002-13300

Notwithstanding the provisions of the Industrial Zone, the lands indicated as OC-3 on Schedule 'A1' shall only be used for the following uses:

- (a) Clinic
- (b) Convenience Store
- (c) Eating Establishment, Take Out
- (d) Financial Use
- (e) Office Use
- (f) Printing and/or Publishing Establishment
- (g) Warehouse
- (h) Wholesale Use
- (i) Vehicle Fueling Station
- (j) Vehicle Wash Establishment
- (k) Veterinary Clinic

Notwithstanding the provisions of the Prestige Industrial Zone, the lands indicated as OC-3 on Schedule 'A1' shall be subject to the following provisions:

- |                               |                  |
|-------------------------------|------------------|
| a) Minimum Interior Side Yard | - 5.4 metres     |
| b) Outside Storage            | - None permitted |

## COMMERCIAL AND MIXED USE ZONES

- c) Minimum Floor Area - 260 square metres

7.4.6 OC-4 (TRUCK STOP) Roll #'s 010-002-13503, 010-002-13505, 010-002-13506

Notwithstanding the provisions of the Office Commercial Zone, in addition to the uses permitted in the Office Commercial Zone, the lands indicated as OC-4 on Schedule 'A1' may also be used for a truck stop having a maximum gross floor area of 140 square metres.

7.4.7 OC-5 (OUTSIDE STORAGE) Roll #'s 010-002-13532, 010-002-13533, 010-002-13534, 010-002-15802, 010-002-18101, 010-002-25201

Notwithstanding the provisions of the Office Commercial Zone, the lands indicated as OC-5 on Schedule 'A1' shall be subject to the following provisions:

- a) Outside storage shall be permitted in the interior side yard and rear yard
- b) In no case shall outside storage be located closer than 25 metres from the QEW South Service Road
- c) Outside storage is to be fully screened from view from adjacent streets by means of fencing and/or landscaping features.

7.4.8 OC-6 (WEIGH STATION) Roll # 010-002-13520

Notwithstanding the provisions of the Office Commercial Zone, in addition to the uses permitted in the Office Commercial Zone, the lands indicated as OC-6 on Schedule 'A1' may also be used for a truck weigh scale station.

## SECTION 8 - INDUSTRIAL ZONES

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the Industrial **Zones** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

### 8.1 List of Applicable Zones

Industrial Zones	
ZONE	SYMBOL
Industrial Zone	IN
Industrial Extractive Zone	EI

### 8.2 Permitted Uses

**Uses** permitted in the Industrial **Zones** are identified with a “•” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 8.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 8.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 8.2 – Permitted Uses**

<i>Uses</i>	IN	EI
Adult entertainment	•	
Agricultural use		•
Automotive use	•	
Banquet hall	•	
Building supply and service	•	
Commercial School	•	
Concrete batching or asphalt plant		•
Conservation use		•
Contractor's yard	•	
Equipment sales and rental establishment	•	
Extractive use		•
Farm service and supply establishment	•	•
Industrial repair garage	•	
Manufacturing	•	

<b>Uses</b>	<b>IN</b>	<b>EI</b>
<b>Merchandise rental use</b>	•	
<b>Office use</b>	E	
<b>Outside storage</b>	E	
<b>Parking area</b>	•	
<b>Personal service use</b>	•	
<b>Place of entertainment</b>	•	
<b>Printing and/or publishing establishment</b>	•	
<b>Public transportation depot</b>	•	
<b>Research centre</b>	•	
<b>Retail Use</b>	E	
<b>Service or repair use</b>	•	
<b>Shipping or distribution use</b>	•	
<b>Special trade contractor</b>	•	
<b>Swimming pool sales and service outlet</b>	•	
<b>Truck transport terminal</b>	•	
<b>Vehicle body shop</b>	•	
<b>Veterinary Clinic</b>	•	
<b>Warehouse or storage use</b>	•	
<b>Wholesale use</b>	•	

### 8.3 Zone Regulations

The following **zone** regulations identified in Table 8.2 shall apply to the respective Industrial **Zones**.

**Table 8.3 – Regulations for the Industrial Zones**

<b>Zone Regulations</b>	<b>IN</b>	<b>EI</b>
<b>Minimum Lot Area</b>	3,000 sq. m.	9 ha
<b>Minimum Lot Frontage</b>	30 m	150 m
<b>Minimum Front Yard</b>	6 m	30 m
<b>Minimum Interior Side Yard</b>	4 m, except that where the <b>interior side yard</b> abuts a <b>Residential Zone</b> , 15 m is <b>required</b> , and except that where the <b>interior side yard</b> abuts a railway right-	30 m

