

CITY OF THOROLD COMPREHENSIVE ZONING BY-LAW

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- * Building Height Definitions
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- A - Urban Area Boundary Map

THE CORPORATION OF THE CITY OF THOROLD BY-LAW NUMBER 2140 (97)

BEING A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE CITY OF THOROLD;

WHEREAS, THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, PROVIDES THAT THE COUNCIL OF A LOCAL MUNICIPALITY MAY PASS BY-LAWS FOR PROHIBITING THE USE OF LAND AND FOR PROHIBITING THE ERECTION, LOCATION OR USE OF BUILDINGS AND STRUCTURES FOR OR EXCEPT FOR SUCH PURPOSES AS MAY BE SET OUT IN THE BY-LAW AND FOR REGULATING THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD HEREBY ENACTS AS FOLLOWS:

SECTION 1: TITLE, DEFINED AREA AND INTERPRETATION

1.1 Title

This By-law shall be known as The Zoning By-Law of the Corporation of the City of Thorold.

1.2 Defined Area

This By-law applies to all lands within the boundaries of the Corporation of the City of Thorold, except lands subject to the Niagara Escarpment Planning and Development Act and regulations thereto. These lands are identified as areas of Development Control on the zoning schedules. Within these areas, the Niagara Escarpment Development Control regulations determine the development provisions and land use restrictions. These regulations shall be adhered to prior to the commencement of any development.

1.3 Interpretation

For the purpose of this By-law, the definitions and interpretations given herein shall govern.

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements that are adopted for the promotion of public health, safety, convenience or general welfare, except when expressly stated otherwise.

Every use, building and structure in the defined area shall conform to the relevant zone provisions and any other relevant applicable provision or requirement contained herein.

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SECTION 2: DEFINITIONS

In this By-law:

All words and phrases contained herein shall carry their customary meaning, with the exception that the following words and phrases shall be defined as indicated:

- 2.1 ABATTOIR: means a building, structure or lot or part thereof used for the slaughter of livestock, poultry or other animals for the purpose of processing or rendering.
- 2.2 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.
- 2.3 ACCESSORY USE: means a use customarily incidental, subordinate and exclusively devoted to a principal use, located on the same lot therewith.
- 2.4 ADDITION OR EXTENSION TO AN EXISTING BUILDING OR STRUCTURE: means any expansion or increase in size of a building or structure as defined herein.
- 2.5 ADULT ENTERTAINMENT PARLOUR: means any premises or part thereof in which is provided, in pursuance of trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations (hereafter called Adult Entertainment Services); and for the purpose of this definition:
 - (a) to provide when used in relation to services includes to furnish, perform, solicit or give such services in pursuance of a trade, calling, business or occupation and providing provision have corresponding meanings;
 - (b) services: includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include the exhibition of film approved under the Theatres Act;
 - (c) services designed to appeal to erotic or sexual appetites or inclinations includes,
 - (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - (ii) services in respect to which the word nude, naked, topless, bottomless, sexy or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement;
- 2.6 AGRICULTURE: means the use of land, buildings or structures for farm purposes and without limiting the generality of the foregoing may include apiary; aviary, berry or bush crops; commercial greenhouses; breeding and raising or training of horses, cattle, pigs, sheep or goat dairying; egg production; fish farming; growing of field crops and flowers; market gardening, raising and marketing of poultry or other fowl and livestock (as defined in the Agricultural Code of Practice) mushroom farm, tree or shrub nursery; orchard; sod farm; vineyard; forestry; but shall not include vermiculture.
- 2.7 AGRICULTURAL CODE: means the minimum distance separation formulae as referenced in the Provincial Policy Statement, February 1997.

- 2.8 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.
- 2.9 ALTER: when used in reference to: 1) 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 or decrease in the area or cubic contents of a building or structure. 2) a lot, 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.
- 2.10 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.
- 2.11 AMUSEMENT MACHINE: means any mechanical or electronic machine or device, or a pool or billiard table, intended for use as a game, entertainment or amusement offered for use to the public by any person for profit or gain and shall include a pinball machine, television game, shooting gallery or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, or money or tokens, but shall not include any machine used only for the purpose of vending merchandise or services or playing recorded music.
- 2.12 AMUSEMENT PARK: means a commercial establishment or portion thereof where facilities are provided for entertainment or where exhibits are displayed and includes recreational uses, arcade, a bowling alley, a billiards parlour, a go cart track, a theme park, a miniature golf course, a water sports park, banquet halls, an antique market, souvenir shops and theatres.
- 2.13 ANCILLARY BUILDING OR STRUCTURE: means a detached building or structure not used for human habitation, but used to house an ancillary use.
- 2.14 ANCILLARY USE: means an activity which is supportive to and necessary for the continuation of the principal use, located on the same lot therewith.
- 2.15 ANIMAL HOSPITAL: means a building or portion thereof used by veterinarians primarily for the purpose of consultation, diagnosis and treatment of small domestic animals, birds, household pets, livestock and farm animals, but shall not include long-term boarding facilities for animals. The term Veterinary Clinic shall have a corresponding meaning.
- 2.16 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.
- 2.17 ANTIQUE SHOP: any building used for the sale of any old and authentic objects of personal property which were made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or

manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value, but does not include a pawn shop.

- 2.18 **APARTMENT BUILDING:** means a building or part thereof containing at least five (5) or more separate dwelling units, all of which have a common entrance from grade and each of which has an independent entrance from a common corridor, but excluding any dwelling otherwise defined in this by-law.
- 2.19 **ARCADE:** means a building or portion thereof where more than three amusement machines are offered for use to the public for profit or gain, other than a licenced premise pursuant to the Liquor Licence Act.
- 2.20 **ARENA:** means a building or structure or portion thereof where facilities are provided primarily for athletic or recreational events.
- 2.21 **ART GALLERY:** means a building, place or area where paintings, sculptures or other works of art are exhibited or sold and shall include a museum.
- 2.22 **ARTISAN SHOP:** means a building or portion thereof used by an artist for the creation, refurbishing, reproduction, display and sale of fine arts, crafts, photography and antiques including furniture but does not include any manufacturing use, custom workshop, or flea market.
- 2.23 **ASPHALT/CONCRETE RECYCLING FACILITY:** means the locating or storing of used concrete and/or asphalt products, including crushing and sorting.
- 2.24 **ASPHALT/CONCRETE BATCHING PLANT:** means the use of land, buildings or structures for the purpose of the manufacturing of asphalt and/or concrete or products or objects made therefrom.
- 2.25 **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 Hall, Club or Place of Worship, as defined herein.
- 2.26 **AUCTIONEERING ESTABLISHMENT:** means a building or structure or portion thereof where goods are sold to the highest bidder. An Auctioneer Establishment shall not include the sale of livestock.
- 2.27 **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.
- 2.28 **AUTOMOBILE 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.

- 2.29 AUTOMOBILE RECYCLING FACILITY: means the use of land, buildings or structures or portion thereof where goods, wares, merchandise, articles or things are dismantled and/or sorted for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, scrap metal yard and motor vehicle wrecking yard or premises.
- 2.30 AUTOMOBILE SERVICE AND REPAIR ESTABLISHMENT: means a building, or portion thereof, where mechanical repairs and servicing of motor 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 a Vehicle Body Shop, as defined herein.
- 2.31 AUTOMOBILE SERVICE STATION: means a place used primarily for the retail sale of motor vehicle fuels and lubricants and may include one or more of the following motor vehicle services:
- (a) lubrication;
 - (b) tire inflation, repair and replacement;
 - (c) minor repairs essential to actual operation; and
 - (d) retail sale and installation of accessories; and includes a gasoline bar.
- 2.32 AUTOMOBILE WASHING ESTABLISHMENT: means a place used primarily for the washing and/or cleaning of motor vehicles.
- 2.33 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 but does not include an eating establishment or other premises where such product is made for the consumption on the premises or a Bakeshop, as defined herein.
- 2.34 BAKESHOP: means a building or portion thereof where products of a bakery are offered and kept for retail sale, including incidental baking.
- 2.35 BALCONY: means a platform that projects from the wall of a building not more than 1.8 metres and is accessible from inside such building by means of a door.
- 2.36 BANQUET HALL AND/OR CONVENTION CENTRE means a building or portion thereof used for the gathering together of groups of people for a specific purpose including the consumption of food and drink and where full kitchen facilities are provided on the same premises.
- 2.37 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, above the adjacent average finished grade level adjacent to the exterior walls of the building. (See illustrations located after Schedules).
- 2.38 BED AND BREAKFAST ESTABLISHMENT: means a single detached dwelling which is the principal residence of the proprietor and which provides sleeping accommodation for the travelling public, to a maximum of three guest rooms and may include the provision of breakfast, but shall not include a Hotel/Motel, as defined herein.

- 2.39 BERM: means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.
- 2.40 BILLIARD HALL: means a building wherein three or more pool tables may be located.
- 2.41 BINGO ESTABLISHMENT: means any premises or part thereof which is primarily used for a specific game of chance, commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.
- 2.42 BUFFERING: means a visual barrier consisting of:
- (a) a stone or board fence having a height not less than 1.5 metres and not exceeding 1.8 metres;
 - (b) a hedge or line of shrubs and/or trees having a height of 1.5 metres or greater;
 - (c) a combination of (a) and (b)
- the purpose of which is to obscure the view between adjoining lots and having different uses.
- 2.43 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.
- 2.44 BUILDING CODE: means building code as defined in the Building Code Act.
- 2.45 BUILDING HEIGHT: means the vertical distance between grade at the centre of the front entrance to a building and
- (a) the highest point of the roof surface or parapet of a flat roof, whichever is greater;
 - (b) the deck roof line of a mansard roof; or
 - (c) the average height between the eaves and the ridges of a gable, cottage or gambrel roof.
- 2.46 BUILDING INSPECTOR: means the Chief Building Official of the Corporation and any other person appointed by the Council to enforce the provisions of this by-law.
- 2.47 BUILDING MATERIALS ESTABLISHMENT: means a commercial use, the principal function of which 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.
- 2.48 BUILDING, PRINCIPAL OR MAIN: means the building in which is carried out, the principal purpose for which the lot is used.
- 2.49 BY-LAW ENFORCEMENT OFFICER: means a person, appointed by Council, charged with the duty of enforcing this By-law.

- 2.50 CARPENTRY SHOP: means a building or structure or part thereof where manufacturing of wood product is preformed by tradesmen requiring manual or mechanical skills.
- 2.51 CARPORT: means a partially enclosed structure with a roof for the storage of one or more private motor vehicles. A carport attached to a main building shall be deemed part of the main building and not accessory thereto.
- 2.52 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.
- 2.53 CELLAR: means that portion of a building between two floor levels which is partly or wholly underground, but which has one-half or more of its height, from finished floor to finished ceiling, below the adjacent averaged finished grade level adjacent to the exterior walls of the building. (See illustrations located after Schedules).
- 2.54 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, mausoleum, and crematorium.
- 2.55 CHARITABLE ORGANIZATION: means an organization registered as a charitable organization or charitable foundation under the Income Tax Act (Canada).
- 2.56 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 Ontario Building Code Act, as amended, or any successor thereto, together with any regulations thereunder.
- 2.57 CINEMA/THEATRE: means a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.
- 2.58 CLINIC: means a building or portion thereof used by health care professionals, their staff and their patients for the purposes of consultation, diagnosis and office treatment, but excluding a hospital.
- 2.59 CLINIC, VETERINARY: means a building or portion thereof used by veterinarians primarily for the purpose of consultation, diagnosis and treatment of small domestic animals, birds, household pets, livestock and farm animals, but shall not include long-term boarding facilities for animals. The term Veterinary Clinic shall have a corresponding meaning.
- 2.60 CLUB, PRIVATE OR PUBLIC: means a building or portion thereof where social, athletic or recreational activities are carried out solely by a private organization for its members.
- 2.61 COMMERCIAL MOTOR VEHICLE: means a commercial motor vehicle, as defined in the Highway Traffic Act, having a registered gross weight in excess of three thousand five hundred kilograms (3,500 kg).
- 2.62 COMMERCIAL RECREATION ESTABLISHMENT: means a privately owned sports or recreation establishment operated for use by private members and/or the general public for compensation and includes such uses as a pool room, bowling alley, ice or roller rink, dance hall or bingo hall.

- 2.63 COMMITTEE OF ADJUSTMENT: means the Committee of Adjustment of the Corporation, established in accordance with the Planning Act.
- 2.64 COMMUNICATION TOWER: means a structure that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications such as a contractor's yard.
- 2.65 CONSERVATION: means the use of land and/or water for the maintenance and enhancement of an areas significant natural features and ecological functions and excludes the construction, erection or placing of a building or structure and activities such as site grading, excavation, removal of top soil and the placing and dumping of fill.
- 2.66 CONSTRUCTION TRADES ESTABLISHMENT: means the wholesale or retail sale of construction trade products and supplies and including uses such as building and landscaping supply yards, equipment and materials storage and tradesmen's shops and accessory office uses.
- 2.67 CONTAMINANT: means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.
- 2.68 CONTRACTORS YARD AND/OR SHOP: 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.
- 2.69 CONVENIENCE STORE: means a building or portion thereof where a variety of household products, meats, baked goods, medicines, flowers and grocery items which are offered for sale to serve the day to day needs of the residents of the immediate neighbourhood and may include a video outlet but shall not include any Automotive Use, as defined herein.
- 2.70 CONVENTION CENTRE: means a building or buildings used for the formal or informal assembly of people.
- 2.71 CORNER LOT: means a lot which abuts the point of intersection of two (2) street lines of the same street or different streets, where the angle of intersection does not exceed one hundred thirty-five degrees (135). For purposes of the foregoing definition, where there is a curve instead of a point of intersection:
- (a) the angle of intersection shall be deemed to be the angle formed by the intersection of the tangents through the ends of the curve, or through the interior lot lines, or through a combination thereof, as the case may require;
 - (b) the point of intersection shall be deemed to be that point on the street line nearest to the angle of intersection.
- 2.72 CORPORATION: means the Corporation of the City of Thorold.
- 2.73 COUNCIL: means the Council of the Corporation of the City of Thorold.
- 2.74 COUNTRY INN: means a building or portion thereof in which persons are harbored, received or lodged for hire having more than three (3) rentable rooms and licenced by the Ministry of

Economic Development and Trade but does not include a Bed and Breakfast Establishment, hotel/motel, hospital, nursing home or similar institution as defined in this by-law. A Country Inn shall require a site-specific zoning by-law amendment to be permitted.

- 2.75 COURIER SERVICE: means the premises of a courier, mail or parcel delivery service but does not include a transport depot.
- 2.76 CUSTOM WORKSHOP: means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstering, furniture restoration and refinishing, custom order or made to order manufacturing of articles such as draperies and blinds, but does not include metal spinning, any factory production or manufacturing uses which generate offensive noise, dust or vibration.
- 2.77 DANCE, HEALTH, AND FITNESS CLUB OR STUDIO: means a building in which facilities are recreational athletic activities, including but not limited to body-building and exercise classes.
- 2.78 DAY NURSERY: means a premise that receives not more than ten children who are not children of the owner/operator of the premises for the purposes of providing temporary care and/or guidance, for a continuous period of time not exceeding twelve hours.
- 2.79 DECK (ATTACHED): means an uncovered, unenclosed structure attached or immediately adjacent to a dwelling with a minimum height above grade of 0.6 metres and a maximum height above grade no higher than the ground (main) floor level of the dwelling supported directly by piers and which structure is used for outdoor enjoyment, located outside of the front yard and may incorporate a guard (railing) not to exceed 1.07 metres in height above the finished deck, but does not include a balcony.
- 2.79 DECK (UNATTACHED): means an uncovered, unenclosed structure not attached or immediately adjacent to a dwelling with a minimum height above grade of 0.6 metres and a maximum height above grade of 1.8 metres supported directly by piers and which structure is used for outdoor enjoyment, located outside of the front yard and may incorporate a guard (railing) not to exceed 1.07 metres in height above the finished deck, but does not include a balcony.
- 2.80 DENSITY: means the number of dwelling units per hectare on a lot containing a dwelling.
- 2.81 DEPARTMENT STORE: means a building or portion thereof engaged in the retail sale of a wide range of commodities, including apparel, hardware and home furnishings, dry goods, food products and home appliances.
- 2.82 DESIGNATED: means heritage property in respect of which a designation has been carried out under the Ontario Heritage Act.
- 2.83 DRIVE-IN THEATRE: means an outdoor theatre where films are viewed by the public from a vehicle and may include accessory refreshment stands.
- 2.84 DRIVEWAY: means a vehicular access provided between a street or lane and a parking area or a loading space or between two parking areas, but does not include a parking aisle.

- 2.85 DRY CLEANING DISTRIBUTION STATION: means a building or portion thereof used for the purpose of receiving articles or goods of fabric to be subject to the process of dry-cleaning.
- 2.86 DRY CLEANING ESTABLISHMENT: means a building 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.
- 2.87 DWELLING: means a building or portion thereof designed for residential occupancy, but excluding a hotel/motel.
- 2.88 DWELLING, BLOCK TOWNHOUSE: means a building that is divided vertically into at least three (3) but not more than eight (8) separate dwelling units, each of which has independent front and rear entrances from outside.
- 2.89 DWELLING, BOARDING OR LODGING: means a dwelling in which the owner supplies for hire or gain on a weekly or longer term basis, accommodation with or without meals to three or more persons, other than the owner or any resident of the dwelling.
- 2.90 DWELLING, CONVERTED: means a dwelling and its appurtenant lot, both of which existed on March 13, 1962, which dwelling was originally constructed as a single detached dwelling, a duplex dwelling or a semi-attached dwelling, and which said dwelling is, or is to be, renovated so as to increase the number of dwelling units therein to a maximum of three without significantly altering the exterior of the building except for required fire escapes, extra windows and extra entrances.
- 2.91 DWELLING, DUPLEX: means a building horizontally divided into two (2) separate dwelling units, each having an independent entrance from outside or from a common vestibule.
- 2.92 DWELLING, FOURPLEX: means a building divided into four (4) separate dwelling units, each of which has an independent entrance from outside or from a common vestibule or vestibules.
- 2.93 DWELLING, SEMI-DETACHED: means a building divided vertically into two (2) 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 extending horizontally the entire depth of the building.
- 2.94 DWELLING, SINGLE DETACHED: means a building containing not more than one (1) dwelling unit.
- 2.95 DWELLING, STREET TOWNHOUSE: means a building that is divided vertically into at least three (3) but not more than eight (8) separate dwelling units, each of which has independent front and rear entrances from outside, and each of which is located on a parcel of land having frontage on a street.
- 2.96 DWELLING, TRIPLEX: means a building divided into three (3) separate dwelling units, each of which has an independent entrance from outside or from a common vestibule or vestibules.
- 2.97 DWELLING UNIT: means a room or suite of rooms, occupied or capable of being occupied as a single independent and separate housekeeping establishment.

- 2.98 DWELLING UNIT, AREA: means the area of a floor or floors in a building, exclusive of balconies, basements, cellars, attics, garages, verandahs, or porches, calculated from the outside of the boundary walls of the building.
- 2.99 EQUIPMENT SALES, RENTAL AND SERVICE: means a building or part thereof used for the retail sale, rental, leasing and service of equipment.
- 2.100 EXISTING: means legally existing as of the date of passing of this By-law, where no other date is specified.
- 2.101 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.
- 2.102 FARM PRODUCE MARKET: means a building or portion thereof wherein the retail sale of the following products are offered for sale to the general public:
- (a) Ontario Grown Produce (a minimum of 70 percent of the retail floor area during the months of May to October inclusive);
 - (b) Imported Produce;
 - (c) Bakery items and processed fruit prepared on the premises, grocery, deli and dairy products and Ontario Made Crafts (a maximum of 50 square metres retail floor area);
 - (d) Ontario Grown Greenhouse and Nursery Products;
 - (e) Ontario made Floral Products.
- 2.103 FARM PRODUCE OUTLET: means a building or structure or part thereof located on a farm, where farm grown produce of that farm is retailed to the general public, excluding meat or poultry, is of a seasonal nature and has a maximum floor area of 20 square metres.
- 2.104 FARMER'S MARKET: means an establishment or premises where the farm products of a local farming community are sold at retail from covered or open air areas designated for individual retailers.
- 2.105 FARM SERVICE AND SUPPLY ESTABLISHMENT: means the use of land, buildings or structures for the sale, storage or repair of equipment and machinery directly associated with the operation of a farm and includes the retail sale of farm supplies.
- 2.106 FEED MILL: means a building or portion thereof wherein farm commodities are bought, sold, stored and also includes drying, processing and elevator storage of farm commodities such as cereal grains, corn, soybeans, etc.
- 2.107 FENCE: means a hedge, 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.

- 2.108 FINANCIAL INSTITUTION: means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged.
- 2.109 FLEA MARKET: means the use of land, buildings and/or structures where buyers and sellers convene for the sale of old, used or new articles or goods.
- 2.110 FLOOR AREA, GROSS: means the sum of the floor area of all storeys plus area of all basement floors, measured from the outside of the boundary walls.
- 2.111 FLOOR AREA, LEASABLE: means the total floor area of a building or structure, including each storey, mezzanine and basement thereof, measured from and including the exterior surface of the outside walls, but excluding:
- (1) those parts of the building used for purposes of servicing the building such as areas used for heating and mechanical equipment, maintenance, security and offices used for purposes of operating and managing the building;
 - (2) those parts of the building used exclusively for storage and/or the parking of motor vehicles; and
 - (3) those parts of the building comprised of a covered mall used exclusively for the purpose of pedestrian access to and circulation within the said building.
- 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 FLOOR AREA, RETAIL: means that part of gross floor area devoted to retail use.
- 2.114 FLORIST SHOP: means a commercial establishment which sells flowers, ornamental plants, floral arrangements and other accessory uses.
- 2.115 FOOD PROCESSING ESTABLISHMENT: means a building or part thereof wherein food and meat products are processed, packaged and includes cold storage all within enclosed buildings but excludes an abattoir.
- 2.116 FOOD STORE: means a retail establishment primarily selling food as well as other convenience and household goods.
- 2.117 FORESTRY: means the use of land for planting, management and harvesting of timber resources but does not include a Sawmill, as defined herein as long as the logging operation is in accordance with good forestry practice. This may include the use of portable sawmills and chippers on site as a temporary use.
- 2.118 FRUIT STAND: means a building or portion thereof where only Ontario grown produce is retailed to the general public and:
- (a) is accessory to the principal farm operations; and
 - (b) is of a seasonal nature; and
 - (c) the floor area being limited to 20 square metres.

- 2.119 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, wood products, salt, aggregates and coal, are stored or kept for sale or distribution and resale.
- 2.120 FUNERAL HOME: means a premise where the preparation of a 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.
- 2.121 GARAGE, PRIVATE: means a building for the storage of one or more private motor vehicles. A private garage attached to a main building shall be deemed part of the main building and not accessory thereto.
- 2.122 GARDEN CENTRE: means the use of land, buildings or structures 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
- 2.123 GASOLINE BAR: means the use of land, buildings or structures for the retail sale of motor vehicle fuels and lubricants but where no servicing repair or equipping of vehicles occurs.
- 2.124 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.
- 2.125 GOOD FORESTRY PRACTICES: means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape.
- 2.126 GRADE, FINISHED: means the average elevation of the surface ground adjoining a building or structure at all exterior walls.
- 2.127 GRAIN ELEVATOR AND GRAIN DRYING FACILITY: means the use of land, buildings or structures wherein agricultural commodities such as cereal grains, corn and soybeans are dried, stored and located, temporarily or otherwise.
- 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 wholesale or retail sale of greenhouse products grown in the greenhouses located on the lands on which the greenhouses are located.
- 2.129 GROUP HOME: means a dwelling where at least three (3) but not more than eight (8) persons exclusive of supervisory or attendant staff or receiving family, are provided with accommodation as a single housekeeping unit under responsible supervision consistent with

their needs; such persons requiring a group living arrangement for their well-being by reasons of physical, mental, emotional, social or legal impairment or handicap, and having been referred to such accommodation by a hospital, court or government agency, and which dwelling is registered by the City of Thorold, licenced and funded (wholly or partially) by the appropriate federal or provincial Ministry, and regulated or supervised under any federal or provincial statute as one of the following:

- (1) An Approved Home, which means a supervised community-based group living arrangement for patients of Provincial psychiatric hospitals who, at certain stages in their recovery, can benefit from a family oriented living arrangement in the community.
- (2) A Home for Special Care, which means a supervised community-based group living arrangement for individuals who, upon discharge from Provincial psychiatric hospitals or Regional centres for the mentally retarded, require a sheltered living arrangement.
- (3) A Supportive Housing Program: Adult Community Mental Health Program, which means a supervised community-based group living arrangement for former psychiatric patients who lack the requisite life skills or the emotional stability to manage under less supportive living arrangements and where supervision varies according to the need.
- (4) Accommodation Services for the Developmentally Handicapped, which means a supervised community-based group living arrangement for developmentally handicapped adults and children who have previously been living in the community or in a facility for developmentally handicapped persons.
- (5) A Satellite Residence for Seniors, which means a community-based group home living arrangement for individuals over the age of 60 who are referred to satellite residences by municipal Homes for the Aged.
- (6) Home for Physically Disabled Adults, which means a community based group home living arrangement for physically handicapped adults.
- (7) Halfway House for the Socially Disadvantaged, which means a supervised community-based group living arrangement for adults who are either socially disadvantaged or who have emotional problems.
- (8) A Halfway House for Alcoholics, which means a community-based group living arrangement for persons recovering from alcoholism.
- (9) A Children's Residence, which means a licenced, supervised, community-based group living arrangement for children under 18 or other relatives.

PROVIDED that no such residence shall include any child convicted under the Young Offenders Act who has been sentenced to a period of open custody of two years or more.

- (10) A Halfway House for Ex-Offenders, which means a supervised community-based group living arrangement for adults on probation or parole from Provincial Correctional facilities or Federal Penitentiaries who would otherwise be living independently but who voluntarily enter a halfway house.

(11) A Community Resource Centre, which means a supervised community-based group living arrangement for sentenced individuals who are deemed more likely to benefit from rehabilitation in a community residential program than they would from remaining in a correctional facility. No individual sentenced to a term of more than two years is eligible for placement in a Community Resource Program. Centres are administered by non-profit organizations or agencies and are subject to an Agreement between the Ministry of Correctional Services and the agency responsible for the home. PROVIDED that except as permitted in the accommodations defined in clauses (9), (10) and (11) above, a dwelling shall be deemed not to be a group home where accommodation is, or is to be provided for one or more persons.

- (a) while serving a period of probation under the Probation Act, the Criminal Code or Young Offenders Act;
- (b) while on parole under the Ministry of Correctional Services Act or the Parole Act;
- (c) admitted to the accommodation for correctional purposes.

2.130 HABITABLE ROOM: means a room designed for sleeping, eating or food preparation or for recreation, including a living room, library, den, study, recreation room, family room and enclosed sunroom.

2.131 HELP HOUSE: means a dwelling in the form of a trailer used for seasonal or full time farm help, ancillary to a farm and located on the same lot therewith.

2.132 HOME INDUSTRY: means a small scale commercial/industrial use accessory to an agricultural operation or a single detached dwelling. A home industry may be conducted in the whole of or in part of an accessory building and may include occupations such as upholstering, weaving, dressmaking, ceramic making, sculpting, photography, carpentry shop, blacksmiths shop or an electrical shop but does not include a Vehicle Body Shop or an Automobile Service and Repair Establishment, as defined therein.

2.133 HOME OCCUPATION: means an occupation, trade, business, profession or craft carried on as a secondary and incidental use within a dwelling unit, which use is carried on solely by the residents of the dwelling in which the home occupation is located, and is carried on entirely within a dwelling unit.

2.134 HOSPITAL: 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, or any successor thereto.

2.135 HOTEL/MOTEL: means a commercial establishment catering to the needs of the travelling or vacationing public by supplying overnight accommodation with or without food, but does not include a Boarding or Lodging Dwelling, a Tourist Home or an Apartment Dwelling as defined herein. A Hotel/Motel may include a maximum of one accessory dwelling unit (attached or detached) for staff and may also include accessory uses such as personal service uses, restaurant and banquet hall and/or convention facilities.

- 2.136 **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.
- 2.137 **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.
- 2.138 **INSTITUTIONAL:** 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.
- 2.139 **KENNEL:** means the use of lands, buildings or structures where dogs, cats and other small domestic animals or household pets are bred or raised primarily for the purpose of sale or are trained or boarded for gain or profit.
- 2.140 **LANDSCAPED OPEN SPACE:** means a part or parts of a lot planted with grass, trees, flowers or shrubbery or a combination thereof with the general effect of an open space.
- 2.141 **LANDSCAPING AREA OR LANDSCAPED STRIP:** means an 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, walkways, fences and similar appurtenances, but does not include parking areas, parking lots, driveways or ramps. The words landscaped open space, landscaping and landscaped shall have a corresponding meaning.
- 2.142 **LANE:** means a public thoroughfare, not intended for general traffic circulation, which affords a secondary means of access to abutting lots.
- 2.143 **LAWFUL CAPACITY:** means the number of persons authorized or permitted by the relevant provisions of the Building Code.
- 2.144 **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 motor 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.
- 2.145 **LOT:** means a parcel of land created prior to October 23, 1978 or a parcel of land created by consent to sever, or registered plan of subdivision in accordance with the provision of The Planning Act, R.S.O. 1990 as amended, or any successor thereto
- 2.146 **LOT AREA:** has the meaning assigned by Section 3.7.
- 2.147 **LOT COVERAGE:** means that part of the lot area which is covered by buildings and structures.
- 2.148 **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).

2.149 LOT FRONTAGE: means

- (a) where the side lot lines are parallel, the perpendicular distance between the side lot lines;
- (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. (See illustration located after Schedules).

2.150 LOT FRONTAGE (WEST NEIGHBOURHOOD): means the horizontal distance between the Side Lot Lines of a Lot measured on a line at right angles to the lot centre line at a point 6.0 metres back from the Front Lot Line. The lot centre line means the line joining the mid points of the Front and Rear Lot Lines, but in the case of a Corner Lot means a line drawn perpendicular from the mid-point of the rear lot line to meet the front lot line. In the case of a corner lot with a sight triangle or a corner rounding, the Lot Frontage shall be the distance between the extension of the Exterior Side Lot Line and the other Side Lot Line measured on a line at right angles to the lot centre line, 6.0 metres back from the Front Lot Line.

2.151 INTERIOR LOT: means a lot situated between abutting lots and which abuts only one street; provided that this definition shall be deemed to include a through lot.

2.152 LOT LINE: means any boundary of a lot, which may consist of one or more lines, straight or curved or both.

2.153 LOT LINE, EXTERIOR SIDE: means the lot line, on a corner lot, which is a street line and not the front lot line.

2.154 LOT LINE, FRONT: means a street line, provided that

- (a) where the lot abuts street lines of different lengths, the shorter street line shall be the front lot line;
- (b) where the lot abuts street lines of equal length, the street line facing the principal entrance to the main building shall be the front lot line;
- (c) where the lot is a through lot either street line may be deemed the front lot line and the street line opposite shall be deemed the rear lot line.

- 2.155 LOT LINE, INTERIOR SIDE: means a lot line which intersects a front lot line and abuts another lot.
- 2.156 LOT LINE, REAR: means a lot line joining two side lot lines, other than a front lot line.
- 2.157 LOT LINE, SIDE: means an interior side lot line or exterior side lot line
- 2.158 LOT, THROUGH: means a lot which abuts two streets which do not intersect each other.
- 2.159 MAIN: means, with reference to a building, other than accessory.
- 2.160 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 as defined herein.

- 2.161 MAUSOLEUM: means a building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

- 2.162 MINIMUM: means the least to which anything may lawfully be reduced.
- 2.163 MINIMUM DISTANCE SEPARATION FORMULA: means the Minimum Distance Separation Formulae, March 1995, published by the Ontario Ministry of Agriculture, Food and Rural Affairs and the Ontario Ministry of Environment and Energy.
- 2.164.1 MOBILE HOME: means a dwelling designed to be transported either on its own wheels, on a flatbed or other trailer, or on detachable wheels, 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.
- 2.164.2 MODEL HOME: means a dwelling unit used in the interim for the sole purpose of an office and/or show room and/or sales centre to promote the sale of residential dwelling units within a draft approved plan of subdivision proposed for registration.
- 2.165 MOTEL: means the same as Hotel/Motel, as defined herein.
- 2.166 MOTOR HOME: means a self-propelled vehicle capable of being used for temporary sleeping and/or eating accommodation for one or more persons.
- 2.167 MUNICIPALITY: means the Corporation of the City of Thorold.
- 2.168 MUSEUM: means a building, structure or part thereof devoted to the procurement, care, study, display and exhibition of objects of lasting value.
- 2.169 NON-CONFORMING: means the use of land, buildings or structure which were lawfully used, built, or commenced prior to the adoption of this By-law but which is not a use permitted in the zone in which the said use is located.
- 2.170 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.
- 2.171 NOTWITHSTANDING: when used in this By-law means in spite of, or instead of.
- 2.172 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 destructive 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.

- 2.173 NURSERY: means a place used for the growing of trees, shrubs, plants or other vegetation and may include the retail sale thereof together with the retail sale of goods, products and equipment related to gardening and landscaping.
- 2.174 NURSERY SCHOOL: means a building or portion thereof that receives more than ten children for the purposes of providing temporary care and/or guidance for a continuous period of time not exceeding twelve hours.
- 2.175 NURSING HOME: means a nursing home licenced under the Nursing Homes Act.
- 2.176 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, agency or studio, 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.
- 2.177 OFFICIAL PLAN: means an official plan as defined in the Planning Act, R.S.O. c.P. 13, as amended and, unless otherwise specified, means the Official Plan of the City of Thorold.
- 2.178 OPEN STORAGE: means the placing or locating in the open air and/or in partially enclosed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative motor vehicles licensed or capable of being licensed to be operated on a highway at any time, or operative motorized construction vehicles, or agricultural vehicles.
- 2.179 OUTDOOR COMMERCIAL PATIO: means an outdoor structure or area, covered or uncovered, which is accessory to: a club, public or private; a restaurant and a banquet hall or convention centre as defined in the by-law.
- 2.180 PARK: means an area of land consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities, and including but not necessarily restricted to, a recreational playground, a play area, a tennis court, a playfield or a swimming area, but does not include golf courses or golf driving ranges.
- 2.181 PARKING AREA: means an area of land which is provided and maintained for the parking of motor 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.
- 2.182 PARKING LOT: means a lot, or part thereof, used for the temporary parking of motor vehicles.
- 2.183 PARKING SPACE: means an area of land which
- (a) is provided for the temporary parking or storage of one motor vehicle 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 motor vehicle in accordance with the provisions of this By-law; and

- (c) has adequate access to permit ingress and egress of a motor vehicle from a street by means of a driveway, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary storage of one or more motor vehicles; and
 - (d) may be located outside or within a private garage, carport, building or other covered area.
- 2.184 PARKING SPACE, TANDEM: means two or more parking spaces abutting each other end to end with only one space having access to an aisle.
- 2.185 PARTY WALL: means a wall, or part of a wall, forming a common division wall between two dwelling units and extending vertically from the footing to the roof line. Where a wall between dwelling units is not common to both of them for its entire length, the party wall shall comprise at least 60% of the entire length of the wall.
- 2.186 PAWN SHOP: means a building or part thereof where new or used goods or second hand personal property is acquired and kept for sale.
- 2.187 PERSON: means an individual, individuals, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and their heirs, executors or other legal representatives of a person to whom the same can apply according to law.
- 2.188 PERSONAL SERVICES: means any retail use or activity primarily devoted to the needs of persons or businesses employed or located within the Brock Business and Industrial park, and without limiting the generality of the foregoing may include restaurants, barber shops, beauty salons, banks, drug stores, dry cleaning depots, office supply stores and health clubs.
- 2.189 PLACE OF WORSHIP: means a building set aside by any religious organization for public worship, and may include a rectory, manse or church hall.
- 2.190 PLANTING STRIP: means a strip of land adjacent to a lot line or portion thereof, and treated with a screening device such as trees, evergreens, shrubs, berms, decorative fencing, or a combination thereof designed to act as a buffer or visual screen.
- 2.191 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.
- 2.192 PRIVACY AREA: means an outdoor area, exclusively used by the occupants of a dwelling unit.
- 2.193 PRIVATE GARAGE: means the same as, Garage Private.
- 2.194 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.
- 2.195 PUBLIC GARAGE: means the same as, Garage Public.
- 2.196 PUBLIC STREET, ROAD OR HIGHWAY: means a street or road which affords the principal means of access to abutting lots and which has been adopted as part of the City's, Region's or Province's road system, or is dedicated as a street on a Registered Plan of Subdivision, or is a

street or road open to the public for thoroughfare and upon which substantial improvement or labour has been done by the City, Region or Province.

- 2.197 PUBLIC USE: means any use conducted by the City of Thorold, Region of Niagara, Province of Ontario, Dominion of Canada, or any commission, board, authority, agency, ministry or department established by or for any of them.
- 2.198 PUBLIC UNDERTAKING: means any undertaking conducted by or for the benefit of the City of Thorold, Region of Niagara, Province of Ontario, Dominion of Canada, or any commission, board, authority, agency, ministry or department established by or for any of them.
- 2.199 PULP AND PAPER MILL: means a building or part thereof wherein natural and/or recycled feed stocks are used for the production of wood, paper and cardboard products.
- 2.200 RECREATION AND ENTERTAINMENT FACILITIES: means a motion picture or other theatre, arena, auditorium, banquet hall, convention centre, bowling alley, ice or roller rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 2.201 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, as defined herein, but may include a motor home, trailer, marine craft, snowmobile or a motorcycle.
- 2.202 RECREATIONAL VEHICLE ESTABLISHMENT: means an establishment where recreational vehicles are stored or displayed for the purpose of sale or hire only.
- 2.203 REFRESHMENT CART: means a wheeled, transported, non-motorized refreshment vehicle, other than a refreshment cycle.
- 2.204 REFRESHMENT VEHICLE: means a motorized vehicle which has equipment inside the vehicle for preparing food and requires the proprietor to be inside the vehicle to prepare the food for consumption by the public.
- 2.205 REFRESHMENT CYCLE: means a non-motorized bicycle or tricycle from which ice cream, frozen desserts or other frozen confections, or other food stuffs are sold.
- 2.206 REGIONAL: means owned or governed by, or subject to the jurisdiction of, the Regional Municipality of Niagara.
- 2.207 REQUIRED: means as required by the provisions contained herein
- 2.208 RESEARCH LABORATORY: means a building or part thereof equipped with necessary appliances and apparatus to permit the study, examination, observation, evaluation or investigation of substances, excluding animals and significant amounts of dangerous materials or the emission of undesirable levels of noise, odour, smoke, vibration and dust.
- 2.209 RESTAURANT: means a building or portion thereof where food is prepared and offered for sale to the public for consumption either on or off the premises, but excluding a restaurant drive-thru.

- 2.210 RESTAURANT, DRIVE-THRU: means a building or portion thereof where food is prepared and offered for sale to the public over a counter, for consumption away from the premises.
- 2.211 RETAIL ESTABLISHMENT: means a building or portion thereof in which goods, wares, general merchandise, substances, articles or things are offered and kept for sale to the general public, and includes video sales and rental.
- 2.212 RETAIL OR WHOLESALE SHOWROOM: means a building or part thereof for the retail or wholesale display and sale of products made, assembled or warehoused on the premises.
- 2.213 SATELLITE DISH: means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices.
- 2.214 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.
- 2.215 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.
- 2.216 SERVICE SHOP, MERCHANDISE: means a place where personal, household or business articles such as jewellery, time pieces, bicycles, firearms, clothing, footwear, appliances, furniture, business machines, locks and safes are repaired and serviced, but does not include the manufacturing of articles or the service or repair of motor vehicles.
- 2.217 SERVICE SHOP, PERSONAL: means a building or portion thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker, as well as a laundromat, dry cleaning distribution station and laundry depot, suntanning shop and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- 2.218 SETBACK: means the minimum horizontal distance required by this by-law between a lot line and a building or structure, actual or proposed, on a lot. See Section 3.6 for measurement regulations.
- 2.219 SETBACK, EXTERIOR SIDE: means a setback measured from an exterior side lot line.
- 2.220 SETBACK, FRONT: means a setback measured from the front lot line.
- 2.221 SETBACK, INTERIOR SIDE: means a setback measured from an interior side lot line.
- 2.222 SETBACK, REAR: means a setback measured from the rear lot line.
- 2.223 SEVERANCE: means a subdivision of land with a consent given under Part VI of the Planning Act, and the verb sever has a corresponding meaning.
- 2.224 SHIPPING OR DISTRIBUTION USE: means a building or portion thereof used for the receiving, storage and transportation of goods and may include a Warehouse, as defined herein.

- 2.225 SHOPPING CENTRE: means a group of commercial establishments designed, developed and managed as a single complex by a single owner or tenant, or a group of owners or tenants as opposed to a building area comprising unrelated individual uses.
- 2.226 SIGHT TRIANGLE: means that part of a corner lot bounded by two intersecting street lines and a third line drawn from a point in one street line to a point in the other street line, each such point being nine metres (9 metres) measured along the street line from the point of intersection of the street lines.
- 2.227 STOREY: means
- (a) that portion of a building (other than a basement) between the surface of any floor and the surface of the floor next above it, or if there be no floor above it that portion between such floor and the ceiling above it;
 - (b) a basement extending one and a half (1.5 metres) or more above ground, measured vertically from the immediately adjacent ground level to the joists of the floor above it, provided that any portion of a storey exceeding four and three-tenths metres (4.3 metres) in height shall be deemed an additional storey for each four and three-tenths metres (4.3 metres) of such excess or fraction thereof.
- 2.228 STREET: means any public highway.
- 2.229 STREET LINE: means the dividing line between a lot and a street.
- 2.230 STRUCTURE: means anything that is constructed and affixed to the ground, but does not include:
- (a) a parking area or loading space; or
 - (b) any outdoor sign or advertising device regulated by the Sign By-Law; or
 - (c) fences, service lines, air conditioners, pool pump and filters, pool heaters or heat pumps.
- 2.231 STUDENT DORMITORY: means a building or structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, where such structure is related to the temporary residential accommodation of more than 20 persons attending an institution of higher learning.
- 2.232 TEMPORARY: means for a fixed period of time with the intent to discontinue such use upon the expiration of the time period
- 2.233 TERRACE: means an open, uncovered level space at ground level that is either natural or man-made.
- 2.234 TRAILER: means
- (a) a trailer as defined in the Highway Traffic Act;

- (b) any of the following recreational vehicles designed for travel, recreational and vacation uses:
- (1) Travel Trailer: a vehicular portable construction built on a chassis, designed as a temporary residence, permanently identified as Travel Trailer by the manufacturer, and when factory-equipped for the road, having a body width not exceeding two and five-tenths metres (2.5 metres), a body length not exceeding nine metres (9 metres) and a gross weight not exceeding twenty-one hundred kilograms (2,100 kg);
 - (2) Pick-up Camper: a vehicular portable construction designed as a temporary residence, to be transported in the box of a pick-up truck;
 - (3) Permanently Mounted Camper: a vehicular, portable construction designed as a temporary residence mounted directly on the chassis of a vehicle;
 - (4) Tent Trailer: a vehicular portable construction designed as a temporary residence to be towed on its own chassis, with or without a canvas top;
 - (5) Motorized Home: a vehicular portable construction designed as a temporary residence, and self-propelled.
 - (6) Utility Trailer: a vehicular portable construction designed for the hauling of goods, materials, road vehicles and boats for non-commercial purposes having a width not exceeding two and five-tenths metres (2.5 metres), a length not exceeding seven and two-tenths metres (7.2 metres) and a height not exceeding one and twenty-five hundredths metres (1.25 metres); and
- (c) the following non-recreation vehicle:
- (1) Industrial and Commercial Trailer: a unit having the basic construction of a travel trailer or mobile home, but modified by the manufacturer for industrial, commercial or recreational uses such as a mobile library, portable offices, a display unit or a mobile medical vehicle;

2.235 TRAILER PARK: means any land in or upon which any trailer is used or intended to be used for human occupation by the travelling public.

2.236 TRAILS, GATEWAYS AND STAGING AREAS OF THE WELLAND CANAL PARKWAY: means an established continuous area to accommodate motor vehicles/on-road cyclists, non-motorized uses (walking, cycling, in-line skating, equestrians) within close proximity to either the modern or abandoned Welland Canals. Typical features would include parking, staging facilities, orientation and visitor information services, gift shop, interpretive displays and Canal related attractions.