<b>Zone Regulations</b>	<b>IN</b>	<b>EI</b>
	of-way, 7.5 m is <b>required</b>	
Minimum <b>Exterior Side Yard</b>	6 m	30 m
Minimum <b>Interior Side Yard</b> or <b>Rear Yard</b> Abutting a Railway Siding Serving the Property, or a Hydro Right-of-Way	0 m	N/A
Minimum <b>Rear Yard</b>	7.5 m, except that where the <b>rear yard</b> abuts a <b>Residential</b> or <b>Agricultural Zone</b> , 15 m is <b>required</b> .	30 m
Maximum <b>Lot Coverage</b>	75%	N/A
Maximum <b>Building Height</b>	21 m	N/A
Minimum <b>Landscaped Open Space</b>	10%	N/A
<b>Outside Storage</b>	See (1)	See (2)
Minimum <b>Floor Area</b>	380 sq. m.	N/A
<b>Retail Use Area</b>	maximum of 10% of the <b>ground floor area</b> or 200 sq m, whichever is the greater	N/A
Other	N/A	N/A

## Notes:

- (1) Outside operations and storage of goods and materials including refuse containers are not permitted within 9 metres of a **Residential Zone**. Outside operations and storage of goods and materials including refuse containers shall be permitted in the **rear yard** and in the case of a **corner lot**, not within the **required exterior side yard setback**. Outside operations and the storage of goods and materials including refuse containers is prohibited in any **yard** which abuts the QEW and the QEW Service Roads. Outside operations and the storage of goods and materials, including refuse materials are to be fully screened from the view of adjacent **streets** by means of **fencing** and/or landscaping features.
- (2) **Outside Storage** of goods and materials shall not be permitted within 90 metres of any **residential dwelling existing** at the time the license or permit was issued.

## 8.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

### 8.4.8 IN-8 (MOYER DIEBEL) Roll # 030-008-30000

Notwithstanding the provisions of the Industrial Zone, the lands indicated as IN-8 on Schedule 'A' shall not be used for any manufacturing use that requires water in its operation, and shall be subject to the following provisions:

- a) Minimum Yard Abutting a Street - 10.7 metres
- b) Parking Location - 1 metres from streetline.

### 8.4.9 IN-9 (AVONDALE CORPORATE OFFICES) Roll # 030-003-30200

Notwithstanding the provisions of the Industrial Zone, the lands indicated as IN-9 on Schedule 'A' shall not be used for any manufacturing use that requires water in its operation.

### 8.4.13 IN-13 (CHEESE MANUFACTURING FACILITY)

Notwithstanding the provisions of the Industrial Zone, the lands indicated as IN-13 on Schedule 'A7' shall only be used for a cheese manufacturing facility and the retail sale of cheese products and shall be subject to the following provisions:

- a) Minimum Northerly Side Yard Setback - 20 metres
- b) Minimum Floor Area - 275 square metres.

### 8.4.14 IN-14

Notwithstanding the provisions of the Industrial Zone, the lands indicated as IN-14 on Schedule 'A7' may only be used for the following uses:

- a) Auction centre
- b) Automotive use
- c) Banquet and/or convention centre
- d) Commercial school
- e) Eating establishment
- f) Equipment sales and rental establishment

- g) Farm service and rental establishment
- h) Financial use
- i) Household furnishing establishment
- j) Manufacturing
- k) Merchandise rental use
- l) Motel/hotel
- m) Office use
- n) Personal service use
- o) Place of entertainment
- p) Research centre
- q) Retail use accessory to a permitted use
- r) Service or repair use
- s) Veterinary Clinic
- t) Warehouse
- u) Wholesale use

8.4.15 IN-15 (OUTSIDE STORAGE) Roll #'s 010-002-13532, 010-002-13533, 010-002-13534, 010-002-15802, 010-002-18101, 010-002-25201

Notwithstanding the provisions of the Industrial Zone, the lands indicated as IN-15 on Schedule 'A1' shall be subject to the following provisions:

- a) Outside storage shall be permitted in the interior side yard and rear yard
- b) In no case shall outside storage be located closer than 25 metres from the QEW South Service Road
- c) Outside storage is to be fully screened from view from adjacent streets by means of fencing and/or landscaping features.



## OPEN SPACE AND ENVIRONMENTAL CONSERVATION ZONES

## SECTION 9 – INSTITUTIONAL ZONE

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the Institutional **Zone** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

## 9.1 List of Applicable Zones

Institutional Zone	
ZONE	SYMBOL
Institutional Zone	I

## 9.2 Permitted Uses

**Uses** permitted in the Institutional **Zone** are identified with a “●” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 9.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted **use**. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 9.3 and the General Provisions provided in Section 3.0, where applicable.

Table 9.2 – Permitted Uses

<i>Uses</i>	I
Cemetery	●
Clinic within an institutional use	●
Conservation use	●
Daycare centre	●
Institutional	●

## OPEN SPACE AND ENVIRONMENTAL CONSERVATION ZONES

## 9.3 Zone Regulations

The following **zone** regulations identified in Table 9.3 shall apply to the respective Institutional **Zone**.