2.237 TRANSPORT DEPOT: 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.

- 2.238 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.
- 2.239 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.
- 2.240 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.
- 2.241 VEHICLE, RECREATIONAL AND NON-RECREATIONAL: see Trailer
- 2.242 VETERINARY HOSPITAL: means a place used by a veterinarian and his staff for the treatment of animals, but excluding a kennel.
- 2.243 WAITING LANE: means a temporary standing area for vehicles in association with a drive-thru facility.
- 2.244 WAREHOUSE: means a building or part of a building used for the bulk storage of goods, wares, merchandise, equipment, substances or articles, but does not include any wholesale or retail sales unless specifically permitted in this by-law.
- 2.245 WASTE DISPOSAL FACILITY/SANITARY LANDFILL: means the use of land, buildings or structures where garbage, refuse, domestic or industrial waste is disposed of or dumped, but does not include the treatment or disposal of liquid industrial waste or hazardous waste.
- 2.246 WATERCOURSE: means a natural channel of a stream, including intermittent streams, but does not include a drainage ditch or irrigation channel.
- 2.247 WAYSIDE PITS OR QUARRIES: 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.
- 2.248 WINERY: means the use of lands, buildings or structures for the production of wine and wine related products. A winery may also include an accessory retail outlet, a warehouse outlet and warehouse.
- 2.249 WHOLESALE ESTABLISHMENT: 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 Establishment, as defined herein.
- 2.250 YARD: means a front yard, an exterior side yard, an interior side yard and a rear yard, or any of them.
- 2.251 YARD, FRONT: means that area of a lot bounded by
- (a) the front lot line;
 - (b) the side lot lines; and

- (c) a horizontal line coinciding with the exterior wall of a building facing the front lot line, produced to intersect the side lot lines.
- 2.252 YARD, EXTERIOR SIDE: means that area of a lot lying between a building and an exterior side lot line, and bounded by a front yard and a rear yard.
- 2.253 YARD, INTERIOR SIDE: means that area of a lot lying between a building and an interior side lot line, and bounded by a front yard and a rear yard.
- 2.254 YARD, MINIMUM: means a required yard.
- 2.255 YARD, REAR: means that area of a lot bounded by
 - (a) the rear lot line;
 - (b) the side lot lines; and
 - (c) a horizontal line coinciding with the exterior wall of a building facing the rear lot line, produced to intersect the side lot lines.
- 2.256 ZONE: means an area designated on a Zoning Map Schedule and established by this By-law for a specific use.

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SECTION 3: INTERPRETATION**3.1 Statutory References**

In this By-law, statutory references are to statutes of Ontario and the regulations made thereunder, and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

In this by-law, reference to a public authority is to an agency having jurisdiction for the administration of a statute of Ontario and the regulations made thereunder, and shall be deemed to refer to such agency or delegated authority having jurisdiction from time to time.

3.2 Use of the Word "Section"

In this By-law, the word "Section" may be applied to any numbered and/or lettered provision of this By-law and shall, as the context may require, mean and include:

- (1) an entire Section including all its subsection, e.g. Section 5;
- (2) a particular subsection of a section, e.g. Section 5.1; Section 5.1.4; Section 5.1.4.2; or
- (3) a particular sub-clause or subdivision of a subsection, e.g. Section 5.2.1.4 (a); Section 5.2.1.4 (a) (iii).

3.3 Gender and Number

This By-law shall be read with all changes of gender and number required by the context or circumstances.

3.4 Conformity to Official Plan

This By-law shall be construed and applied so as to conform to any applicable Official Plan

3.5 Relation to Other Laws

- (1) Where any provision of this By-law conflicts with any other lawful provision, the more restrictive provision shall in every case apply.
- (2) Nothing in this By-law shall exempt any person from compliance with any applicable municipal, provincial or federal law or regulation.

3.6 Setback Measurement**3.6.1 The measurement of every setback required by this By-law shall be made along a line which is:**

- (1) parallel to the plane of the earth, as near as possible to ground level, and
- (2) perpendicular to the applicable lot line. Where the lot line is a curve, the perpendicular shall be measured radially.

- 3.6.2 Where any residential setback required by this By-law is to be determined by reference to the number of storeys, the determination shall be made by reference only to the number of storeys closest to the applicable lot line.
- 3.6.3 Where part of a lot is taken or assumed for street-widening purposes, the measurement of every setback for purposes of this By-law shall be made;
- (1) in the case of a building or structure erected on the lot prior to the street-widening, from the applicable street line as it existed prior to such widening;
 - (2) in the case of a building or structure, actual or proposed, erected on the lot after the street-widening, from the applicable street line as it exists after such widening.
- 3.6.4 Where a lot is within more than one zone and a permitted use requires one or more setbacks, the lot (for the purposes of setback measurements) shall be deemed to consist only of that part of the lot which is within the zone(s) in which such use is permitted.
- 3.7 Calculation of Lot Area
- 3.7.1 For purposes of this By-law, the area of a lot (lot area) means the area enclosed by the lot lines, but excluding therefrom any portion of such area which is:
- (1) covered by water or marsh;
 - (2) beyond the rim of a river bank or watercourse; or
 - (3) between the top and toe of a cliff or embankment of thirty degrees (30°) or more from horizontal.
- 3.7.2 Where a lot is within more than one zone, and a permitted use requires a minimum lot area, the lot area (for purposes of calculation of minimum lot area) shall be deemed to be only that part of the lot area (calculated in accordance with Section 3.7.1) which is within the zone(s) in which such use is permitted.
- 3.8 Conflict of By-law Provisions
- 3.8.1 In any case where a provision of this By-law applicable to a particular use, building or structure conflicts with a similar provision in this By-law of more general application, the provision applicable to the particular use, building or structure shall apply to that use, building or structure and the more general provision shall be deemed not to apply.

SECTION 4: APPLICATION OF THE BY-LAW**4.1 General Prohibitions**

No land shall be used, nor shall any building or structure be erected, located, altered, extended, changed or used thereon, in whole or in part, except in conformity with all applicable provisions of this By-law, including the provision of loading and parking facilities on land that is not part of a highway.

4.2 Permitted Uses Exclusive

Any use, building or structure not specifically permitted in a zone is prohibited in that zone.

4.3 Administration and Enforcement

This By-law shall be administered by the Chief Building Official and Building Inspectors and enforced by the By-law Enforcement Officer and any other employee of the City as Council appoints from time to time.

4.4 Violations and Penalties

- (a) Every person who uses land, or erects or uses any building or structure or any part of any land, building or structure in a manner contrary to any provision contained herein, or who causes such contravention, or who violates any provision contained herein or causes such a violation, shall be guilty of an offence and upon conviction thereof shall forfeit and pay a penalty pursuant to The Planning Act, R.S.O. 1990, as amended, or any successor thereto. Every such penalty shall be recoverable under the Municipal Act and the Provincial Offences Act.
- (b) Where a conviction of a person occurs, the court in which the conviction has been entered or any court of competent jurisdiction, thereafter, in addition to any penalty imposed, may make an order prohibiting the continuation or repetition of the offence by the person convicted. Such order may include the removal of a building or structure which contravenes this By-law.

4.5 Repeal of Existing By-laws

By-law Numbers 1538(1958), 442(1958), 2436(1963), and NT238(1973), of the Corporation of the City of Thorold and all amendments thereto, be and the same, and any predecessors thereto, are hereby repealed upon the coming into force of this By-law (except for those lands illustrated on Schedule A2, Schedule 3 and Schedule 4 to which By-law 442, as amended, applies), in accordance with the provisions of The Planning Act, R.S.O. 1990, c.P. 13, as amended, or any successor thereto.

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SECTION 5: ZONES**5.1 Establishment of Zones**

5.1.1 For purposes of this By-law, the following zones are established:

<u>ZONE CLASS</u>	<u>ZONE SYMBOL</u>	<u>SECTION</u>
RESIDENTIAL ZONES		
Residential First Density A Zone	R1A	7
Residential First Density B Zone	R1B	8
Residential First Density C Zone	R1C	9
Residential First Density D Zone	R1D	10
Residential Second Density Zone	R2	11
Residential Second Density Special Zone	R2S	12
Residential Third Density Zone	R3	13
Residential Fourth Density A Zone	R4A	14
Residential Fourth Density B Zone	R4B	15
Office Residential OR Zone	OR	16
COMMERCIAL ZONES		
Central Commercial Zone	CC	17
Neighbourhood Commercial Zone	NC	18
Commercial	C	18A
Shopping Centre Commercial Zone	SC	19
Highway Commercial Zone	HC	20
Highway Commercial/Industrial Zone	HCI	21
Highway Commercial Node Zone	HCN	22
INDUSTRIAL ZONES		
Prestige Office Zone	PO	23
Prestige Industrial Zone	PI	24
Light Industrial Zone	LI	25
Heavy Industrial Zone	HI	26
Dry Industrial Zone	DI	27
INSTITUTIONAL ZONE		
Institutional Zone	I	28
OPEN SPACE ZONE		
Open Space Zone	OS	29
Environmental Conservation Zone	EC	30

	<u>ZONE SYMBOL</u>	<u>SECTION</u>
DEVELOPMENT ZONE		
Development Zone	D	31
Residential Development	RD	31A
Residential Development Deferred	RDD	31B
Rural Residential	RR	31C
AGRICULTURAL ZONE		
Agricultural Zone	A	32
Rural Commercial Zone	RUC	33
WEST NEIGHBOURHOOD ZONES		
West Neighbourhood Residential First Density B Zone	wn-R1B	34
West Neighbourhood Residential First Density D Zone	wn-R1D	35
West Neighbourhood Residential First Density E Zone	wn-R1E	36
West Neighbourhood Residential First Density F Zone	wn-R1F	37
West Neighbourhood Residential Second Density Zone	wn-R2	38
West Neighbourhood Residential Third Density B Zone	wn-R3	39
West Neighbourhood Open Space Zone	wn-OS	40
West Neighbourhood Open Space/ Institutional Zone	wn-OS/I	41
West Neighbourhood Open Space/ Woodlot Zone	wn-OSW	42
West Neighbourhood Neighbourhood Commercial Zone	wn-NC	43
ROLLING MEADOWS ZONES		
Rolling Meadows Open Space	RM-OS	44
Rolling Meadows Residential First Density B Zone	RM-R1B	45
Rolling Meadows Residential First Density C Zone	RM-R1C	46
Rolling Meadows Residential Second Density	RM-R2	47
Rolling Meadows Residential Third Density	RM-R3	48

5.1.2 A zone class may be identified solely by its zone symbol and may be referred to as a zone e.g. R1A Zone means Residential First Density R1A Zone Class and may be referred to as a Residential First Density R1A Zone. On a Zone Map, the zone symbol R1A has the same meaning.

5.1.3 Whenever lands on any Zoning Schedule have the zone symbol followed directly by a dash (-) and a number, e.g. A-1, such lands shall be considered to have a "Special Provision" number

and to have reference to a Zone subsection. The said lands shall be subject to the provisions of the relevant zone category and all other provisions contained herein, and shall in addition, be subject to any special provisions provided for within the relevant special provision subsection of the relevant zone.

5.1.4 Holding zones are hereby established by the use of the symbol (H) as a suffix to the zone symbols in Sections 5.1.1 and 5.1.3. Lands subject to the symbol (H) shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:

- (a) adequate servicing including sanitary sewers, storm sewers, stormwater management facilities and waterlines can be provided to the lands to the satisfaction of Regional Niagara and the City of Thorold, and/or
- (b) approvals have been obtained from the Regional Public Health Department, and
- (c) the provisions of Section 7.15.1 of the Official Plan are satisfied.

This provision shall not prevent continuation of uses existing at the time of establishment of the (H) symbol on said lands.

5.2 Zone Maps - Schedule A

5.2.1 Maps Identified

The Zone Maps comprising Schedule A to this By-law shall form part of this By-law, and consist of the following:

- (1) Key Map - Schedule A
- (2) Area Maps - Schedules A1 to A12

5.2.2 Zones Indicated on Maps

The boundaries and zone symbols of the lands included in each zone class established by this By-law are shown on the Area Maps forming Schedule A1 to A12 of this By-law.

5.3 Determination of Zone Boundaries

The boundaries of any zone shown on a Zone Map shall be determined in accordance with the following rules:

5.3.1 Zone boundaries are indicated by heavy black lines.

5.3.2 Centre lines

Where a zone boundary is indicated as following approximately the centre line of a street or lane and/or its production, such centre line and/or its production shall be deemed to be the boundary.

5.3.3 Railways

Where a zone boundary is indicated as following the centre line or outer limit of a railway right-of-way or an electrical, gas or oil transmission line, the centre line or outer limit of such right-of-way, as the case may be, shall be deemed to be the boundary.

5.3.4 Watercourses

Where a zone boundary is indicated as following the centre line or edge of a body of water, such centre line or edge, as the case may be, shall be deemed to be the boundary.

5.3.5 Welland Ship Canal

Where a zone boundary is indicated as following a side of the Welland Ship Canal, the boundary shall be deemed to coincide with the lot line, on that side of the Welland Ship Canal, of lands owned by or under the jurisdiction of the St. Lawrence Seaway Authority.

5.3.6 Identified Lot Lines

Where a zone boundary is indicated as following an identified lot line and/or its production shown on a registered plan or former Township lot line, such lot line and/or its production shall be deemed to be the boundary. A street line and/or its production shall be deemed to be an identified lot line.

5.3.7 Top of Bank

Where a zone boundary is indicated as following the top of bank, such top of bank as the case may be, shall be deemed to be the boundary and in the event of change to the top of bank, the boundary shall be construed as moving with the actual top of bank.

5.3.8 City Limits

Where a zone boundary is indicated as following the limits of the City, such City limits, as the case may be, shall be deemed to be the boundary.

5.3.9 Street Closure

In the event a dedicated street, road allowance or lane shown on any Schedule forming part of this By-law is closed, the property formerly in such street, road allowance, or lane shall be included with the zone of the joining property on either side of such closed street, road allowance or lane.

If a closed street, road allowance or lane is the boundary between two or more different zones, the new zone boundaries shall be the former centreline of the closed street, road allowance or lane as such are adjacent to such zones.

5.3.10 Zone Measurement

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

5.3.11 Zoning Maps

The extent and boundaries of all zones are shown on the following Schedules which form part of this By-law and are attached hereto:

Schedule A	- Key Map (Zone Schedules)
Schedule A1	- Decew (Northwest Rural)
Schedule A2	- Lake Gibson/Blackhorse/The Neighbourhoods of Rolling Meadows (Northeast Rural)
Schedule A3	- Thorold South East (Southeast Rural)
Schedule A4	- Turners Corners (Southwest Rural)
Schedule A5	- Brock Neighbourhood (Lake Gibson Brock)
Schedule A6	- Confederation Heights
Schedule A7	- Thorold Centre (Old Town)
Schedule A7-1	- Permissible Bed & Breakfast Locations
Schedule A8	- Beaverdams
Schedule A9	- Thorold South/The Neighbourhoods of Rolling Meadows
Schedule A10	- Allanburg
Schedule A11	- Allanport Road
Schedule A12	- Port Robinson

5.4 Deemed Amendments to the Zone Maps

- 5.4.1 The Zone Maps, Schedule A and any other schedule affected, shall be deemed to be amended from time to time as necessary to reflect changes, correction, alterations and additions to lot lines, lot numbers, road patterns, railway lines, hydro, gas and other utility lines, watercourses, subdivisions, municipal boundaries, status and jurisdiction, and all similar or other features, except zoning changes.

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SECTION 6: GENERAL PROVISIONS**6.1 Public Uses**

6.1.1 Subject to Section 6.1.2 and 6.1.3 the provisions of this By-law shall not apply to the use of any land, nor the erection and use of any building or structure for any public use, undertaking, purpose or service, including linear walkways, recreational, athletic, social and community purposes or services by the Corporation, by a local Board thereof as defined in the Municipal Act, by the Regional Municipality of Niagara, by any Ministry or Department of the governments of Ontario or Canada, by Ontario Hydro, St. Lawrence Seaway Management Corporation, or any railway company or by any telephone or gas company.

6.1.2 Where any land to which Section 6.1.1 applies is located in a RESIDENTIAL, OPEN SPACE or INSTITUTIONAL Zone, the following regulations shall apply notwithstanding Section 6.1.1:

- (1) no goods, materials, or equipment shall be stored in the open;
- (2) lot coverage, setback and parking regulations prescribed for the zone shall be complied with; and
- (3) any building or structure erected under the authority of Section 6.1.1 shall be designed and maintained in general harmony with buildings and structures of the type permitted in the zone.

6.1.3 Where any land to which Section 6.1.1 applies is located in an AGRICULTURAL Zone, the following shall apply notwithstanding Section 6.1.1:

- (1) only water supply and sewage treatment facilities, including pumping stations; and essential public uses such as utility, communication and transportation facilities that are of a linear nature and cannot reasonably locate outside agricultural areas; may be permitted;
- (2) an office may be permitted accessory to an essential public use identified in Section 6.1.3(1) above; and
- (3) linear walkways and trails may be permitted for passive recreational uses; but parks and recreation, social and entertainment facilities shall not be permitted.

6.1.4 The provisions of this By-law shall not apply to the temporary use of any land, nor to the erection and use of any temporary structure for any public use, undertaking, purpose or service.

6.2 Yards to be Unobstructed

6.2.1 Except as permitted by this section or otherwise specifically by this by-law, no building or structure shall be erected or used in any required yard.

6.2.2 The provisions of Section 6.2.1 shall not apply to:

1. Encroachments

- (1) open metal fire escapes in rear yards only;
- (2) windowsills, cantilevers, chimneys, belt courses, cornices, siding, eaves and similar architectural features which project:
 - (a) not more than 0.6 metres into any minimum side yard of 1.2 metres or more,
 - (b) not more than 0.3 metres into any minimum side yard or less than 1.2 metres, and
 - (c) not more than 0.6 metres into any minimum front or rear yard,
- (3) uncovered terraces, or steps in a front yard of a height not exceeding 1.25 metres, above finished grade;
- (4) uncovered terraces, or steps in a side or rear yard of a height not exceeding 1.25 metres, above finished grade and not projecting more than 1.8 metres and not closer than 0.75 metres to the adjacent lot line;
- (5) fences and landscaping;
- (6) a central air conditioning unit or heat pump, or pumping filter, may be located in any yard provided it is located within 3.0 metres of the main building and is located a minimum of 1.2 metres from any lot line;

2. Swimming Pools

- (1) Notwithstanding any other provision of 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, Development Zone, Industrial Zone and Open Space Zone, subject to the following regulations:
 - (a) the swimming pool shall not be located within the front yard for any Residential Zone, and not be located within the required front yard and required exterior side yard for any zone, other than a Residential Zone,
 - (b) an inground pool shall have no interior wall surface located within 1.2 metres of the main building and 1.2 metres to any interior side lot line, exterior side lot line or rear lot line for any Residential Zone, and not within 1.5 metres to any interior side lot line or rear lot line for any zone, other than a Residential Zone,
 - (c) an on-ground or above ground pool with no deck shall have no interior wall surface located closer than 1.2 metres to an exterior side lot line, interior lot line or rear lot line,

- (d) where a deck is attached to an on-ground or above ground pool, the deck portion only shall not be located closer than 1.2 metres plus the height of the deck to any exterior lot line, interior lot line or rear lot line,
- (e) any building or structure required for changing clothes or for pumping or filtering facilities or other similar use shall comply with the provisions of Section 6.25 of the zone category in which it is located,
- (f) the swimming pool shall be considered part of the landscaped open space requirement of the zone category in which it is located,
- (g) the swimming pool shall be fenced in accordance with the City's Pool Fence By-law, and
- (h) where a parcel of land is not serviced by sanitary sewer, an approval from the Regional Niagara Public Health Department is required prior to any swimming pool being erected or installed on the lands.

3. Decks

DECK (UNATTACHED)

- (1) A deck (unattached) is permitted in any Residential Zone provided that any deck having a height of 0.6 metres or greater to a maximum height above grade of 1.8 metres is only permitted, subject to the following regulations:
 - (a) not be located within 1.2 metres, plus the distance equal to half the height of the deck, of any interior side lot line, exterior side lot line or rear lot line.

DECK (ATTACHED)

- (2) A deck (attached) is permitted in any Residential Zone provided that any deck having a height of 0.6 metres or greater to a maximum height no higher than the floor level of the ground floor of the dwelling is only permitted subject to the following regulations:
 - (a) may extend from the wall closest to the rear lot line a maximum of 3.66m provided:
 - (i) the deck is located no closer than 3.0 metres to the rear lot line;
 - (ii) the deck is located no closer to the exterior side and interior side lot line than the dwelling.
- (3) Notwithstanding the above provisions, stairs used to access a deck shall not be subject to the setback requirements of this Section.

6.3 Yard Requirements When Abutting Environmental Conservation Zone

Notwithstanding the yard requirements specified in each zone category of this By-law, no building or structure shall be erected, when said building or structure abuts an Environmental Conservation EC Zone, unless the setback requirements of the Niagara Peninsula Conservation Authority in accordance with the provisions of the Conservation Authorities Act have been satisfied and unless the setback requirements of the Ministry of Natural Resources as administered by Regional Niagara in accordance with the Fisheries Act and Lakes and Rivers Improvement Act have been satisfied.

6.4 Lots Abutting a 0.3 Metre (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 include the 0.3 metre reserve.

6.5 Occasional Uses

Nothing in this by-law shall prevent the occasional use of land for a period not exceeding 12 months 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, trailer 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 abutting the lands which are for sale in accordance with the requirements of the applicable zone;
- (c) the location or storing of used concrete and/or asphalt products on any land for any purpose, including crushing and sorting, provided such activity:
 - (i) is incidental to and necessary for a public undertaking;
 - (ii) is within the limits of said undertaking, or on land adjacent to said undertaking and is only located or stored there for the duration of such undertaking; and
 - (iii) has a Certificate of Approval that has been issued by the Ministry of Environment and Energy for any crushing operation;
- (d) An asphalt or concrete batching plant provided such activity:
 - (i) is incidental to and necessary for a public undertaking;
 - (ii) is within the limits of said undertaking, or on land adjacent to said undertaking, continues only for the duration of such undertaking; and
 - (iii) has a Certificate of Approval that has been issued by the Ministry of Environment and Energy;

- (e) the use of any land for the erection of a seasonal fruit stand for the sale of locally grown produce subject to the following regulations:
 - (i) Maximum area of stand - 20 square metres,
 - (ii) Maximum Height - 3.8 metres,
 - (iii) Minimum setback from any street - 7.5 metres,
 - (iv) All other yards - in accordance with the provisions of the Agricultural A Zone;
- (f) notwithstanding any other provision of this By-law, a garage or yard sale may be held by any resident of a dwelling, provided that such sales shall be restricted to no more than two occasions per year and no more than two consecutive days at a time on any one lot;
- (g) a tent may be used for special occasion purposes accessory to an established use in any commercial zone, provided that such special purpose shall be restricted to no more than two occasions per year and no more than four consecutive days at a time on any one lot, subject to all other requirements of the applicable commercial zone.

6.5.1 Refreshment Carts and Vehicles

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

- (a) the use of any land for a refreshment vehicle or refreshment cart as licensed and regulated by the Corporation for a special occasion;
- (b) the use of the following commercially zoned lands for the seasonal placement of a refreshment vehicle or refreshment cart as licensed and regulated by the Corporation and subject to the provisions of the pertinent zone;
 - (i) Highway Commercial/Industrial HCI Zone specific to:
 - Schedule A3 - Part of Township Lot 122, North Side of Highway 20.
 - Schedule A4 - Part of Township Lots 149-151, 158, 194, North and South Sides of Highway 20.
 - Schedule A4 - Part of Township Lot 226, West Side of Niagara Street.
 - (ii) Highway Commercial HC Zone specific to:
 - Schedule A2 - Part of Township Lots 89-93, North side of Highway 20.
 - Schedule A3 - Part of Township Lots 112-117, South side of Highway 20.
 - (iii) Neighbourhood Commercial NC Zone specific to:
 - Schedule A7 - Southeast Corner of Ormond Street and Lyndon Street.

6.6 Height Exemptions

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) barn, silo;
- (b) chimney;
- (c) church spire or belfry;
- (d) clock tower;
- (e) cupola;
- (f) 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;
- (g) fire training tower;
- (h) flag pole;
- (i) grain elevator;
- (j) lightning rod;
- (k) navigational aids;
- (l) ornamental dome;
- (m) power transmission tower;
- (n) radio, television or telecommunications tower or antennae accessory to a permitted use;
- (o) roof stairway;
- (p) skylight;
- (q) solar panels;
- (r) unitary equipment;
- (s) water storage tank;
- (t) weather monitor;
- (u) windmill.

6.7 Access to Public Street, Road or Highway

- 6.7.1 Subject to Section 6.7.2 no permit shall be issued for the erection of any building or structure in any zone unless the lot upon which such building or structure is to be erected, or a private right-of-way appurtenant to such lot, abuts a public street or road.
- 6.7.2 Section 6.7.1 shall not apply so as to prevent the issue of a building permit for a building or structure not intended for human habitation to be erected in an AGRICULTURAL A Zone, ENVIRONMENTAL CONSERVATION EC Zone and OPEN SPACE OS Zone for any agricultural, conservation purpose permitted within that zone.

6.8 Sight Triangles on Corner Lots

Within a sight triangle the following are prohibited:

- (1) a building, structure or use which would obstruct the vision of drivers of motor vehicles approaching the adjacent intersection,
- (2) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 0.8 metres in height above the elevation of the adjacent street line; and
- (3) a finished grade which exceeds the elevation of the adjacent street line by more than 0.64 metres.
- (4) all corner lots shall provide a sight triangle consisting of an unobstructed triangle area where the front lot line and exterior side lot line intersects. The sight triangle shall be measured from the point of intersection of the lot lines based on the following:

Arterial abutting Local Roads	4.5 m x 4.5 m
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Local Roads	3.0 m x 3.0 m
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6.9 One Building Per Lot

Unless otherwise specifically permitted in this By-law, in any RESIDENTIAL, AGRICULTURAL OR RURAL COMMERCIAL Zone, not more than one building for residential purposes shall be erected on a lot.

6.10 Fences, Hedges

6.10.1 No fence, wall or hedge shall be:

- (1) greater than 1.8 metres in height on any part of a lot in a RESIDENTIAL Zone,
- (2) and for the purpose of this subsection where the existing grade along the mutual property line has an elevation difference greater than 0.15 metres than the height of a fence, wall or hedge shall not exceed 1.5 metres.

6.11 Amusement Machines

- 6.11.1 No land shall be used nor shall any building or structure be erected or used in any zone for purposes of an amusement machine arcade.
- 6.11.2 No land shall be used, nor shall any building or structure be erected or used for the operation of any amusement machine in any zone unless such operation is expressly permitted in the applicable zone.
- 6.11.3 Where, in any zone, the operation of amusement machines is permitted, such operation shall, except as provided in Section 6.11.4 be subject to the following restrictions:
- (1) such operation shall be limited to not more than three (3) amusement machines, each of which shall be entirely located within a building,
 - (2) such operation shall be carried on only on the premises of and in conjunction with another business or commercial use permitted in the zone. The latter use shall be the main use and the amusement machine operation shall be deemed a use accessory thereto,
 - (3) such operation shall occupy a total of not more than 10% of the floor area open to the general public for the main permitted use, and
 - (4) no internal or external sound system broadcasting music or other sound shall be used to attract the attention of the public to such operation.
- 6.11.4 Where the operation of amusement machines is a use accessory to a licenced premises, the maximum number of amusement machines that may be located at such premises shall be as may be permitted by such relevant Liquor Licence Act or regulation.

6.12 Prohibited Uses

- 6.12.1 Unless specifically permitted by this By-law, no person shall, in any zone, use land or erect or use any building or structure thereon, for any of the following purposes:
- (1) blood boiling;
 - (2) bone boiling;
 - (3) storing and/or tanning of animal hides and/or skins;
 - (4) tripe boiling;
 - (5) glue manufacture;
 - (6) fertilizer manufacture;
 - (7) any trailer, tent or recreational vehicle for permanent human habitation, excepting a help house;
 - (8) open storage of goods or materials unless ancillary to a permitted use;

- (9) an adult entertainment parlour;
- (10) the disposal of domestic; commercial or industrial waste;
- (11) drop forge;
- (12) junk yard, salvage yard, vehicle wrecking yard or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles or trailers with or without wheels;
- (13) locating or storing on any land for any purpose with or without wheels any railroad car, street car body, truck body, bus body or truck trailer, whether or not the same is situated on a foundation, unless such use is specifically permitted by any provision of this By-law or such use is permitted by any relevant agency having jurisdiction to licence such use;
- (14) abattoir;
- (15) the keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any animal including any tamed or domesticated animal on any lot or in any building or structure in any zone within the urban area as illustrated on Appendix A, or any lot in the Agricultural Zone having a lot area less than 0.8 ha, but this shall not prevent the keeping of up to a total of three animals comprising any combination of dogs, cats and rabbits as household pets;
- (16) track for the racing of motor vehicles, motorcycles or motorized snow vehicles;
- (17) radio/TV/telecommunication towers or antennae except as an accessory use to a permitted use;
- (18) asphalt/concrete recycling facilities, except as permitted by this By-law;
- (19) commercial composting facility;
- (20) asphalt/concrete batching plant, except as permitted by this By-law;
- (21) refreshment cycle.

6.12.2 In addition to the prohibited uses specified in Section 6.12.1, no use shall be permitted within the City 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.

6.12.3 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 such as:

- (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;

6.13 Mobile Homes

Except as provided for in this By-law no person shall erect, locate or occupy a mobile home.

6.14 Loading Space Requirements

Except as otherwise specifically provided in this By-law, every building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot, loading spaces which are not part of a street, lane or required parking area, in accordance with the following provisions.

6.14.1 Each loading space required shall measure at least 8.0 metres in length, 3.0 metres in width and have a vertical clearance of at least 4.0 metres.

6.14.2 The number of loading spaces shall be provided in accordance with the following table:

Gross Floor Area of Building or Structure	Minimum Number of Loading Spaces Required
Up to and including 2,300 square metres	1
Over 2,300 square metres but not exceeding 3700 square metres	2
Over 3,700 square metres but not exceeding 9300 square metres	3
Over 9,300 square metres	3 plus 1 additional loading space for each additional 700 square metres, or fraction thereof in excess of 9300 square metres
Asphalt and Concrete Recycling Facility	2

6.14.3 Access to loading spaces shall be provided by means of a driveway having a minimum width of 4.5 metres contained on the lot and leading to a maintained highway.

6.14.4 Loading spaces and any access of driveways thereto, shall be maintained in a stable surface condition such as crushed stone, asphalt or concrete; which is treated as required to prevent the raising of dust.

6.14.5 Parking areas, loading areas, driveways and access and egress areas shall have a cement or asphalt binder or other permanent type of surfacing to the front building line.

6.15 Parking Space Requirements

6.15.1 The following table provides a list of uses and corresponding parking requirements:

(1) RESIDENTIAL

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Single detached dwelling, semi-detached dwelling unit, duplex, triplex dwelling, or street townhouse dwelling	1 space for each dwelling unit
Fourplex, double duplex, block townhouse dwelling, or apartment building containing not more than 15 dwelling units	1.5 spaces for each dwelling unit
Apartment building containing more than 15 dwelling units	1.25 spaces for each dwelling unit
Bed and Breakfast Establishment	1 space for each licenced bedroom, in addition to space(s) otherwise required
Senior citizen housing	0.5 spaces for each dwelling unit 1 space for every 49 square metres of floor area with a minimum of 2 spaces
Any other dwelling unit	1 space

(2) NON-RESIDENTIAL

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Arena	1 space for every 4 persons based on lawful capacity
Art gallery, library, museum	1 space per 5 square metres of public floor area
Assembly hall, club public and	1 space for every 4 persons based on private lawful capacity
Automobile, boat & recreational	1 space per 30 square metres of gross floor area vehicle sales and rental with a minimum of five spaces

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Automobile service station, public garage	2 spaces per service bay
Curling rink	6 spaces per sheet
Day nursery	3 spaces per classroom
Disabled parking	1 space per 100 parking spaces
Funeral home, undertaking establishment	1 space for every 4 persons based on lawful capacity
Golf course	4 spaces per hole
Golf driving range	1 space for every 2 persons who can be accommodated at one time
Hospital	1 space for every 2 beds
Lawn bowling green	3 spaces per green
Manufacturing, Industrial uses	1 space per employee on the largest shift
Miniature golf course	1 space per hole
Motel, hotel	1 space per guest room
Nursery School	3 spaces per classroom
Nursing home	1 space for every 4 beds
Office	1 space per 28 square metres of gross floor area
Park	10 spaces for every hectare devoted to the specific use
Place of Worship	1 space for every 4 persons based lawful capacity
Playing field (organized sports)	10 spaces per field
Retail establishment	1 space per 28 square metres of retail floor area
Restaurant	1 space per 4 square metres of public floor area
Restaurant, drive-thru	1 space per 4 square metres of gross floor area, plus a waiting lane accommodating a minimum of 4 vehicles
Riding stable	1 space for every 4 horses available for public riding

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
School	1 space for every classroom or 1 space for every 5 square metres of assembly area, whichever is greater
Senior Citizens' Centre	1 space for every 10 persons based on lawful capacity
Service or fraternal organization	1 space for every 4 persons based lawful capacity
Shopping centre	1 space per 20 square metres of public floor area
Swimming/Wading pool	1 space for every 10 square metres of pool area
Tennis, squash or other court	4 spaces per court
Warehouse	1 space per 100 square metres of gross floor area
Wholesale establishment	1 space per 70 square metres of gross floor area
Asphalt and Concrete Recycling Facility	3 spaces
Country Inn	1 space for each licenced bedroom, plus a minimum of 2 other spaces, in addition to space(s) otherwise required

6.15.2 Calculation of Required Parking Spaces

- (1) The required number of parking spaces shall be calculated in accordance with the following:
 - (a) any fraction of a parking space shall be considered as one required parking space;
 - (b) where any land, building or structure is used for more than one use the number of parking spaces required shall be the sum of the parking spaces required for each use;
 - (c) parking space requirements in Section 6.15.1 do not include parking spaces used or intended to be used for vehicles which are for rent, or for sale or for delivery of goods or materials.
- (2) A parking space required herein shall be in accordance with Schedule C attached hereto and forming part of this By-law.

6.15.3 Parking and Storage of Trucks & Trailers in Residential Zone

- (1) Parking Prohibited in Residential Zone. Subject to subsection (2) below, no person shall use any land, building or structure in any Residential Zone for parking or storage of any trailer, boat or commercial motor vehicle;

- (2) Exceptions. Notwithstanding the provisions of subsection (1) above, there may be parked or stored on any lot in a Residential Zone:
- (a) any trailer, boat or commercial motor vehicle provided that same be at all times parked or stored within a completely enclosed main or accessory building,
 - (b) in addition to any trailer or boat permitted under clause (a),
 - (i) one boat not exceeding 7.2 metres in length, with or without boat trailer, and
 - (ii) not more than two recreational vehicles as defined in this by-law,
- for each dwelling unit on such lot, but subject in every case to the applicable regulations in Section (3) or (4).
- (3) Parking - Single or Two-Family Units. No boat or trailer permitted to be parked or stored under clause (2) on a lot containing not more than two (2) dwelling units shall:
- (1) be parked or stored in any required front yard or required side yard, except as permitted under Section (5),
 - (2) subject to sub-clause (3), be parked or stored closer than 0.6 metres to any lot line,
 - (3) be parked or stored closer than 2.4 metres to any main wall of an adjoining lot containing one or more openings from a habitable room whose floor is at or above ground level.
- (4) Parking - Multiple Dwelling Units
- (a) Every boat and trailer permitted to be parked or stored under sub-clause (b) of subsection (2) on a lot containing more than two dwelling units shall:
 - (i) be parked or stored only in parking areas or spaces additional to those otherwise required under the provisions of this by-law,
 - (ii) not be parked or stored on any required front yard or side yard setback, except as permitted under Section (5),
 - (iii) not be parked or stored closer than 1.5 metres to any lot line.
 - (b) Notwithstanding anything to the contrary in this section, the total area devoted to parking areas for all purposes, including parking and storage permitted by this section, shall not exceed thirty-five percent (35%) of the lot area.
- (5) Parking and storage of permitted boats and trailers in a required front yard or side yard setback shall be lawful in any case where, by reason of the location of buildings, lot topography or similar cause, it is impossible to park or store the same elsewhere on the lot.

6.15.4 Space for Vehicle Storage

In addition to the requirements of Section 6.15.1 where any permanent use involves the parking or storage of vehicles intended or used for sale, for rent or for delivery of goods and materials, sufficient off-street space shall be provided to accommodate such parking or storage.

6.15.5 Parking for the Disabled

Parking spaces for the disabled shall be provided and maintained in accordance with the City of Thorold "By-law to Provide Parking for Persons with Disabilities".

6.15.6 Prohibited Parking

Parking is prohibited on any lot in any zone in any place other than a parking space established in accordance with this section.

6.15.7 Location of Parking Spaces

Parking spaces or parking areas as required shall be in accordance with the following provisions:

- (a) parking spaces required for uses permitted in any zone shall be located on the same lot as such use;
- (b) parking areas shall not be located on any part of any street, sight triangle, lane or loading space;
- (c) any parking space required for a dwelling unit in an Agricultural Zone, Rural Commercial Zone, a Residential First Density Zone, a Residential Second Density Zone, a Residential Third Density Zone excepting a block townhouse dwelling, triplex dwelling and fourplex dwelling, or an Office Residential Zone may be located in a driveway, private garage or carport which is contiguous to the dwelling unit;
- (d) parking areas required in a Residential Third Density Zone or a Residential Fourth Density Zone shall be located not closer than 3.0 metres to any:
 - (i) street line,
 - (ii) window of a habitable room, except for parking space and driveway for the occupant of that room; or
 - (iii) Residential First Density or Residential Second Density Zone.
- (e) In any zone other than a Residential Zone or a Central Commercial Zone, parking areas shall be located not closer than 1.5 metres to any lot line.

6.15.8 Access Driveways to Parking Spaces

Access driveways to parking spaces shall be in accordance with the following provisions:

- (a) a vacant parking space shall be readily accessible at all times for use by a vehicle, without the necessity of moving any other vehicle; except for where tandem parking is permitted by this by-law;
- (b) the minimum perpendicular width of an access driveway shall be 3.0 metres if the access driveway is one-way, and 7.5 metres if the access driveway is two-way;
- (c) a structure, having a maximum height of 3.0 metres and a maximum floor area of 5.0 square metres, may be erected on any part of a parking area for the sole purpose of sheltering parking attendants.

6.15.9 Surface Treatment of Parking Areas and Access Driveways

Parking areas and access driveways shall be constructed and maintained in the following manner:

- (a) they shall be useable at all times of the year;
- (b) the surface shall be of a granular base, crushed stone, concrete, asphalt or similar dust inhibiting material.

6.15.10 Lighting of Parking Areas

Parking areas shall be adequately lighted. Light fixtures or standards shall be arranged so that light from them is deflected away from any residential uses.

6.15.11 Exception to Parking Requirements

Notwithstanding the provisions of Section 6.15.1 lands within the Central Business District as identified on Schedule A7 shall be subject to the following:

- (a) commercial uses shall be exempted from the parking and loading requirements of this By-law;
- (b) dwelling units established prior to February 16, 1993 shall be exempt from the parking requirements of this By-law;
- (c) new dwelling units shall provide required parking in accordance with the following:
 - (i) for 1, 2 or 3 new dwelling units - 1 space per dwelling unit,
 - (ii) for 4 or more new dwelling units but not exceeding 15 units
- 1.5 spaces per dwelling unit,
 - (iii) for 16 or more new dwelling units - 1.25 spaces per dwelling unit.

6.15.12 Parking in Front Yard

Within any of the Residential Zones, excepting the R4A and R4B Zones, no person shall park, permit or cause to be parked on any portion of the front yard of any lot for the purpose of parking or storing any motor vehicle, provided that this provision shall not apply to prohibit

the use for such purpose of either one properly constructed and surfaced driveway or one properly constructed and surfaced parking area which does not exceed a maximum width of 7.3 metres.

6.15.13 Provisions for Bicycle Parking Spaces

Bicycle Parking shall be provided and maintained in accordance with the following provisions:

Bicycle Parking Requirements	
Residential Apartment	6 spaces plus 0.5 spaces per dwelling unit (50% with indoor and/ or secured facilities)
Office, Light Manufacturing	2 spaces plus 0.25 spaces per 1000 square metres GFA
Warehouse, Wholesale Establishment	2 spaces plus 0.25 spaces per 1000 square metres GFA

6.16 Lot Area and/or Frontages Less Than Required

Where a registered lot having a lesser lot area or lot frontage than that required herein;

- (i) is the same as in a deed registered on or prior to the date of passing of this By-law; or
- (ii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lot, or
- (iii) is located within a registered plan of subdivision that was either registered not more than 8 years prior to the date of passing hereof, or approved in draft by the Minister of Municipal Affairs or the Regional Municipality of Niagara prior to the date of passing hereof and subsequently registered, and
- (iv) complies with all relevant regulations made under The Public Health Act, R.S.O. 1980, and The Environmental Protection Act, R.S.O. 1980, and all relevant requirements of the Regional Niagara Public Health Department, and
- (v) such parcel has a frontage of 7.6 metres minimum to an improved street,

then the said registered lot shall be deemed to conform to the requirements of this By-law with respect to lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such registered lot, or the erection, alteration or use of a permitted building or structure there upon, provided all other requirements of this by-law are satisfied.

6.17 Previous Minor Variances

Where the Committee of Adjustment has authorized a minor variance from the provisions of any by-law which is a predecessor of this By-law, such minor variance shall be deemed to be an authorized minor variance from the provisions of this By-law, provided that the provisions of this By-law are identical to, or less restrictive than, the corresponding provisions of the predecessor by-law from which the minor variance was authorized.

6.18 Building Restoration

- (a) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition 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 the provisions of this By-law.
- (b) Nothing in this By-law shall prevent the replacement of a dwelling, which has been partially or completely destroyed by fire, an act of God or any other means, except for flooding, beyond the control of the owner, on all or part of the existing foundation.

6.19 Non-Conforming Uses**6.19.1 Continuation of Existing Uses**

The provisions of this By-law shall not prevent the use of any lot, building or structure for any use prohibited by this By-law if such lot, building or structure was lawfully used for such use on the date of the passing of this By-law, and as long as it continues to be used for that purpose.

6.19.2 Repairs and Renovations

When a building or structure which was erected prior to the date of the passing of this By-law is used for a purpose not permitted in the zone in which it is situated, the said building or structure may be repaired or renovated provided that there is no expansion or enlargement of the use, building or structure or change of use.

6.19.3 Discontinuation of Use

Where a use, building or structure which was established prior to the date of the passing of this By-law has been used for a purpose not permitted in the zone in which it is situated, and said use discontinues or the building or structure has been abandoned for a period of twelve consecutive months or longer, the use shall be deemed to have ceased and the said building or structure may only be used thereafter for a use that conforms to this By-law.

6.20 Development Freeze

NOTE: Deleted by By-law 24(a)-2001.

6.21 Home Occupation/Business

No dwelling unit located in any zone may be used for a home occupation except in accordance with the following:

1. A home occupation shall not include the following business activities:
 - (a) any direct retail sale;
 - (b) any pet care or grooming use;
 - (c) any kennel;

- (d) any small engine repair use;
 - (e) any sales or service of motorized vehicles, machinery or equipment;
 - (f) any sales or installation of automotive and audio products;
 - (g) any office of a physician, dentist or drugless practitioner;
 - (h) any taxi service;
 - (i) any vehicle towing;
 - (j) any other use or uses prohibited pursuant to the PROHIBITED USES Section of this By-law;
 - (k) any use which is disruptive to a residential neighbourhood.
2. A home occupation shall be clearly subordinate to the main residential use and conducted wholly within the dwelling unit.
 3. The external appearance and the residential character of the dwelling unit shall not be altered.
 4. There shall be no exterior indication either from the appearance of the dwelling, including signage, or the volume of vehicular traffic that any such home occupation is being conducted.
 5. The minimum floor area of any home occupation shall be 7.4 square metres but in any case not exceed 25% of the dwelling unit area to a maximum of 37.2 square metres.
 6. There shall be no external display or storage of merchandise or materials.
 7. No person other than a person who resides in said dwelling unit, may be employed in the home occupation; and for purposes of this restriction, domestic servants, roomers and boarders shall not be considered residents.
 8. Not more than one home occupation is permitted in a dwelling unit.
 9. No home occupation is permitted in an accessory building or structure or private garage.
 10. No mechanical or other industrial related equipment may be used, except that which is customarily employed in a dwelling for household purposes or for a purpose normal to or reasonably consistent with the use of a dwelling as such.
 11. The home occupation shall not emit noise, vibration, fumes, odour, dust, glare or radio/television interference beyond the premises of the residential dwelling.
 12. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by

parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

13. Not more than four clients, students or customers are permitted to be serviced at a time.
14. No parking lot shall be provided for any home occupation.
15. A minimum of 1 parking space shall be provided for a home occupation, which space may be in tandem.
16. The home occupation of home daycare is permitted subject to the following additional requirements:
 - (a) maximum numbers of non-resident children - 5;
 - (b) in addition to the maximum area permitted for a home occupation, a defined fenced outdoor area is permitted in the rear yard only, for use in conjunction with a home daycare.
17. The home occupation of a hairdresser is permitted subject to the following additional requirements:
 - (a) Maximum hairdressing chairs - 1;
 - (b) Minimum parking - 2 spaces in addition to the maximum requirement for the dwelling unit (tandem parking permitted).

6.22 Home Industry

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

- (a) a home industry shall be clearly subordinate to the main residential use;
- (b) a home industry may be permitted within an existing accessory building provided the maximum floor area is limited to 50 square metres;
- (c) the external appearance and the residential character of the dwelling unit shall not be altered;
- (d) the home industry shall only be carried out by an occupant of the dwelling located on the same lands as the home industry; and for purposes of this restriction, domestic servants, roomers and boarders shall not be considered residents;
- (e) there shall be no external indication, either from the appearance of any building or structure nor shall the use create or become a public nuisance with regards to noise, traffic or parking;
- (f) 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 the accessory building is being used as a home industry;

- (g) there shall be no external display or outside storage of goods or materials associated with the home industry;
- (h) such home industry may include upholstering, dressmaking, artisan shop, including ceramic making, sculpting and weaving, photography, carpentry shop, blacksmiths shop or an electrical shop but shall not include a Vehicle Body Shop, or a Vehicle Service and Repair Establishment, as defined herein, or a retail use which is open to the public on a regular or full-time basis;
- (i) only those retail products produced on the premises such as arts, crafts, and draperies, shall be offered for sale on the premises;
- (j) the home industry shall not generate regular or frequent delivery or pick-up of materials or commodities by commercial vehicles; and
- (k) the home industry shall comply with the parking provisions of Section 6.15.

6.23 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 street line, 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.

6.24 Group Homes

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

- (a) where a zoning category permits a group home, the following types of group homes are permitted without an amendment to this by-law:
 - (1) an Approved Home;
 - (2) a Home for Special Care;
 - (3) a Supportive Housing Program: Adult Community Health Program;
 - (4) accommodation Services for the Developmentally Handicapped;
 - (5) a Satellite Residence for Seniors;
 - (6) a Home for Physically Disabled Adults;
 - (7) a Children's Residence.
- (b) no other type of group home is permitted in any zone except by specific amendment to this by-law.

6.24.1 Regulations and Restrictions

No person shall use any land, or erect or use any building or structure for purposes of a group home except in compliance with the following regulations and restrictions:

- (1) Distance Separation Between Group Homes: a minimum of 458 metres measured from the nearest property lines;
- (2) Minimum Floor Area: 20 square metres per resident and live-in staff, but in no case less than 93 square metres;
- (3) Recreational Space: a minimum of 10 square metres per resident and live-in staff shall be provided either indoors entirely or indoors and outdoors in combination, for recreational, leisure and/ or landscape purposes;
- (4) Maximum Number of Residents Permitted (exclusive of staff):
 - (a) In any zone where residential use is restricted to a single detached family dwelling - 6,
 - (b) In any other zone - 8,
 - (c) Notwithstanding (a) and (b) above, in any Children's Residence in any zone - not more than two (2) children convicted under the Young Offenders Act.
- (5) Parking: 1 parking space per 49 square metres of floor area of habitable rooms, with a minimum of 2 parking spaces;
- (6) Signs: no outdoor sign or other visible exterior identification as a group home is permitted;
- (7) Zone Provisions: except as otherwise provided in this section, all zone provisions applicable to residential uses in the zone in which the group home is located shall apply to group homes, such provisions including but not limited to location of dwelling units, minimum lot area, minimum lot frontage, maximum ground floor area, required setbacks, minimum side and rear yards, maximum building height and landscaping, the latter to be in addition to any requirement under clause (3). Where in any zone there are different zone provisions applicable to different residential uses, the zone provisions applicable to the highest density residential use permitted in the zone shall apply to group homes in that zone.

6.25 Accessory Buildings and Structures in Residential Zones

6.25.1 Accessory buildings or structures are permitted in any Residential Zone subject to the following provisions:

- (a) shall not be established until or unless the main building or use to which it is accessory is established;
- (b) no accessory building or structure shall be used for human habitation;
- (b) shall not be used for gain or profit;

- (d) no accessory building or structure shall be permitted in a front yard or a required exterior side yard;
- (e) an accessory building or structure shall have a setback of 0.9 metres from an interior side lot line or a rear lot line;
- (f) no setbacks are required from an interior side lot line where an accessory building or structure on one lot shares a common wall with an accessory building or structure on an adjacent lot, provided that both accessory buildings or structures are used for the same purpose;
- (g) must be located a minimum of 1.2 metres from any other building located on the same lot;
- (h) shall not be located within or partially within, any utility easement, corridor or storm drainage swale;
- (i) the maximum lot coverage of all accessory buildings and structures on a lot is ten percent; provided that an uncovered and unenclosed swimming pool shall not be considered an accessory building or structure for purposes of this clause;
- (j) The maximum height of an accessory building is 4.5 metres, except as otherwise permitted in Section 6.6.

6.26 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; or
- (b) written approval is received from the Regional Public Health Department for the use of private sewage and water supply for any lands outside any urban boundary in the municipality. No use within the urban boundary of the municipality shall be permitted unless such use be connected to municipal sanitary sewer and water services.
- (c) adequate drainage is provided for every lot, including the provision of a secure outlet.

6.27 Bed and Breakfast Establishment

Where permitted or as illustrated on Schedule A7-1, a bed and breakfast establishment 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;
- (b) be clearly secondary to the main residential use;
- (c) not be permitted in combination with any other type of accommodation such as roomers and boarders and lodgers and an accessory apartment or apartments;

- (d) not contain more than three (3) guest rooms with a maximum occupancy load of ten (10) persons for the subject dwelling. One (1) unrented bedroom must remain in the dwelling for the exclusive use of the owner;
- (e) not contain more than six (6) guest beds;
- (f) have an outdoor amenity space suitable for the relaxation of the guest and host family of 47.5 square metres adjacent to the dwelling, with no dimension less than six (6) metres, unless it be a bed and breakfast establishment in a historic or architecturally significant home, as such may be designated by the City of Thorold;
- (g) not increase the number of guest rooms to more than three (3) unless it first obtains a site specific zoning by-law amendment permitted such to occur and in which amendment consideration will first be given to:
 - (i) homes or dwellings designated under the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended, or any successor legislation as being of historic and/or architectural significance;
 - (ii) homes or dwellings in which the increase in the number of guest rooms will not result in the requirement of any significant alteration to the dwelling or any building addition to the dwelling, and
 - (iii) homes or dwellings that have the required area for an increase in parking spaces as such may be required by the City of Thorold;
- (h) be in a building that existed on the 4th day of April, 2000;
- (i) not be on a property which was the subject of a demolition of a building designated under the Ontario Heritage Act after the 4th day of April, 2000;
- (j) be licenced pursuant to the applicable by-law of the City of Thorold and pay an annual licensing fee to the City of Thorold in order to operate each and every year;
- (k) have off-street parking provided at the rate of one (1) space per licenced guest room and one (1) space for the main dwelling unit, with only one (1) vehicle permitted to be stacked behind the required parking space, and
- (l) front onto a public road.

6.28 Railway Setbacks

Subject to Sections 6.18 and 6.23 where a lot abuts a railway right-of-way which is illustrated on Schedule B1 and B2, no person shall erect or use any building or structure on such lot closer to the right-of-way than the following setbacks:

Right-of-way Classification	Required Setback
-----------------------------	------------------

Principal Main Line

(a) Industrial Zones	15m
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- (b) Other Zones 30m

Principal Branch Line

- (a) All Zones 15m

Spur Line

- (a) All Zones 15m

6.29 Yard Conformity

Notwithstanding the yard requirements of the R1A, R1B, R1C, R1D, R2 and R2S Zone of this By-law where a lawfully established building or structure does not conform to one or more of the yard setbacks of the By-law, the established yard setback shall be considered the required yard setback by this By-law.

6.30 Outdoor Commercial Patios

In any zone where an Outdoor Commercial Patio is permitted as an accessory use to a permitted use the following provisions shall apply:

- (a) not permitted within 36.5 metres of any residential use or residential zone;
- (b) shall not exceed 50% of the public floor area of the principal use to which the patio is accessory;
- (c) notwithstanding the provisions of the underlying zoning category, the surface area of the patio is not to exceed a height of 1.5 metres above grade;
- (d) perimeter fencing required for an outdoor commercial patio shall be a minimum of 1.07 metres in height and shall not exceed 1.83 metres in height;
- (e) the parking standard shall be the same as required for the principal use to which the patio is accessory.

6.31 Model Homes in Draft Approved Plans of Subdivision

Notwithstanding any other provision of this By-law, where a model home agreement has been executed (signed) by the owner, one or more dwelling units may be constructed on a lot prior to registration of the plan of subdivision subject to the following restrictions:

- (a) the use shall be permitted in the zone in which the dwelling is located;
- (b) the dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision;
- (c) the maximum number of model homes shall not exceed eight (8) dwelling units;
- (d) the model home shall comply with all other provisions of this By-law, as though the dwelling unit were constructed on the lot within the registered plan of subdivision;

- (e) the model home shall comply with all applicable terms and conditions of the said subdivision agreement; and
- (f) the construction of a model home shall not be permitted prior to obtaining any necessary agency permits.

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SECTION 7: RESIDENTIAL FIRST DENSITY R1A ZONE

7.1 Permitted Uses

The following uses are permitted in Residential First Density R1A Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

7.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential First Density R1A Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-------|
| (a) Minimum Lot Area (square metres) | 550 |
| (b) Minimum Lot Frontage (metres) | 18.0 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
 - (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.
- | | |
|--|-----|
| (f) Exterior Side Yard Setback (metres) | 4.5 |
| (g) Maximum Lot Coverage (percent of lot area) | 35 |
| (h) Maximum Building Height (metres) | 11 |

7.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R1A-1 2248 Centre Street

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-1 on Schedule A10 may be used as a butcher's shop which includes abattoir, processing, wholesaling and retailing, and shall be subject to the following provisions:

- | | |
|---|----|
| (a) Interior Side Yard Setback (metres) | 10 |
| (b) Rear Yard Setback (metres) | 3 |

R1A(H)-2 1440 Barron Road.

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A(H)-2 on Schedule A10 may be used as an automobile recycling facility.

R1A-3 71 Ross Street

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-3 on Schedule A12 may be used as a dog grooming business conducted in the garage.

**R1A-4 80 Canby Street (Ross Home)
48 Canby Street (Camp Home)
28 South Street South (Elliot Home)**

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-4 on Schedule A12 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R1A-5 Undersized Lots North side Canby Street

Notwithstanding the provisions of the Residential First Density Zone R1A, the lands indicated as R1A-5 on Schedule A12 shall be subject to the following provision:

- | | |
|-----------------------------------|---|
| (a) Minimum Lot Frontage (metres) | 7 |
|-----------------------------------|---|

R1A-6 241 St. David's Road West

Notwithstanding the provisions of the Residential First Density R1A Zone and Section 5.1.4, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A(H)-6 on Schedule A6 may be used for a place of worship subject to the following provisions:

- | | |
|---|-------------|
| (a) Minimum Lot Frontage | as existing |
| (b) Front Yard Setback | as existing |
| (c) Interior Side Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback (metres) | 7.5 |

- (e) Maximum Lot Coverage (percent of lot area) 35
- (f) Minimum Landscaped Open Space (percent of lot area) 20
- (g) Maximum Building Height (metres) 11
- (h) Lands subject to the symbol (H) shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:
 - (i) adequate servicing including sanitary sewers, storm sewers, stormwater management facilities and waterlines can be provided to the lands to the satisfaction of Regional Niagara and the City of Thorold;
 - (ii) the provisions of Section 7.15.1 of the Official Plan are satisfied;
 - (iii) development or redevelopment of the subject site requires the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on title.

R1A-7 1330 Egerter Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H) - 7 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, providing the following occurs:

- (i) The provisions of Section 5.1.4 of this By-law are satisfied;
- (ii) A warning clause be included in all Offers to Purchase and Sale Agreements by the developer of the lands to prospective purchasers advising of the abutting industrial zones and activities;
- (iii) A three metre high earth berm be erected along the east side of Egerter Road, with said berm being appropriately landscaped;
- (iv) Development of the lands be subject of a subdividers agreement pursuant to Section 51(26) of the Planning Act.

R1A-8 Lots 40, 44, 44A, Plan M-10, East side of South Street South

Notwithstanding the provision of Residential First Density Zone R1A, the lands indicated as R1A-8, on Schedule A12 shall be subject to the following provision:

- (a) Minimum Lot Frontage (metres) 6.7

R1A-9 Lot 21, Plan M-28, Gainer Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands indicated as R1A-9 on Schedule A10 shall be subject to the following provisions:

- (a) Minimum Lot Frontage (metres) 24.08

- | | |
|---|------|
| (b) Minimum Lot Area (Hectares) | 2.40 |
| (c) Minimum Setback from CN line (metres) | 60 |
| (d) Minimum natural vegetative buffer from watercourse (metres) | 15 |

R1A(H)-10 1210 Kottmeier Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H)-10 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, providing the following occurs:

- (i) The provisions of Section 5.1.4 (a) of this By-law are satisfied;
- (ii) Development proceed by plan of subdivision approval;
- (iii) The draft plan of subdivision will address the normal subdivision requirements and include the following matters:
 - (a) a tree saving plan
 - (b) a 10 metre undisturbed buffer around the forested area
 - (c) development of a restrictive covenant for the remainder of the woodlot
 - (d) development of a stormwater management plan and a site drainage plan.
 - (e) compliance with the Regional Tree Preservation By-law.
 - (f) noise assessment related to highway and rail operations, if required.

R1A-11 Island Street (Lot 8, Registered Plan M-5, Reference Plan 59R-13522)

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A (H)-11 on Schedule A-12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:

- (i) The provisions of Section 5.1.4(a) of the By-law are satisfied;
- (ii) A Development Agreement be registered on title which will address the following:
 - (a) lot drainage
 - (b) driveway accesses
 - (c) servicing
 - (d) trees

- (e) fencing
 - (f) sump pits
 - (g) noise control measures and warning clauses
- (iii) Approval of requisite consent applications.

****Holding Provision removed, Parts 1-5, Plan 59R-13522 by By-law 61-2008, June 17, 2008.****

R1A-12 245 St. David's Road West, Abbeyfield Seniors Residence

Notwithstanding the provisions of the Residential First Density R1A Zone, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-11 on Schedule A6 may be used for a Retirement Home to a maximum of seventeen (17) units, which is defined as:

a residence providing accommodation primarily for persons or couples with limited physical disabilities brought on by age for which some degree of physical assistance is required where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but, where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care may be provided.

and subject to the following special provision:

- | | |
|--------------------------------|---|
| (a) Parking Spaces Requirement | 0.47 spaces for each dwelling unit for a total of 8 parking spaces. |
|--------------------------------|---|

R1A-13 Plan M5, Lot 31, Misener Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A-13 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until a Development Agreement is registered on title.

R1A(H)-14 Plan M5, Lot 31, Misener Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H)-14 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided the following occurs:

- (i) The provisions of Section 5.1.4(a) of the By-law are satisfied;
- (ii) Future development will proceed by Plan of Subdivision approval and a Subdivision Agreement registered on title.

R1A-15 Part Lot 4, Registered Plan M9, Part 6 Plan 59R-4330 (Carl Street)

Notwithstanding the provisions of the Residential First Density R1A and notwithstanding General Provision Section 6.26 "Requirement for Municipal Services", the lands indicated as R1A-15 on Schedule A12 may be used for the construction of one (1) single detached dwelling on private services subject to the following;

- | | |
|---|-----|
| (a) Interior Side Yard Setback (metres) | 9.0 |
|---|-----|

(applicable to the south and southeast property lines)

R1A-16 38 South Street South (The O'Brien House)

Notwithstanding the provisions of the Residential First Density R1A Zone, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-16 on Schedule A12 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R1A-17 Allanport Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands indicated as R1A-17 on Schedule A12 shall be subject to the following provisions:

(a) Minimum Lot Area (metres)	2227 m ²
(b) Minimum Lot Frontage (metres)	36.5 m
(c) Minimum Front Yard Setback (metres)	15 m
(d) Minimum Northerly Interior Side Yard Setback (metres)	1.2 m
(e) Minimum Southerly Interior Side Yard Setback (metres)	7.5 m
(f) Minimum Rear Yard Setback (metres)	20 m
(g) Maximum Lot Coverage (percent of lot area)	15

In addition to the provisions of Section 6.25, the following setback provisions shall apply to those lands indicated as R1A-17 on Schedule A12:

(h) An accessory building or structure shall have the following setbacks:	
(i) A southerly interior side yard setback.	7.5 m
(ii) A northerly interior side yard setback.	0.9 m
(iii) A rear yard setback.	0.9 m

In addition, all development on the lands indicated as R1A-17 on Schedule A12 shall be in accordance with the Tree Saving Plan signed by John A. Morley and Associates dated November 15, 2012.

R1A-18 74 Elgin Street

Notwithstanding the provisions of Section 7.2 of the Residential First Density R1A Zone, the lands indicated as R1A-18 on Schedule A7 shall be subject to the following special provisions:

a)	Minimum Lot Area (square metres)	430	
b)	Minimum Lot Frontage (metres)	11	
c)	Minimum Front Yard Setback (metres)	7.4	
d)	Minimum Interior Side Yard Setback (metres)		0.9 on one side

- where there is no attached garage or carport shall be provided on one side. 2.2 metres
- e) Maximum Lot Coverage (percent of lot area) 30%
- f) Maximum Building Height (metres) 8.5 measured from grade to peak
- g) For new a new residential dwelling, an attached garage or carport is required.

R1A-19 86 Canby Street

Notwithstanding the provisions of the Residential First Density R1A Zone and section 6.24.1, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-19 on Schedule A12 may be used as a group home housing up to eight (8) residents.

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SECTION 8: RESIDENTIAL FIRST DENSITY R1B ZONE**8.1 Permitted Uses**

The following uses are permitted in a Residential Density R1B Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

8.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Density R1B Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-------|
| (a) Minimum Lot Area (square metres) | 460 |
| (b) Minimum Lot Frontage (metres) | 15.0 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
 - (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.
- | | |
|---|-------|
| (f) Exterior Side Yard Setback (metres) | 4.5 * |
|---|-------|
- * except
- (i) for those lots located within Registered Plan M-42, the exterior side yard shall be as lawfully established or 4.5 metres, whichever is lesser.
- | | |
|--|----|
| (g) Maximum Lot Coverage (percent of lot area) | 35 |
| (h) Maximum Building Height (metres) | 11 |

8.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

R1B-1 122 Sullivan Avenue

Notwithstanding the provisions of the Residential First Density R1B Zone, in addition to the permitted uses of the R1B Zone, the lands indicated as R1B-1 on Schedule A7 may be used as a physician's office, located in a one-family detached dwelling used also as the practitioner's private residence providing such office is limited to consultation and minor or emergency treatment (but not such uses as may be in the nature of a clinic or private hospital).

R1B-2 69 Collier Road South

Notwithstanding the provisions of the Residential First Density R1B Zone, the lands indicated as R1B-2 on Schedule A6 shall be subject to the following provisions:

- | | |
|--|------|
| (a) Minimum Rear Yard Setback (metres) | 0.92 |
| (b) Minimum Westerly Side Yard Setback (metres) | 0.24 |

R1B-3 Seaway Estates Draft Plan of Subdivision - 26T-99-01

Notwithstanding the provisions of the Residential First Density R1B Zone, the lands indicated as R1B-3 on Schedule A12 shall be subject to the following special provision:

- | | |
|------------------------------------|----|
| (a) Front Yard Setback (metres) | 10 |
|------------------------------------|----|

SECTION 9: RESIDENTIAL FIRST DENSITY R1C ZONE**9.1 Permitted Uses**

The following uses are permitted in a Residential First Density R1C Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

9.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential First Density R1C Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-------|
| (a) Minimum Lot Area (square metres) | 330 |
| (b) Minimum Lot Frontage (metres) | 12.0 |
| (c) Front Yard Setback (metres) | 6.0 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.

- | | |
|---|-------|
| (f) Exterior Side Yard Setback (metres) | 4.5 * |
|---|-------|

*except

for those lots located within Registered Plan M-42, the exterior side yard shall be as lawfully established or 4.5 metres, whichever is lesser.

- | | |
|--|----|
| (g) Maximum Lot Coverage (percent of lot area) | 45 |
| (h) Maximum Building Height (metres) | 11 |

9.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

R1C-1 2351 Centre Street, (Part of Lot 101, Plan M-28, designated Part 5 on Reference Plan 59R-8792)

Notwithstanding the provisions of the Residential First Density R1C Zone, the lands indicated as R1C-1 on Schedule A10 shall be subject to the following provision:

- | | |
|--|---|
| (a) Minimum Rear Yard Setback (metres) | 3 |
|--|---|

R1C-2 2345 Centre Street, (Part of Lot 101, Plan M-28, designated Part 4 on Reference Plan 59R-8792)

Notwithstanding the provisions of the Residential First Density R1C Zone, the lands indicated as R1C-2 on Schedule A10 shall be subject to the following provision:

- | | |
|---------------------------------------|---|
| (a) Minimum Rear Yard Setback(metres) | 6 |
|---------------------------------------|---|

R1C(H)-3 Port Robinson Estates Subdivision, Part 1

Notwithstanding the provisions of the Residential First Density R1C Zone, the lands identified as R1C (H)-3 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters have been resolved to the satisfaction of the City of Thorold and confirmation has been received from the Ministry of Tourism, Culture and Sport, through the Regional Planning and Development Department, that all archaeological resource concerns have met licensing and resource conservation requirements.

The following special provisions shall apply:

- | | |
|--|------|
| a) Minimum Lot Area (square metres) | 330 |
| b) Minimum Lot Frontage (metres) | 12.0 |
| c) Minimum Front Yard Setback to dwelling (metres) | 4.5 |
| d) Minimum Front Yard Setback to garage (metres) | 6.0 |
| e) Minimum Rear Yard Setback (metres) | 7.5 |
| f) Minimum Interior Side Yard Setback (metres) | 1.2 |
| g) Minimum Exterior Side Yard Setback (metres) | 4.5 |
| h) Maximum Lot Coverage (percent of lot area) | 50% |

- | | | |
|-----|--|-----|
| i) | Maximum Building Height (metres) | 11 |
| j) | Maximum driveway width (percent of lot width) | 50% |
| k) | Maximum permitted encroachment for an unenclosed covered porch | |
| i) | Rear yard | 2.4 |
| ii) | Exterior side yard only (metres) | 1.8 |

R1C-4 (H) Decew Terrace Subdivision (Lots 2-33) (By-law No. 64-2018)

That pursuant to Section 36(1) of the Planning Act, R.S.O.1990, c.P.13 the Holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a Subdivision Agreement for all of the lands shown on the attached Schedule "A6".

Notwithstanding the "Zone Provisions" in Section 9.2, the permitted uses shall be subject to the following provisions:

- | | | |
|-------|--|---|
| (e) | Interior Side Yard Setback | 1.2 m |
| (i) | No Front Door of a Dwelling shall be Setback more than 1.5 m from the Front Wall of the Dwelling or the Front Face of an Attached Garage | |
| (j) | Maximum Driveway Width | 7.0 m; or 50 % of the frontage or the exterior side lot line distance; whichever is less, for the entire length of the driveway |

Section 6.2.3 (2) is deleted and replaced with the following:

An attached, unenclosed, covered deck or porch, having a height of 0.6 m or greater to a maximum height no higher than the ground floor of the dwelling, is only permitted subject to the following regulations:

- | | | |
|--------|--|-------|
| (i) | May encroach into the required front yard setback a maximum of | 2.0 m |
| (ii) | May encroach into the required rear | 2.5 m |

yard setback a maximum of

- (iii) May encroach into the required 1.5 m
exterior side yard setback a maximum
of
- (iv) Notwithstanding the above provisions, stairs used to access a deck or porch
shall not be subject to the setback requirements of this Section.

Notwithstanding Section 6.10.1, no fence, wall, hedge, or other plantings shall be:

- (i) Greater than 0.60 metres in height within the effective 18 metre road allowance
to maintain adequate sightlines around corners and for the roadway.

R1C-5 (H) Decew Terrace Subdivision (Lot 1) (By-law No. 64-2018)

That pursuant to Section 36(1) of the Planning Act, R.S.O.1990, c.P.13 the Holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a Subdivision Agreement for all of the lands shown on the attached Schedule "A6".

Notwithstanding the "Zone Provisions" in Section 9.2, the permitted uses shall be subject to the following provisions:

- (e) Interior Side Yard Setback

North Lot Line	1.2 m
South Lot Line	8.0 m
- (i) No Front Door of a Dwelling shall be
Setback more than 1.5 m from the
Front Wall of the Dwelling or the Front
Face of an Attached Garage
- (j) Maximum Driveway Width 7.0 m; or 50 % of the frontage or the
exterior side lot line distance;
whichever is less, for the entire
length of the driveway

Section 6.2.3 (2) is deleted and replaced with the following:

An attached, unenclosed, covered deck or porch, having a height of 0.6 m or greater to a maximum height no higher than the ground floor of the dwelling, is only permitted subject to the following regulations:

- (i) May encroach into the required front yard setback a maximum of 2.0 m
- (ii) May encroach into the required rear yard setback a maximum of 2.5 m
- (iii) Notwithstanding the above provisions, stairs used to access a deck or porch shall not be subject to the setback requirements of this Section.

Notwithstanding Section 6.10.1, no fence, wall, hedge, or other plantings shall be:

- (i) Greater than 0.60 metres in height within the effective 18 metre road allowance to maintain adequate sightlines around corners and for the roadway.

R1C-6(H) Decew Terrace Subdivision (Lot 34) (By-law No. 64-2018)

That pursuant to Section 36(1) of the Planning Act, R.S.O.1990, c.P.13 the Holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a Subdivision Agreement for all of the lands shown on the attached Schedule "A6".

Notwithstanding the "Zone Provisions" in Section 9.2, the permitted uses shall be subject to the following provisions:

- (d) Rear Yard Setback 12.0 m
- (e) Interior Side Yard Setback
 - West Lot Line 3.0 m
 - East Lot Line 1.2 m
- (i) No Front Door of a Dwelling shall be Setback more than 1.5 m from the Front Wall of the Dwelling or the Front Face of an Attached Garage
- (j) Maximum Driveway Width 7.0 m; or 50 % of the frontage or the exterior side lot line distance; whichever is less, for the entire

length of the driveway

Section 6.2.3 (2) is deleted and replaced with the following:

An attached, unenclosed, covered deck or porch, having a height of 0.6 m or greater to a maximum height no higher than the ground floor of the dwelling, is only permitted subject to the following regulations:

- (i) May encroach into the required front 2.0 m
yard setback a maximum of
- (ii) Notwithstanding the above provisions, stairs used to access a deck or porch shall not be subject to the setback requirements of this Section.

Notwithstanding Section 6.10.1, no fence, wall, hedge, or other plantings shall be:

- (i) Greater than 0.60 metres in height within the effective 18 metre road allowance to maintain adequate sightlines around corners and for the roadway.

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SECTION 10: RESIDENTIAL FIRST DENSITY R1D ZONE**10.1 Permitted Uses**

The following uses are permitted in a Residential First Density R1D Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

10.2 Zone Provisions:

No person shall use any land or erect or use any building or structure in a Residential First Density R1D Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-------|
| (a) Minimum Lot Area (square metres) | 250 |
| (b) Minimum Lot Frontage (metres) | 9.0 |
| (c) Front Yard Setback (metres) | 6.0 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

*except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 2.4 metres shall be provided on one side.

- | | |
|---|-------|
| (f) Exterior Side Yard Setback (metres) | 3.0 * |
|---|-------|

* except

- (i) for those lots located within Registered Plan M42, the exterior side yard shall be as lawfully established or 3.0 metres, whichever is lesser.

- | | |
|--|----|
| (g) Maximum Lot Coverage (percent of lot area) | 45 |
| (h) Maximum Building Height (metres) | 11 |

10.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R1D-1 Silvercrest Court

Notwithstanding the provisions of the Residential First Density R1D Zone, the lands indicated as R1D-1 on Schedule A6 shall be subject to the following provision:

- (a) Minimum Side Yard 0.6 metres on any side abutting an attached garage.

**R1D-2 Merritt Meadows Plan of Subdivision, Part Twp. Lot 224
(By-law No. 77-2015, modified by By-law No. 14-2017)**

Notwithstanding the provisions of Section 10.2 of the Residential First Density R1D Zone, the lands indicated as R1D-2 on Schedule A4 shall be subject to the following special provisions:

- (a) Maximum Lot Coverage (percent of lot area) 50%
- (b) Maximum permitted encroachment for an unenclosed covered porch:
- | | |
|-----------------------------|-------------|
| i) Rear Yard | 3.66 metres |
| ii) Exterior Side Yard Only | 1.8 metres |
- (c) An attached garage is required.
- (d) Site Triangle (metres) 6
- (e) Minimum Front Yard Setback (metres)
- | | |
|----------------|-----|
| i) To Dwelling | 4.5 |
| ii) To Garage | 6.0 |

**R1D-3 Port Robinson Estates Subdivision (By-law No. 145-2016)
(Removal of Holding By-law No. 62-2018)**

Notwithstanding the provisions of the Residential First Density R1D Zone, the lands identified as R1D(H)-3 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters have been resolved to the satisfaction of the City of Thorold and confirmation has been received from the Ministry of Tourism, Culture and Sport, through the Regional Planning and Development Department, that all archaeological resource concerns have met licensing and resource conservation requirements.

The following special provisions shall apply:

- a) Minimum Lot Area (square metres) 250

b)	Minimum Lot Frontage (metres)	9.0
c)	Minimum Front Yard Setback to dwelling (metres)	4.5
d)	Minimum Front Yard Setback to garage (metres)	6.0
e)	Minimum Rear Yard Setback (metres)	7.0
f)	Minimum MTO Setback (metres)	14.0
g)	Minimum Interior Side Yard Setback (metres)	1.2 / 0.6 on other interior side
h)	Minimum Exterior Side Yard Setback (metres)	3.0
i)	Maximum Building Height (metres)	11
j)	Maximum driveway width (percent of lot width)	50%
k)	Maximum permitted encroachment for an unenclosed covered porch	
	i) Front yard	1.5
	ii) Rear yard	2.4
	iii) Exterior side yard only (metres)	1.8

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SECTION 11: RESIDENTIAL SECOND DENSITY R2 ZONE**11.1 Permitted Uses**

The following uses are permitted in a Residential Second Density R2 Zone:

- (1) single detached dwelling;
- (2) semi-detached dwelling;
- (3) duplex dwelling;
- (4) converted dwelling;
- (5) a home occupation, in accordance with the provisions of Section 6.21;
- (6) a group home, in accordance with the provisions of Section 6.24;
- (7) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

11.2 Zone Provisions**11.2.1 Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling**

No person shall use any land or erect or use any building or structure in a Residential Second Density R2 Zone, except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area (square metres)
 - (i) semidetached dwelling, duplex dwelling 550
 - (ii) single detached dwelling 360
- (b) Minimum Lot Frontage (metres) 18 *
 - * except
 - (i) for a single detached dwelling 12 metres shall be provided
 - (ii) for a duplex 15 metres shall be provided
- (c) Front Yard Setback (metres) 7.5
- (d) Rear Yard Setback (metres) 6.0
- (e) Interior Side Yard Setback (metres) 1.2 *
 - * except

- (e) (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no garage or carport, attached, for each dwelling unit, 3 metres shall be provided on one side.
- (f) Exterior Side Yard Setback (metres) 4.5
- (g) Maximum Lot Coverage (percent of lot area) 40
- (h) Maximum Building Height (metres) 11

11.2.2 Converted Dwelling

No person shall use any land or erect or use any building or structure in a Residential First Density R2 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

- (a) Minimum Lot Area (square metres) 550 or existing, whichever is less
- (b) Minimum Lot Frontage (metres) 15 or existing, whichever is less
- (c) Front Yard Setback (metres) 7.5 or existing, whichever is less
- (d) Rear Yard Setback (metres) 6.0 or existing, whichever is less
- (e) Interior Side Yard Setback (metres) 1.2*

* except

- (i) where there is one storey containing no habitable rooms, 0.9 metre; and where there no garage or carport attached to a dwelling unit, 3 metres for the said dwelling unit.
- (f) Exterior Side Yard Setback (metres) 4.5 or existing, whichever is less
- (g) Maximum Lot Coverage (percent of lot area) 40
- (h) Maximum Building Height (metres) 11
- (i) Maximum Addition to Existing Dwelling 10% of existing total floor area

11.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

**R2-1 13 Thompson Avenue
 56 Sullivan Avenue**

Notwithstanding the provisions of the Residential Second Density R2 Zone, in addition to the permitted uses of the R2 Zone, the lands indicated as R2-1 on Schedule A7 may be used as a nursery school.

R2-2 92 Pine Street North

Notwithstanding the provisions of the Residential Second Density R2 Zone, in addition to the permitted uses of the R2 Zone, the lands indicated as R2-2 on Schedule A7 may be used as a nursing home.

R2-3 18 Lynn Crescent

Notwithstanding the provisions of the Residential Second Density R2 Zone, in addition to the permitted uses of the R2 Zone, the lands indicated as R2-3 on Schedule A9 may contain an accessory apartment as established in accordance with Bill 163.

R2-4 Part 1, Plan 59R-11656, South Side of Sullivan Avenue

Notwithstanding the provision of Residential Second Density R2 Zone, the lands indicated as R2-4, on Schedule A7 shall be subject to the following provisions:

- (a) Maximum Building Height (storeys) 1
- (b) The front wall of each unit of the semi-detached dwelling shall face (independently of each other) onto separate streets.

R2-5 1555 Henderson Street

Notwithstanding the provisions of the Residential Second Density R2 Zone, in addition to the permitted uses of the R2 Zone, the lands indicated as R2-5 on Schedule A10 may be used for a home industry woodworking shop in an existing accessory building subject to Section 6.22 Home Industry except for 6.22 (b), (d) and the following special provisions:

- (a) the use of the subject site, or the operation of any equipment shall be in accordance with the provisions of a Certificate of Approval issued in accordance with the provisions of the Environmental Protection Act.
- (b) Maximum building size for home industry - 167.22 square metres
- (c) Maximum number of employees - 4

- (d) Hours of operation - 8 a.m. to 5 p.m., Monday to Friday
8 a.m. to 12 p.m., Saturday

R2-6 Registered Plan 22, N.P. 656 - Lot 45-47 (inclusive)

Notwithstanding the provisions of the Residential Second Density R2 Zone, the lands indicated as R2-6 on Schedule A9 shall be subject to the following provision:

- (a) Minimum Lot Frontage (metres) 9.14

R2(H)-7 Registered Plan 22, N.P. 656 - Lot 48-52 (inclusive)

Notwithstanding the provisions of the Residential Second Density R2 Zone, the lands indicated as R2(H)-7 on Schedule A9 shall be subject to the following provisions:

- (a) Lands subject to the symbol (H) shall not be used, nor any building or structure used, altered and erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:
- (i) Pilkington Street is upgraded to municipal standards and becomes a maintained road (including street lighting);
 - (ii) An extension to the watermain service for the 5 lots is provided;
 - (iii) An overall drainage plan is provided and approved by the Director of Operations;
 - (iv) The owner enter into a development agreement, to be registered on title;
 - (v) The provisions of Section 7.15.1 of the Official Plan are satisfied.

R2-8 57 Sullivan Avenue

Notwithstanding the provisions of Section 11.2.1, the lands indicated as R2-8 on Schedule A7 shall be subject to the following special provisions:

- (a) Minimum Lot Area for a Duplex Dwelling (square metres) 525
- (b) Minimum Lot Frontage for a Duplex Dwelling (metres) 14
- (c) Front Yard Setback (metres) 4.5

**R2-9 Plan 28, Part Lot 46, R/W Btwn Lot 236 and Lot 295,
Neighbourhood Plan 668, Mary Street (By-law No. 88-2017)**

Notwithstanding the permitted uses of the Residential Second Density R2 Zone, the lands indicated as R2-9 on Schedule A9 may be used as a single detached dwelling only.

R2-10 184 Keefer Road (By-law No. 61-2018)

That notwithstanding the provisions of Section 11 Residential Second Density, the following provisions shall apply to the lands indicated as “R2-10” on Schedule “A” attached:

- | | |
|-------------------------------------|-----|
| a) Minimum Lot Area (square metres) | 440 |
| b) Minimum Lot Frontage (metres) | 15 |
| c) Rear Yard Setback (metres) | 0 |

That notwithstanding the definition for “semi-detached dwelling” in Section 2.93, the following definition shall apply to the lands indicated as “R2-10” on Schedule “A” attached:

Semi-detached Dwelling: means a building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roof with a minimum height of one storey above grade.

R2-11 184 Keefer Road (By-law No. 61-2018)

That notwithstanding the provisions of Section 11 Residential Second Density, the following provisions shall apply to the lands indicated as “R2-11” on Schedule “A” attached:

- | | |
|--|--|
| a) Minimum Lot Area (square metres) | 275 |
| b) Minimum Lot Frontage (metres) | 11.5 |
| c) Front Yard Setback (metres) | 6 metres |
| d) Rear Yard Setback (metres) | 5 metres |
| e) Interior Side Yard Setback (metres) | 1.2 metres for the southerly interior side yard; 0 metres for the northerly interior side yard |

That notwithstanding the definition for “semi-detached dwelling” in Section 2.93, the following definition shall apply to the lands indicated as “R2-11” on Schedule “A” attached:

Semi-detached Dwelling: means a building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roof with a minimum height of one storey above grade.

SECTION 12: RESIDENTIAL SECOND DENSITY SPECIAL R2S ZONE**12.1 Permitted Uses**

The following uses are permitted in a Residential Second Density Special R2S Zone:

- (1) single detached dwelling;
- (2) semi-detached dwelling;
- (3) duplex dwelling;
- (4) triplex dwelling;
- (5) converted dwelling;
- (6) a home occupation, in accordance with the provisions of Section 6.21;
- (7) a group home, in accordance with the provisions of Section 6.24;
- (8) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

12.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Second Density Special R2S Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|--|---------------------------------------|
| (a) Minimum Lot Area (square metres) | 550 or existing,
whichever is less |
| (b) Minimum Lot Frontage (metres) | |
| (i) for one family, duplex and converted dwellings | 15 or existing,
whichever is less |
| (ii) for semi-detached and triplex dwellings | 18 or existing,
whichever is less |
| (c) Front Yard Setback (metres) | 7.5 or existing,
whichever is less |
| (d) Interior Side Yard Setback: | |
| 1.2 metres plus 0.3 metre for each storey or part thereof above one storey on one side and 3.0 metres on the other side except, where a private garage or carport is attached to the dwelling in which case both sides may be 1.2 metres plus 0.3 metre for each story or part thereof above one storey. | |

(e) Exterior Side Yard Setback (metres)	4.5 or existing, whichever is less
(f) Rear Yard Setback (metres)	6
(g) Maximum Lot Coverage (percent of lot area)	40
(h) Maximum Building Height (metres)	11
(i) Minimum Landscaped Open Space (percent of lot area)	30
(j) Maximum Addition to Converted Dwelling	10% of original total floor area

12.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R2S-1 24 Chapel Street South

Notwithstanding the provisions of the Residential Second Density Special R2S Zone, in addition to the permitted uses of R2S Zone, the lands indicated as R2S-1 on Schedule A7 may be used as a motel.

R2S-2 100 Ormond Street North

****Housekeeping By-law 98-2008, Sept. 16/08, amended Section 12.3 to delete special provision from property.****

R2S-3 20 Sullivan Avenue 26 Queen Street South

Notwithstanding the provisions of the Residential Second Density Special R2S Zone, in addition to the permitted uses of R2S Zone, the lands indicated as R2S-3 on Schedule A7 may be used as a physician's office, located in a one-family detached dwelling used also as the practitioner's private residence providing such office is limited to consultation and minor or emergency treatment (but not such uses as may be in the nature of a clinic or private hospital).

R2S-4 14 Carleton Street South (Tracy/Barber House) 7 Queen Street South (Grenville House) 6 Welland Street South (Kennedy/Ward House) 22 Portland Street (Flannery House) 5 Wellington Street North (Constable House) 49 Carleton Street South (Calcott-Walker House) 35 Welland Street South (Carter-Holland House) 43 Welland Street South (Millar House) 65 Chapel Street South (Lynch House) 44 Clairmont Street (Moore-Lampman House) 40 Chapel Street South (Stewart House)

Notwithstanding the provisions of the Residential Second Density Special R2S Zone, in addition to the permitted uses of the R2S Zone, the lands indicated as R2S-4 on Schedule A7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R2S-5 31 Towpath Street

Notwithstanding the provisions of the Residential Second Density Special R2S Zone, the lands indicated as R2S-5 on Schedule A7 shall be subject to the following provisions.

- (a) Minimum Side Yard Setbacks (metres):
- dwelling, north side 0.65
 - dwelling, south side 1.5
 - frame canopy, south side nil
 - rear sun porch, north and south sides nil
- (b) Minimum Rear Yard (metres) 3.3

R2S-6 54 Queen Street South

Notwithstanding the provisions of Section 6.15.12 General Provisions and Section 12.2 (I) Residential Second Density R2S Zone the lands indicated as R2S-6 on Schedule A7 shall be subject to the following special provisions:

- (a) One properly constructed and surfaced driveway or parking area having a maximum width of (metres) 18
- (b) Minimum Landscape Open Space in the front yard 20%

R2S-7 8 Cynthia Street

Notwithstanding the provisions of Section 12.2 of the Residential Second Density Special R2S Zone, the lands indicated as R2S-7 on Schedule A7 shall be subject to the following special provisions:

- (a) Minimum Lot Area (square metres) 340
- (b) Front Yard Setback (metres) 6.0 or existing

R2S-8 Queen Street South (4 Lots), Plan 903, Lots 18 to 21

Notwithstanding the provisions of the Residential Second Density Special R2S Zone, the lands indicated a R2S-8 and Schedule A7, may be used for a sing detached dwelling, subject to the following special provision:

- a) Minimum Lot Frontage (metres) 12

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SECTION 13: RESIDENTIAL THIRD DENSITY R3 ZONE**13.1 Permitted Uses**

The following uses are permitted in the Residential Third Density R3 Zone:

- (1) single detached dwelling;
- (2) semi-detached dwelling;
- (3) block townhouse dwelling, one or more;
- (4) street townhouse dwelling, one or more;
- (5) duplex dwelling;
- (6) triplex dwelling;
- (7) fourplex dwelling;
- (8) a group home, in accordance with the provisions of Section 6.24;
- (9) a home occupation, in accordance with the provisions of Section 6.21;
- (10) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

13.2 Zone Provisions**13.2.1 Single Family Dwelling**

No person shall use any land or erect or use any building or structure in a Residential Third Density R3 Zone except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-------|
| (a) Minimum Lot Area (square metres) | 330 |
| (b) Minimum Lot Frontage (metres) | 12.0 |
| (c) Front Yard Setback (metres) | 6.0 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and

- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.

(f) Exterior Side Yard Setback (metres)	4.5
(g) Maximum Lot Coverage (percent of lot area)	45
(h) Maximum Building Height (metres)	11

13.2.2 Semi-Detached Dwelling

No person shall use any land or erect or use any building or structure in a Residential Third Density R3 Zone except in accordance with Section 6 General Provisions and with the following:

(a) Minimum Lot Area (square metres)	550
(b) Minimum Lot Frontage (metres)	18
(c) Front Yard Setback (metres)	7.5
(d) Rear Yard Setback (metres)	6.0
(e) Interior Side Yard Setback (metres)	1.2 *

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no garage or carport, attached, for each dwelling unit, 3 metres shall be provided on one side.

(f) Exterior Side Yard Setback (metres)	4.5
(h) Maximum Lot Coverage (percent of lot area)	40
(i) Maximum Building Height (metres)	11

13.2.3 Block Townhouse Dwelling, Street Townhouse Dwelling, Fourplex Dwelling

No person shall use any land or erect or use any building or structure in a Residential Third Density R3 Zone except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area -
 - (i) 180 square metres per dwelling unit for a street townhouse dwelling, except that the minimum lot area for an end unit shall be 225 square metres,

- (ii) 270 square metres per dwelling unit for a block townhouse dwelling or a fourplex dwelling.
- (b) Minimum Lot Frontage -
 - (i) 6 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage for an end unit shall be 7.5 metres,
 - (ii) 30 metres for a block townhouse dwelling or a fourplex dwelling.
- (c) Front Yard Setback (metres) 6
- (d) Rear Yard Setback (metres) 6
- (e) Interior Side Yard Setback:

1.2 metres on each side (end dwelling units only) except that where an interior side lot line faces the rear wall of a building, the interior side setback shall be 6 metres.
- (f) Exterior Side Yard Setback (metres) 4.5
- (g) Maximum Lot Coverage (percent of lot area) 40
- (h) Maximum Building Height (metres) 11
- (i) Minimum Landscaped Open Space
 - (i) where the lot abuts any R1A, R1B, R1C, R1D, R2 or R2S Zone, a strip of land having a width of not less than 1.5 metres shall be provided and maintained on the lot adjacent to the abutting lot line(s) as landscaped open space,
 - (ii) for every block townhouse dwelling and fourplex dwelling, 25% of the lot area, which percentage may include any area required under clause I),
 - (iii) Privacy Areas for Block Townhouse Dwellings

Every dwelling unit of a block townhouse dwelling, shall be provided with an area for outdoor privacy of at least 18.5 square metres adjoining the front or rear of the dwelling unit.

13.2.4 Duplex Dwelling, Triplex Dwelling

- (a) Minimum Lot Area (square metres) 550
- (b) Minimum Lot Frontage (metres) 15
- (c) Front Yard Setback (metres) 7.5

(d) Interior Side Yard Setback:

1.2 metres plus 0.3 metre for each storey or part thereof above one storey on one side and 3.0 metres on the other side except where a private garage or carport is attached to the dwelling in which case both sides may be 1.2 metres plus 0.3 metre for each story or part thereof above one storey.

- | | |
|---|-----|
| (e) Exterior Side Yard Setback (metres) | 4.5 |
| (f) Rear Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage (percent of lot area) | 40 |
| (h) Maximum Building Height (metres) | 11 |
| (i) Minimum Landscaped Open Space (percent of lot area) | 30 |

13.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R3-1 13 Sullivan Avenue (Beatty House)

Notwithstanding the provisions of the Residential Third Density R3 Zone, in addition to the permitted uses of the R3 Zone, the lands indicated as R3-1 on Schedule A7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R3-2 5 Metcalfe Street

Notwithstanding the provisions of Section 13.2.1 Single Family Dwelling, the lands indicated as R3-2 on Schedule A7 shall be subject to the following provisions:

- | | |
|-----------------------------------|-----|
| (a) Minimum Lot Frontage (metres) | 9.0 |
|-----------------------------------|-----|

R3-3 Merritt Meadows Plan of Subdivision, Part Twp. Lot 224

Notwithstanding the provisions of Section 13.1 of the Residential Third Density R3 Zone, the lands indicated as R3-3 on Schedule A4 shall only be used for street townhouse dwellings; and

Notwithstanding the provisions of Section 13.2.3 of the Residential Third Density R3 Zone, the lands indicated as R3-3 on Schedule A4 and are subject to the following special provisions:

- | | |
|---|-----|
| (a) Minimum Front Yard Setback (metres) | |
| i) To Dwelling | 4.5 |
| ii) To Garage | 6.0 |

- | | |
|---|------|
| (b) Minimum Interior Side Yard Setback (metres) | 1.0 |
| i) to a Party Wall | 0.0 |
| ii) Except that where an interior side lot line faces the rear wall of a building, the interior side setback shall be 1.5 metres. | |
| (c) Minimum Exterior Side Yard Setback (metres) | 3.0 |
| (d) Maximum Lot Coverage (Percentage of Lot Area) | |
| i) One Storey Street Townhouse | 60% |
| ii) Two Storey Street Townhouse | 50% |
| (e) Maximum permitted encroachment for an unenclosed covered porch: | |
| iii) Rear Yard (metres) | 3.66 |
| iv) Exterior Side Yard Only (metres) | 1.8 |
| (f) Maximum number of units | 6 |
| (g) Maximum height (storeys) | 2 |
| (h) An attached garage is required. | |
| a) Site Triangle (metres) | 6 |

**R3-4 Part of Block MM, All of Lot 7, Plan 898, Part 2 on 59R-14047,
Cleveland Street**

Notwithstanding the provisions of the Residential Third Density R3 Zone, the lands previously identified as R3(H)-4 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing and garbage collections matters have been resolved to the satisfaction of the City of Thorold and Regional Municipality of Niagara and shall be subject to the following special provisions:

- | | |
|---|------|
| (a) Single Detached Dwelling
Minimum Lot Frontage (metres) | 9.0 |
| (b) Semi-Detached Dwelling
Minimum Lot Frontage (metres) | 17.0 |

Holding Provision removed by By-law No. 112-2010, November 2, 2010.

R3-5 Part of Block MM, All of Lot 7, Plan 898, Corner of Cleveland and Garden Street

The southerly lot line along Garden Street along Garden Street of the corner lot shall be deemed the front lot line.

R3-6 2 Canby Street, Lot 37 and 38, Plan M-5

Notwithstanding the provisions of Residential Third Density R3 Zone, the lands indicated as R3-6 on Schedule A12 shall be subject to the following provisions:

- | | |
|--|-----|
| (a) Minimum Lot Area (square metres) | 510 |
| (b) Minimum Front Yard Setback (metres) | 6 |
| (c) Maximum Lot Coverage (percentage of lot area) | 41 |

**R3(H)-7 Artisan Ridge Neighbourhood Subdivision (Parts 1, 2 and 3)
(By-law No. 156-2015)**

Part 1

Notwithstanding the permitted uses and provisions of the Residential Third Density “R3-7” Zone, the lands identified as R3(H)-7 being Part 1 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the access to Part 1 lands being obtained from Trillium Railway and the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

Parts 2 and 3

Notwithstanding the permitted uses and provisions of the Residential Third Density “R3-7” Zone, the lands identified as R3(H)-7 being Parts 2 and 3 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

The following special provisions shall apply to Part 1, 2 and 3 on Schedule A7:

Single Detached Dwelling

- | | |
|---|------|
| a) Minimum Lot Area (square metres) | 310 |
| b) Minimum Lot Frontage (metres) | 10.0 |
| c) Minimum Front Yard Setback to dwelling (metres) | 4.5 |
| d) Minimum Front Yard Setback to garage (metres) | 6.0 |

(garage to be setback a minimum of 1.0 metres from front face of dwelling)

e) Minimum Rear Yard Setback (metres)	7.5
f) Minimum Setback from MTO Property (metres)	14.0
g) Minimum Setback from HI or LI Zone (metres)	20.0
h) Minimum Setback from Railway ROW (metres)	15.0
i) Minimum Interior Side Yard Setback (metres)	1.2

*Where there is no attached garage – one side must be 3.0 metres

j) Minimum Exterior Side Yard Setback (metres)	3.0
k) Maximum Lot Coverage (percent of lot area)	45%
l) Maximum Building Height (metres)	11.0
m) Maximum driveway width (percent of lot width)	50%
n) Maximum permitted encroachment for an unenclosed covered porch	
i) Rear yard	2.4
ii) Exterior side yard only (metres)	1.8

Semi Detached Dwelling

a) Minimum Lot Area (square metres)	550
Minimum Lot Area (square metres/per unit)	275
b) Minimum Lot Frontage (metres)	18.0
Minimum Lot Frontage (metres/per unit)	9.0
c) Minimum Front Yard Setback to dwelling (metres)	4.5
d) Minimum Front Yard Setback to garage (metres)	6.0
(garage to be setback a minimum of 1.0 metres from front face of dwelling)	
e) Minimum Rear Yard Setback (metres)	6.0
f) Minimum MTO setback (metres)	14.0
g) Minimum setback from HI or LI Zone (metres)	20.0
h) Minimum Setback from Railway ROW (metres)	15.0
i) Minimum Interior Side Yard Setback (metres)*	1.2

*To a Party Wall	0.0
*Where there is no attached garage – one side must be 3.0 metres	
j) Minimum Exterior Side Yard Setback (metres)	3.0
k) Maximum Lot Coverage (percent of lot area)	45%
i) Maximum Lot Coverage may be increased to 50% where the area of increase is used for attached covered and unenclosed porches	
l) Maximum Building Height (metres)	11.0
m) Maximum driveway width (percent of lot width)	50%
n) Maximum permitted encroachment for an unenclosed covered porch	
i) Rear yard	2.4
ii) Exterior side yard only (metres)	1.8

Street Townhouse Dwelling

a) Minimum Lot Area (square metres/per unit)	180
i) Except Minimum Lot Area for end units (square metres)	225
b) Minimum Lot Frontage (metres/per unit)	6.0
i) Except Minimum Lot Frontage for end units (metres)	7.5
c) Minimum Front Yard Setback to dwelling (metres)	4.5
d) Minimum Front Yard Setback to garage (metres)	6.0
(garage to be setback a minimum of 1.0 metres from front face of dwelling)	
e) Minimum Rear Yard Setback (metres)	6.0
f) Minimum MTO setback (metres)	14.0
g) Minimum setback from HI and LI Zone (metres)	20.0
h) Minimum Setback from Railway ROW (metres)	15.0
i) Minimum Interior Side Yard Setback (metres)*	1.2
*To a Party Wall (metres)	0.0

*Where there is no attached garage – one side must be 3.0 metres

- j) Minimum Exterior Side Yard Setback (metres) 3.0
- k) Maximum Lot Coverage (percent of lot area) 50%
 - i) Maximum Lot Coverage may be increased to 55% where the area of increase is used for attached covered and unenclosed porches
- l) Maximum Building Height (metres) 11.0
- m) Maximum driveway width (percent of lot width) 50%
- n) Maximum permitted encroachment for a unenclosed covered porch
 - i) Rear yard 2.4
 - ii) Exterior side yard only (metres) 1.8

R3-8 Redline Revised Beamer Landing, 165 Collier Road South, Pt. Twp. Lt 33, Parts 1, 3, 4 & 5 including 20 feet of former rail right-of-way (Fonthill Spur)

Notwithstanding the provisions of Section 13.2.1 of the Residential Third Density R3 Zone, the lands indicated as R3-8 on Schedule A6 may be used for a single detached dwelling and shall be subject to the following special provisions:

- (a) Minimum Lot Area (square metres) 280
- (b) Minimum Lot Frontage (metres) 9
- (c) Front Yard Setback (metres) 3
Front Yard Setback to Garage (metres) 6
- (d) Maximum Height for Lots 11, 12 & 13 (storeys) 1
- (e) Exterior Side Yard Setback (metres) 2.2
(Existing Single Detached Dwelling – Lot 1)
- (f) Rear Yard Setback (metres) 6.5
(Existing Single Detached Dwelling – Lot 1)

R3-9 63 Pine Street North

Notwithstanding the provisions of the Residential Third Density R3 Zone, in addition to the permitted uses of the R3 Zone, the lands indicated as R3-9 on Schedule A7, may be used for a townhouse dwelling, subject to the following special provisions:

- (a) Shall be constructed as two (2) buildings containing no less than 2 units and no more than 3 units in each.

- (b) Each unit shall have 1 attached single car garage and 1 parking space in a driveway.
- (c) One common access/driveway having a maximum width of 6.25 metres, shall be provided.
- (d) Maximum Building Height (storeys) 1 ½
- (e) Minimum Lot Area (per unit/square metres) 175
- (f) Minimum Lot Area (per end unit/square metres) 225
- (g) Minimum Lot Frontage (metres) 1.5
- (h) Minimum Front Yard Setback (metres) 5
- (i) Minimum Westerly Rear Yard Setback (metres) 3
- (j) Minimum Separation Between Two Buildings (metres) 2.4
- (k) Minimum Rear Yard Setback (per unit/metres) 4.5

R3-10 88 and 90 Ormond Street North

Notwithstanding the provisions of the Residential Third Density R3 Zone, in addition to the permitted uses of the R3 Zone, the lands indicated as R3-10 on Schedule 7, may be used for a street townhouse dwelling, subject to the following provisions:

- (a) Minimum Lot Frontage of End Units (metres) 6.9
- (b) Minimum Interior Side Yard Setback (metres) 0.9
(Between Buildings 88 and 90 Ormond Street North)

R3-11 Port Robinson Estates Subdivision (By-law No. 145-2016) (Removal of Holding By-law No. 62-2018)

Notwithstanding the provisions of the Residential First Density R3 Zone, the lands identified as R3(H)-11 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters have been resolved to the satisfaction of the City of Thorold and confirmation has been received from the Ministry of Tourism, Culture and Sport, through the Regional Planning and Development Department, that all archaeological resource concerns have met licensing and resource conservation requirements.

The following special provisions shall apply:

Street Townhouse Dwelling

- a) Minimum Lot Area (square metres/per interior unit) 168
 - i) Except Minimum Lot Area for end units (m²) 210
- b) Minimum Lot Frontage (metres/per unit) 6.0

ii)	Except Minimum Lot Frontage for end units (metres)	7.5
c)	Minimum Front Yard Setback to dwelling (metres)	4.5
d)	Minimum Front Yard Setback to garage (metres)	6.0
e)	Minimum Rear Yard Setback (metres)	6.0
f)	Minimum MTO setback (metres)	14.0
g)	Minimum Interior Side Yard Setback (metres)*	1.0
	*To a Party Wall (metres)	0.0
h)	Minimum Exterior Side Yard Setback (metres)	3.0
i)	Maximum Building Height (metres)	11.0
j)	Maximum driveway width (percent of lot width)	50%
k)	Maximum permitted encroachment for an unenclosed covered porch	
i)	Front yard	1.5
ii)	Rear yard	2.4
iii)	Exterior side yard only (metres)	1.8

R3-12 Hansler Heights Subdivision (Part Lot 223)
(By-law No. 02-2017, removal of Holding By-law No. 103-2017)

Notwithstanding the provisions of the Residential Third Density R3 Zone, the lands indicated as R3-12 on Schedule A4, may be used for a Single Detached dwelling, subject to the following special provisions:

Single Detached Dwelling

a)	Minimum Lot Area (square metres)	310
b)	Minimum Lot Frontage (metres)	10
c)	Minimum Front Yard Setback (metres)	
i)	To Dwelling	4.5
ii)	To Garage	6.0
d)	Minimum Rear Yard Setback (metres)	6.0
e)	Minimum Exterior Side Yard Setback (metres)	3.0
f)	Maximum Lot Coverage (Percentage of Lot Area)	55%
g)	Maximum permitted encroachment for an unenclosed covered porch:	
i)	Front Yard (metres)	1.5
ii)	Exterior Side Yard Only (metres)	1.8
h)	An attached garage is required.	

- | | | |
|----|---|-----|
| i) | Site Triangle (metres) | 4.5 |
| j) | Maximum driveway width (percent of lot width) | 50% |

R3-13 Hansler Heights Subdivision (Part Lot 223)
(By-law No. 02-2017, removal of Holding By-law No. 103-2017)

Notwithstanding the provisions of the Residential Third Density R3 Zone, the lands identified as R3(H)-13 being Part 2 on Schedule A4 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters and noise mitigation measures have been resolved to the satisfaction of the City of Thorold.

R3(H)-13 Hansler Heights Subdivision (Part Lot 223)

Street Townhouse Dwelling

- | | | |
|----|--|-----|
| a) | Minimum Front Yard Setback (metres) | |
| | i) To Dwelling | 4.5 |
| | ii) To Garage | 6.0 |
| b) | Minimum Interior Side Yard Setback (metres) | 1.2 |
| | i) to a Party Wall | 0.0 |
| c) | Minimum Exterior Side Yard Setback (metres) | 3.0 |
| d) | Maximum Lot Coverage (Percentage of Lot Area) | 60% |
| e) | Minimum Landscaped Open Space | N/A |
| f) | Maximum permitted encroachment for an unenclosed covered porch | |
| | i) Front yard | 1.5 |
| | ii) Exterior side yard only (metres) | 1.8 |
| k) | An attached garage is required. | |
| l) | Site Triangle (metres) | 4.5 |
| m) | Maximum driveway width (percent of lot width) | 50% |

R3-14 (H) Decew Terrace Subdivision (Blocks 35-39) (By-law No. 64-2018)

That pursuant to Section 36(1) of the Planning Act, R.S.O.1990, c.P.13 the Holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the

City; and, the approval by the Council of the City of Thorold of a Subdivision Agreement for all of the lands shown on Schedule "A6".

Notwithstanding the "Permitted Uses" in Section 13.1, the following uses are permitted in the R3-14 (H) zone:

- (4) Street townhouse dwelling, one or more
- (9) A home occupation, in accordance with the provisions of Section 6.21
- (10) Accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

Notwithstanding the "Zone Provisions" in Section 13.2.3, the permitted uses shall be subject to the following provisions:

- | | | |
|-------|--|---|
| (e) | Interior Side Yard Setback | 1.2 m |
| | To Party Wall | 0.0 m |
| (f) | Exterior Side Yard Setback | 3.0 m |
| (g) | Maximum Lot Coverage | 45 % |
| (i) | No Front Door of a Dwelling shall be Setback more than 1.5 m from the Front Wall of the Dwelling or the Front Face of an Attached Garage | |
| (j) | Maximum Driveway Width | 7.0 m; or 50 % of the frontage or the exterior side lot line distance; whichever is less, for the entire length of the driveway |
| (k) | Maximum Dwelling Units Per Block | 5 |

Section 6.2.3 (2) is deleted and replaced with the following:

An attached, unenclosed, covered deck or porch, having a height of 0.6 m or greater to a maximum height no higher than the ground floor of the dwelling, is only permitted subject to the following regulations:

- | | | |
|-------|--|-------|
| (i) | May encroach into the required front yard setback a maximum of | 2.0 m |
|-------|--|-------|

- (ii) May encroach into the required rear yard setback a maximum of 2.5 m
- (iii) May encroach into the required exterior side yard setback a maximum of 1.5 m
- (iv) Notwithstanding the above provisions, stairs used to access a deck or porch shall not be subject to the setback requirements of this Section.

Notwithstanding Section 6.10.1, no fence, wall, hedge, or other plantings shall be:

- (i) Greater than 0.60 metres in height within the effective 18 metre road allowance to maintain adequate sightlines around corners and for the roadway.

R3-15 (H) Decew Terrace Subdivision (Blocks 40 and 41) (By-law No. 64-2018)

That pursuant to Section 36(1) of the Planning Act, R.S.O.1990, c.P.13 the Holding (H) symbol shall be removed upon: Archaeological Clearance(s) from the Ministry of Tourism, Culture and Sport (MTCS) for Lot 1, Lot 2, and a portion of Lot 3, with a copy provided to the City; a Record of Site Condition being deposited with the Ministry of Environment and Climate Change's (MOECC) Brownfields Environmental Site Registry, with a copy provided to the City; and, the approval by the Council of the City of Thorold of a Subdivision Agreement for all of the lands shown on the attached Schedule "A6".

Notwithstanding the "Permitted Uses" in Section 13.1, the following uses are permitted in the R3-15 (H) zone:

- (3) Block townhouse dwelling, one or more
- (9) A home occupation, in accordance with the provisions of Section 6.21
- (10) Accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

Subject to the following provisions:

- (a) Minimum Lot Frontage 12 m
- (b) Minimum Lot Area per Dwelling Unit:

Interior Dwelling Units	180 m ²
End Dwelling Units	225 m ²

(c)	Minimum Frontage per Dwelling Unit:	
	Interior Dwelling Units	6.0 m
	End Dwelling Units	7.5 m
(d)	Front Yard Setback:	
	To Dwelling- Front and End (Side) Wall	3.0 m
	To Dwelling- Rear Wall	6.0 m
	To Garage	6.0 m
(e)	Rear Yard Setback:	
	From End (Side) Wall	3.0 m
		6.0 m
	From Rear Wall	
(f)	Interior Side Yard Setback:	
	From End (Side) Wall*	3.0 m
	* Except the Lot Lines of Block 40	5.0 m
	that are Adjacent to Cemetery	
	From Rear Wall	6.0 m
(g)	Exterior Side Yard Setback:	
	To Dwelling -Front and End (Side) Wall	3.0 m
	To Dwelling- Rear Wall	6.0 m
	To Garage	6.0 m
(h)	Maximum Building Height	6.0 m
(i)	Minimum Landscape Open Space	25 % of the Total Lot Area
(j)	No Front Door of a Dwelling shall be Setback more than 1.5 m from the Front Wall of the Dwelling or the Front Face of an Attached Garage	
(k)	Maximum Dwelling Unit Driveway Width	50 % of Dwelling Unit Width
(l)	Maximum Number of Attached Dwelling Units	6

- | | | |
|-------|---|--------|
| (m) | Minimum Distance between Buildings: | |
| | Between Rear Walls | 12.0 m |
| | Between End (Side) Walls | 3.0 m |
| | Between an End (Side) Wall and a Rear Wall | 9.0 m |
| (n) | Minimum Building Setback from a Private Road or Parking Area: | |
| | To Dwelling -Front and End (Side) Wall | |
| | To Dwelling- Rear Wall | 3.0 m |
| | To Attached Garage | 6.0 m |
| | | 6.0 m |

Section 6.2.3 (2) is deleted and replaced with the following:

An attached, unenclosed, covered deck or porch, having a height of 0.6 m or greater to a maximum height no higher than the ground floor of the dwelling, is only permitted subject to the following regulations:

- (i) May encroach into the required rear yard setback a maximum of 2.5 m
- (ii) Notwithstanding the above provisions, stairs used to access a deck or porch shall not be subject to the setback requirements of this Section.

Notwithstanding Section 6.10.1, no fence, wall, hedge, or other plantings shall be:

- (i) Greater than 0.60 metres in height within the effective 18 metre road allowance to maintain adequate sightlines around corners and for the roadway.

R3-16 25 and 25 ½ Metcalfe Street (By-law No. 76-2018)

Notwithstanding the provisions of Section 13 Residential Third Density "R3" Zone, the following provisions shall apply to the lands indicated as "R3-16" on Schedule "A7":

- | | | |
|----|--|---|
| a) | Minimum Lot Frontage for Street Townhouses | 6 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage For an end unit shall be 7 metres |
| b) | Minimum Landscaped Open Space | Where the lot abuts any R1A, R1B, R1C, R1D, R2 or R2S Zone, a strip of land having a width of not less than 1.2 metres shall be provided and maintained on the lot adjacent to the abutting lot line(s) as landscaped open space. |
| c) | Maximum Driveway Width | 50% of the frontage for the entire length of the driveway |

- d) No front door of a dwelling shall be setback more than 1.5 metres from the front wall of the dwelling or the front face of an attached garage

SECTION 14: RESIDENTIAL FOURTH DENSITY R4A ZONE**14.1 Permitted Uses**

The following uses are permitted in a Residential Fourth Density R4A Zone:

- (1) an apartment building;
- (2) a group home, in accordance with the provisions of Section 6.24;
- (3) accessory buildings and structures in accordance with the provisions of Section 6.25.

14.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Fourth Density R4A Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|--|
| (a) Minimum Lot Area per Dwelling Unit (square metres) | 150 |
| (b) Minimum Lot Frontage (metres) | 30 |
| (c) Front Yard Setback (metres) | 6 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 3 or one half of the building height, whichever is greater |
| (f) Exterior Side Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage (percent of lot area) | 40 |
| (h) Maximum Building Height (storeys) | 3 |
| (i) Minimum Landscaped Open Space (percent of lot area) | 30 |
| (j) Planting Strip - | |

In addition to the open space requirement in clause (i), a strip of land having a width of not less than 1.5 metres shall be provided and maintained adjacent to every interior side lot line and to the rear lot line, as landscaped open space.

14.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R4A-1a and R4A-1b 35 and 37 Wellington Street North

Notwithstanding the provisions of Section 6.9 of this by-law, the lands indicated as R4A-1a and R4A-1b on Schedule A7 may contain two (2) residential buildings on one lot subject to the following provisions:

- | | |
|---|-----------------------------|
| (a) Minimum Lot Area per Dwelling Unit (square metres) | 85 |
| (b) Minimum Lot Frontage (metres) | 22 |
| (c) Rear Yard Setback (metres) | 4 |
| (d) Parking Spaces | 1 space per every 1.1 units |
| (e) Parking Measurement - Curb to Curb (metres) | 16 |
| (f) Exempt from provisions of Section 6.15.7 Location of Parking Spaces | |
| (g) Landscaped Open Space (percentage of lot area) | 16 |

and subject to the following additional provisions:

- | | |
|--|-------------|
| (i) Balconies may project from the main walls of the apartment house on said lot over the yards for a distance of 1.2 metres provided that none such may lie closer to a street or lot line than 1.8 metres. | |
| (ii) Front Yard Setback (metres) | 3 |
| (iii) Interior Side Yard Setback (metres) | 3 |
| (iv) Exterior Side Yard Setback (metres) | 3 |
| (v) Planting Strip | as existing |
| (vi) Planting Strip | Exempt |

R4A-2 Wellington Street North

Notwithstanding the provisions of the Residential Fourth Density R4A Zone, the lands indicated as R4A-2 on Schedule A7 may only be used as a parking lot in conjunction with the lands identified as R4A-1a and R4A-1b on Schedule A-7 subject to the following provisions:

- | |
|---|
| (i) The minimum perpendicular width of the access driveway shall be 6 metres; |
| (ii) Exempt from provisions of Section 6.15.7 Location of Parking Spaces |

**R4A-3 97 Ormond Street North
82 Ormond Street North**

Notwithstanding the provisions of the Residential Fourth Density R4A Zone, the lands indicated as R4A-3 on Schedule A7 shall be subject to the following provision:

- | | |
|-----------------------------------|----|
| (a) Minimum Lot Frontage (metres) | 18 |
|-----------------------------------|----|

R4A-4 12 St. David's Street East

Notwithstanding the provisions of the Residential Fourth Density R4A Zone, the lands indicated as R4A-4 on Schedule A7 may only be used for an apartment to a maximum of 6 units, and shall be subject to the following provisions:

- | | |
|---|-------------------------|
| (a) Minimum Lot Area (square metres) | 539 |
| (b) Minimum Lot Frontage (metres) | 23.6 |
| (c) Minimum Rear Yard Setback (metres) | 3 |
| (d) Minimum Interior Side Yard Setback | 3 metres and 0.3 metres |
| (e) Maximum Lot Coverage (percent of lot area) | 32 |
| (f) Minimum Landscaped Open Space (percent of lot area) | 10 |
| (g) Minimum Number of Parking Spaces | 7 |
| (h) removal of the Subject Holding (H) provision shall occur on the satisfactory conclusion of a Site Plan Agreement registered on title. | |

R4A-5 16 and 18 Sullivan Avenue (Apartments)

Notwithstanding the permitted uses of Section 14.1 of the Residential Fourth Density R4A Zone, the lands indicated as R4A-5 on Schedule A7 shall only permit the following uses:

- a) an Apartment Building;
- b) accessory buildings and structures in accordance with the provisions of Section 6.25.

Notwithstanding the provisions of Section 14.2 of the Residential Fourth Density R4A Zone, the lands indicated as R4A-5 on Schedule A7 shall be subject to the following special provisions:

- | | |
|--|---|
| a) Minimum Lot Area per Dwelling Unit to a
Maximum of 31 Dwelling Units (square metres) | 131.0 |
| b) Interior Side Yard Setback (metres) | 5 |
| c) Interior Side Yard Setback (metres) | one half the building height
if greater than 11 metres |

- | | | |
|----|--|---|
| d) | Rear Yard Setback (metres) | 3.05 |
| e) | Location of Parking Spaces | 1.5 metres from street line
1.5 metres from R2S Zone |
| f) | Balconies shall not be located on the east or west side of the apartment building. | |

R4A(H)-6 Port Robinson Estates Subdivision, Part 3

Notwithstanding the provisions of the Residential Fourth Density R4A Zone, the lands identified as R4A(H)-6 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters have been resolved to the satisfaction of the City of Thorold and confirmation has been received from the Ministry of Tourism, Culture and Sport, through the Regional Planning and Development Department, that all archaeological resource concerns have met licensing and resource conservation requirements.

The following special provisions shall apply:

Permitted Uses

In addition to the permitted uses of the Residential Fourth Density R4A Zone, a Block Townhouse Dwelling shall be permitted.

Notwithstanding the provisions of the Residential Fourth Density R4A Zone, the following zone provisions shall apply to those lands indicated as R4A(H)-6 on Schedule A3:

Apartment Building

- | | | |
|----|--|------|
| a) | Minimum Lot Frontage (metres) | 30.0 |
| b) | Minimum Front Yard Setback (metres) | 6.0 |
| c) | Minimum Rear Yard Setback (metres) | 7.5 |
| d) | Minimum MTO setback (metres) | 14.0 |
| e) | Minimum Interior Side Yard Setback (metres) | 3.0 |
| | i) Or one half the building height, whichever is greater | |
| f) | Minimum Exterior Side Yard Setback (metres) | 6.0 |
| g) | Maximum Lot Coverage (percent of lot area) | 40% |
| h) | Maximum Building Height (storeys) | 3 |
| i) | Minimum Landscaped Open Space (% of lot) | 30% |
| j) | Minimum Width of Planting Strip (metres) | 1.5 |

(required in addition to the landscape open space requirement above and shall be provided and maintained adjacent to every interior and/or exterior side lot line and rear lot line)

- k) Building must have street presence (façade design, scale, mass) along both the frontage and, if applicable, exterior side yard of the property.
- l) Parking must be located at the rear of the building and must not be located within an exterior side yard.

Block Townhouse Dwelling

- | | |
|--|------|
| a) Minimum Lot Area (square metres/per unit) | 270 |
| b) Minimum Lot Frontage (metres) | 30.0 |
| c) Minimum Front Yard Setback to dwelling (metres) | 6.0 |
| d) Minimum Front Yard Setback to garage (metres) | 6.0 |
| e) Minimum Rear Yard Setback (metres) | 6.0 |
| f) Minimum MTO setback (metres) | 14.0 |
| g) Minimum Interior Side Yard Setback (metres) | 1.2* |
| *To the Party Wall (metres) | 0.0 |
| h) Minimum Exterior Side Yard Setback (metres) | 4.5 |
| i) Maximum Lot Coverage (percent of lot area) | 40% |
| j) Maximum Building Height (metres) | 11.0 |
| k) Minimum Landscaped Open Space (% of lot) | 30% |
- i) Where the lot abuts a R1C, R3 or SC zone, an adjacent strip of land having a minimum width of 1.5 metres shall be provided and maintained as landscaped open space.
 - ii) An outdoor privacy area of at least 18.5 square metres shall be provided per dwelling unit.
- l) Buildings must have street presence (façade design, scale, mass) along both the frontage and, if applicable, exterior side yard of the property being Kottmeier Road.

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SECTION 15: RESIDENTIAL FOURTH DENSITY R4B ZONE**15.1 Permitted Uses**

The following uses are permitted in a Residential Fourth Density R4B Zone:

- (1) an apartment building;
- (2) a group home, in accordance with the provisions of Section 6.24;
- (3) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

15.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Fourth Density R4B Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|--|
| (a) Minimum Lot Area per Dwelling Unit (square metres) | 130 |
| (b) Minimum Lot Frontage (metres) | 30 |
| (c) Front Yard Setback (metres) | 6 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 3, or one half the building height, whichever is greater |
| (f) Exterior Side Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage (percent of lot area) | 40 |
| (h) Minimum Building Height (storeys) | 4 |
| (i) Maximum Building Height (storeys) | 7 |
| (j) Minimum Landscaped Open Space (percent of lot area) | 30 |
| (k) Planting Strip - | |

In addition to the open space requirement in clause (j), a strip of land having a width of not less than 1.5 metres shall be provided and maintained adjacent to every interior side lot line and to the rear lot line, as landscaped open space.

15.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

R4B-1 64 Front Street South

Notwithstanding the provisions of the Residential Fourth Density R4B Zone, the lands indicated as R4B-1 on Schedule A7 shall be subject to the following provision:

- | | |
|--|---|
| (a) Maximum Building Height (storeys) | 8 |
|--|---|

R4B-2 Block 36 Summers Drive

Notwithstanding the provisions of the Residential Fourth Density R4B Zone, in addition to the permitted uses of the R4B Zone, the lands indicated as R4B-2 on Schedule A6 may be used as a street townhouse dwelling, one or more, and the regulations of Section 13.2.3 applying thereto.

**R4B-3 61 Ormond Street South – Thorold Non-Profit
Cleveland Street Development**

Notwithstanding the provisions of the Residential Fourth Density R4B Zone, in addition to the permitted uses of the R4B Zone, the lands indicated as R4B-3 on Schedule A7, may be used for street/stacked street townhouses and/or low rise apartment buildings and that all setback requirements are based on the boundaries of the portion of the property having frontage on Cleveland Street and identified as R4B-3, subject to the following special provisions:

Stacked Street Townhouse means: a Street Townhouse Dwelling where each unit may be divided horizontally into two dwelling units.

Notwithstanding Section 6.9, more than one building may be constructed for residential purposes.

Provisions for Stacked Street Townhouse Units to Zone Boundary Line:

- | | |
|--|-----|
| (a) Minimum Lot Frontage along Cleveland Street for each interior Unit (metres) | 6.0 |
| (b) Minimum Lot Frontage along Cleveland Street for each end Unit (metres) | 6.9 |
| (c) Minimum Interior Side Yard Setback between blocks of units (metres) | 2.4 |
| (d) Minimum Interior Side Yard Setback | 1.2 |
| (e) Minimum Westerly Zone Boundary Setback | |
| i. To the dwelling (metres) | 3.0 |
| ii. To the garage (metres) | 6.0 |
| (f) Minimum Setback to Railway Right of Way (metres) | 2.0 |
| (g) Easterly Zone Boundary Setback (metres) | 0.0 |

- | | | |
|-----|--|----------------|
| (h) | Maximum Height (metres) | 14.0 |
| (i) | Maximum Lot Coverage within zone boundary | Not restricted |
| (j) | Maximum number of units per block of units | 8 |

Provisions for Apartments to Zone Boundary Line:

- | | | |
|-----|---|----------------|
| (a) | Maximum Lot Frontage per apartment along Cleveland Street (metres) | 26.0 |
| (b) | Minimum Interior Side Yard Setback between each apartment building up to 8 metres in height (metres) | 2.4 |
| (c) | Minimum Interior Side Yard Setback between each apartment building up to 14 metres in height (metres) | 4.0 |
| (d) | Minimum Interior Side Yard Setback for apartments buildings in height | 1.2 |
| (e) | Minimum Interior Side Yard Setback for apartments buildings up to 14 metres in height | 2.0 |
| (f) | Minimum Westerly Zone Boundary Setback (metres) | 3.0 |
| (g) | Minimum Setback to Railway Right of Way (metres) | 2.0 |
| (h) | Easterly Zone Boundary Setback (metres) | 0.0 |
| (i) | Maximum height (metres) | 14.0 |
| (j) | Maximum Lot Coverage | Not restricted |
| (k) | Maximum number of units per block of units | 8 |

**R4B-4 23A St. Davids Street East (Part of Bocks G and H, Plan No. 898)
(By-law No. 26-2018)**

Notwithstanding the provisions of the “Residential Fourth Density (R4B) Zone”, the lands zoned “Residential Fourth Density (R4B-4) Zone” shall be subject to the following provisions:

- | | | |
|-----|--|-----|
| (a) | Minimum Lot Area per Dwelling Unit (square metres) | 88 |
| (b) | Minimum Lot Frontage (metres) | 4.8 |
| (d) | Rear Yard Setback (metres) | 5.0 |
| (e) | Interior Side Yard Setback (metres) | 6.5 |

- | | | |
|-----|---|-----|
| (f) | Exterior Side Yard Setback (metres) | 3.0 |
| (j) | Minimum Landscaped Open Space (percentage) | 35 |
| (k) | Planting Strip
A landscape buffer strip having a width of not less than 1.5 metres with plantings and not less than 3.0 metres in height shall be provided and maintained adjacent to every interior side lot line and to the rear lot line. | |
| (l) | Maximum Building Height (storeys) | 4 |

Notwithstanding the provisions of "General Provisions- Access to Driveways to Parking Spaces" in Section 6.15.8 the following provision shall apply:

- (a) The minimum perpendicular width of an access driveway shall be 3.0 metres if the access driveway is one-way and 6.0 metres if the access driveway is two-way.

Notwithstanding the provisions of "Schedule C - Parking Space Requirements" the following provision shall apply:

- (a) Aisle width shall be 6.0 metres.

SECTION 16: OFFICE RESIDENTIAL OR ZONE**16.1 Permitted Uses**

The following uses are permitted in the Office Residential OR Zone:

- (1) artisan shop;
- (2) bed and breakfast establishment in accordance with the provisions of Section 6.27;
- (3) office;
- (4) day nursery;
- (5) dwelling units with permitted commercial uses in the same building;
- (6) duplex dwelling;
- (7) group home, in accordance with the provisions of Section 6.24;
- (8) home occupations, in accordance with the provisions of Section 6.21;
- (9) clinic;
- (10) service shop, personal;
- (11) semi-detached dwelling;
- (12) single detached dwelling;
- (13) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

16.2 Zone Provisions

No person shall use any land or erect or use any building or structure in an Office Residential Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-----|
| (a) Minimum Lot Area (square metres) | 370 |
| (b) Minimum Lot Frontage (metres) | 12 |
| (c) Front Yard Setback (metres) | 3.0 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.5 |
| (f) Exterior Side Yard Setback (metres) | 6 |

- (g) Minimum landscaped open space -10 percent of lot area which is to include a required planting strip having a minimum width of 1.5 metres along any lot line abutting a Residential Zone;
- (h) Maximum Building Height (storeys) 2.5
- (i) Open Storage not permitted;
- (j) Access to Rear Yard - Vehicular access to the Rear Yard from a public street shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres;
- (k) Location of off-street parking - despite Section 6.12, off-street parking in the OR Zone shall not be permitted in the front yard.

16.3 Provisions for Loading Spaces in an OR Zone

Where required in accordance with Section 6.14, loading spaces in an OR Zone shall not be permitted within a front yard or an exterior side yard.

16.4 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provisions number:

OR-1 Ormond Street West Side

In addition to the permitted uses of the Office Residential OR Zone, the lands indicated as OR-1 on Schedule A7 may be used for the following:

- (i) convenience store;
- (ii) nursery school;
- (iii) dry cleaning distribution station;
- (iv) apartment building.

OR-2 36 Ormond Street South

Notwithstanding the provisions of the Office Residential OR Zone, in addition to the permitted uses of the OR Zone, the lands indicated as OR-2 on Schedule A7 may be used for a triplex dwelling.

OR-3 25-27 Ormond Street South

Notwithstanding the provisions of the Office Residential OR & OR-1 Zone, the lands indicated as OR-3 on Schedule A7 may be used for a 3 unit street townhouse dwelling subject to the following provisions:

- | | |
|--|-----|
| (a) Front Yard Setback (metres) | 6 |
| (b) Interior Side Yard Setback (metres) | 1.2 |
| (c) Maximum Lot Coverage (percent of lot area) | 45 |
| (d) Parking Permitted in Front Yard | |

OR-4 68 Pine Street North (Dobbie House)

Notwithstanding the provisions of the Office Residential OR Zone, the lands indicated as OR-4 on Schedule 7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

OR-5 13 St. David's Road West

Notwithstanding the provisions of the Office Residential "OR" Zone, in addition to the permitted uses of the OR Zone, the lands indicated as OR-5 on Schedule A7, may be used for a retail establishment and a maximum of 3 dwelling units, subject to the following regulations:

- | | |
|--|------|
| (a) All residential uses shall be located above commercial uses. | |
| (b) Access to commercial units shall be from 11 St. David's Road West (abutting property to the east). | |
| (c) Maximum number of dwelling units | 3 |
| (d) Minimum number of parking spaces (residential only) | 5 |
| (e) Maneuvering aisle (residential only) (metres) | 14 |
| (f) Minimum number of parking spaces (off-site Commercial) | 6 |
| (g) Minimum Lot Area (hectares) | 0.32 |
| (h) Minimum Lot Frontage (metres) | 42 |
| (i) Minimum Floor Area (square metres) | 298 |
| (j) Interior Side Yard Setback (metres, east side) | 0.3 |

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SECTION 17: CENTRAL COMMERCIAL CC ZONE**17.1 Permitted Uses**

The following uses are permitted in the Central Commercial CC Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) mixed use apartment building in accordance with the provisions of Section 17.3;
- (4) art gallery/museum;
- (5) assembly hall;
- (6) club, public or private;
- (7) bake shop;
- (8) bakery;
- (9) financial institution;
- (10) bed and breakfast establishment in accordance with the provisions of Section 6.27;
- (11) office;
- (12) cinema/theatre;
- (13) convenience store;
- (14) artisan shop;
- (15) dance, health or fitness club or studio;
- (16) nursery school;
- (17) clinic;
- (18) department store;
- (19) dry cleaning establishment;
- (20) dry cleaning distribution station;
- (21) laundromat;
- (22) farmers market;
- (23) food store;

- (24) funeral home;
- (25) garden centre;
- (26) gasoline bar or automobile service station;
- (27) hotel/motel;
- (28) parking lot;
- (29) recreational and entertainment facilities;
- (30) dwelling units, in accordance with the provisions of Section 17.3;
- (31) restaurant;
- (32) retail establishment;
- (33) service shop, merchandise;
- (34) service shop, personal;
- (35) veterinary hospital;
- (36) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 17.9.

17.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Central Commercial Zone except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area - no minimum requirement;
- (b) Minimum Lot Frontage: 6 metres or as existed at the date of passing of this by-law, whichever is less
- (c) Front Yard Setback - not required;
- (d) Rear Yard Setback - 3 metres or as existing whichever is less except:
 - (i) where the building contains one or more dwelling units - 6 metres, or as existed on the date of passing of this By-law, whichever is less,
 - (ii) where the rear yard abuts a Residential zone or an existing residential use - 6 metres or as existed on the date of passing of this By-law, whichever is less;
- (e) Interior Side Yard Setback - none required except that the minimum interior side setback abutting a Residential zone shall be 3 metres

- (f) Exterior Side Yard Setback - none required;
- (g) Minimum Landscaped Open Space - only as required by Sections 17.4 and 17.5;
- (h) Maximum Lot Coverage - not restricted;
- (i) Maximum Building Height - 14 metres;
- (j) Parking Space requirements - none required except as provided in Sections 6.15;
- (k) Loading Space requirements - none required;
- (l) Open Storage - prohibited, but this prohibition shall not apply to the parking of motor vehicles in a public or private parking lot.

17.3 Conversion of Commercial Buildings or new Mixed Use Apartment Buildings

A portion of a building in a CC Zone may be used for one or more dwelling units in accordance with the following provisions, notwithstanding anything to the contrary in Section 17.2:

- (a) Dwelling units shall be located above and/or to the rear of a commercial use;
- (b) Not more than fifty percent (50%) of the ground floor area of the building may be used for residential purposes;
- (c) No dwelling unit shall be located in a basement;
- (d) Where the ground floor of a building is altered or extended to permit one or more dwelling units, any off-street entrance to a commercial use which existed prior to the alteration or extension shall be preserved either in its original location or in an alternative off-street location;
- (e) No building shall exceed 14 metres in height;
- (f) The minimum rear yard shall be:
 - (i) where it abuts a Residential Zone, 6 metres or as it existed on the date of passage of this By-law, whichever is less,
 - (ii) in any other case, 3 metres or as it existed on the date of passage of this By-law, whichever is less.

17.4 Automobile Service Stations and Gasoline Bars in a CC Zone

In a CC Zone, Automobile Service Stations and Gasoline Bars are subject to the following provisions, notwithstanding anything to the contrary in Section 17.2:

- | | |
|--------------------------------------|-------|
| (a) Minimum Lot Frontage (metres) | 30 |
| (b) Minimum Lot Area (square meters) | 1,200 |

- (c) Maximum Lot Coverage - 30%, including the area covered by gasoline pump islands.
- (d) Front Yard Setback (metres) 9
- (e) Exterior Side Yard Setback (metres) 9
- (f) Interior Side Yard Setback - 7.5 metres; except that where the interior side lot line abuts a Residential Zone or an existing residential use, interior side setback shall be 10.5 metres;
- (g) Rear Yard Setback - 7.5 metres; except that where the rear lot line abuts a Residential Zone or an existing residential use, rear setback shall be 10.5 metres;
- (h) Minimum Landscaped Open Space - 5 percent of the lot area, to include buffering along any lot line abutting a Residential Zone.

17.5 Automobile Washing Establishments

In a CC Zone, automobile washing establishments shall be subject to the provisions of this Section, notwithstanding anything to the contrary in Section 17.2:

- (a) Minimum Lot (square metres) 1,500
- (b) Minimum Lot Frontage - 30 metres, except on a corner where the minimum frontage shall be 35 metres
- (c) Front Yard Setback (metres) 12
- (d) Exterior Side Yard Setback (metres) 12
- (e) Interior Side Yard Setback (metres) 6
- (f) Rear Side Yard Setback (metres) 6
- (g) Maximum Lot Coverage (percent of lot area) 20
- (h) Maximum Building Height (metres) 7.5
- (i) A minimum landscaped open space of 5 percent of the lot area shall be provide and maintained, to include buffering along any lot line abutting a Residential Zone.
- (j) A waiting lane, marked with painted lines, capable of accommodating at least four (4) cars per bay shall be provided and maintained on the site, in which cars can wait if the washing bays are occupied

17.6 Provisions for Tourist Homes in a CC Zone

A tourist home may be permitted in a CC Zone, provide that:

- (a) Such tourist home is operated by a person residing in said dwelling;

- (b) The number of bedrooms available to the public shall not exceed four and in no case shall any of the bedrooms be located in a basement;
- (c) Parking spaces shall be provided and maintained on the basis of one space for each bedroom available to the public, in addition to any parking spaces otherwise required;
- (d) The external appearance of the building shall not be changed so as to destroy its residential character.

17.7 Buffering Provisions in a CC Zone

Where a CC Zone abuts a Residential Zone, buffering shall be provided and maintained in the CC Zone adjacent to the abutting lot line.

17.8 Accessory Buildings and Structures in a Central Commercial CC Zone:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front or exterior side yard;
- (c) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be .9 metres; however, where such rear or interior side lot line abuts a Residential zone, any accessory building or structure shall be a minimum of 3 metres from said lot line;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres.

17.9 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

CC-1 26 Ormond Street South

Notwithstanding the provisions of the Central Commercial CC Zone, the lands indicated as CC-1 on Schedule A7 shall be subject to the following provisions:

- (a) Minimum Front Yard Setback (metres) 0.61

CC-2 12 Albert Street West (Old Fire Hall)

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-2 on Schedule A7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

CC-3 55 Ormond Street North

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-3 on Schedule A7 may be used for an automobile service and repair establishment.

CC-4 51 Ormond Street North

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-4 on Schedule A7 may be used for an electroplating operation.

**CC-5 23 and 27 Ormond Street North
Lot 13 and 14, Plan 890 and 891**

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-5 on Schedule A7 may be used for an 8 unit block townhouse dwelling.

CC-6 67 Front Street North (The former Gallaher Paper Company Lands)

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-6 on Schedule A7 may be used for a warehouse and wholesale establishment, otherwise all the provisions of the Central Commercial CC Zone shall apply to these lands.

CC-7 14 St. David's Street West (Maplehurst)

Notwithstanding the permitted uses and provisions of the Central Commercial CC Zone, the lands indicated as CC-7 on Schedule A7 are designated as historically and architecturally significant and may only be used for the following:

- (i) Heritage Inn (to mean the same as Country Inn);
- (ii) Service shop, personal;
- (iii) Restaurant;
- (iv) Convention Centre;
- (v) Spa;
- (vi) Museum;
- (vii) Office;
- (viii) Accessory uses to the foregoing permitted uses;

and shall be subject to the following provisions:

- (a) Minimum Lot Frontage (metres)

18

- (b) Maximum Building Height - 22.87metres or the height of the existing building, whichever is the lesser;