Table 9.3 – Zone Regulations

<b>Zone Regulations</b>	<b>I</b>	
	<b>With Municipal Services</b>	<b>Without Municipal Services</b>
Minimum <b>Lot Area</b>	2,000 sq m	4,000 m <sup>2</sup>
Minimum <b>Lot Frontage</b>	20 m	30 m
Minimum <b>Front Yard</b>	6 m	9 m
Minimum <b>Interior Side Yard</b>	6 m	9 m
Minimum <b>Exterior Side Yard</b>	6 m	9 m
Minimum <b>Rear Yard</b>	7.5 m	12 m
Maximum <b>Lot Coverage</b>	50 %	20 %
Maximum <b>Building Height</b>	12.5 m	12.5 m
Minimum <b>Landscaped Open Space</b>	20 %	20 %

## 9.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

## SECTION 10 – OPEN SPACE AND ENVIRONMENTAL CONSERVATION ZONES

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the Open Space and Environmental **Zones** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

## 10.1 List of Applicable Zones

<b>Open Space and Environmental Conservation Zones</b>	
<b>ZONE</b>	<b>SYMBOL</b>
Open Space Zone	OS
Environmental Conservation Zone	EC

## OPEN SPACE AND ENVIRONMENTAL CONSERVATION ZONES

## 10.2 Permitted Uses

**Uses** permitted in the Open Space and Environmental Conservation **Zones** are identified with a “•” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 10.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted **use**. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 10.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 10.2 – Permitted Uses**

<b>Uses</b>	<b>OS</b>	<b>EC</b>
<b>Boat houses</b> and docks		<b>A</b>
<b>Cemetery</b>	•	
<b>Conservation Use</b>	•	•
<b>Existing</b> agriculture, save and except any <b>buildings</b>		<b>E</b>
<b>Existing buildings</b> and <b>structures</b>		<b>E</b>
<b>Park</b>	•	

## 10.3 Zone Regulations

The following **zone** regulations identified in Table 10.3 shall apply to the respective Open Space and Environmental Conservation **Zones**.

**Table 10.3 – Zone Regulations**

<b>Zone Regulations</b>	<b>OS</b>	<b>EC</b>
Minimum <b>Lot Area</b>	N/A	N/A
Minimum <b>Lot Frontage</b>	N/A	N/A
Minimum <b>Front Yard</b>	6 m <b>(1)</b>	N/A
Minimum <b>Interior Side Yard</b>	6 m	N/A
Minimum <b>Exterior Side Yard</b>	6 m <b>(1)</b>	N/A
Minimum <b>Rear Yard</b>	15 m	N/A
Maximum <b>Lot Coverage</b>	10%	N/A
Maximum <b>Building Height</b>	11 m	N/A
Minimum <b>Setback</b> from all Property Lines for Boathouses and Docks.	N/A	1.2 m

## OPEN SPACE AND ENVIRONMENTAL CONSERVATION ZONES

Notes:

- (1) Except that where municipal **sanitary sewers** are not available 9 metres is **required**.

#### 10.4 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

## SECTION 11 – FUTURE DEVELOPMENT ZONE

No land shall be **used**, no **buildings** or **structures** shall be **erected** and no **lot** shall be **altered** in the **Future Development Zones** except in accordance with the applicable General Provisions (Section 3.0) and Parking and Loading Requirements (Section 4.0) and the following:

### 11.1 List of Applicable Zones

Future Development Zones	
ZONE	SYMBOL
Future Development Zone	FD

### 11.2 Permitted Uses

**Uses** permitted in the **Future Development Zones** are identified with a “•” in the column applicable to that **zone** and corresponding with the row for a specific permitted **use** in Table 11.2 – Permitted **Uses**. Where an “E” is identified in the column, only **uses** which legally existed on the date of passing of this By-law shall be permitted. Where the letter “A” is identified, the use is only permitted as accessory to another permitted use. All permitted **uses** shall be subject to the applicable **zone** regulations provided in Section 11.3 and the General Provisions provided in Section 3.0, where applicable.

**Table 11.1 – Permitted Uses**

Uses	FD
Any uses, buildings and structures legally existing at the date of adoption of this By-law, including home occupation and accessory uses	•

### 11.2 Zone Exceptions

(NOTE: EXISTING ZONE EXCEPTIONS TO BE INCORPORATED AND SEQUENCED IN THE FINAL VERSION FOR ADOPTION)

#### 11.2.1 FD-1

In addition to the provisions of the Future Development Zone, those lands indicated as FD-1 on Schedule “A” may expand the existing buildings and structures legally existing

**FUTURE DEVELOPMENT ZONES**

at the date of the adoption of this By-Law, subject to the Zone Regulations in Section 8.3 of this By-Law.

## SECTION 11 – EFFECTIVE DATE

### 11.1 By-laws Repealed

All existing Zoning By-laws adopted under the Planning Act, as amended, as they apply to any part of the defined area, are hereby repealed.

### 11.2 Effective Date

The By-law shall come into force on the date of its final passing.

READ A FIRST TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,

READ A SECOND TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,

READ A THIRD TIME AND FINALLY PASSED ON THE

\_\_\_\_\_ DAY OF \_\_\_\_\_,

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk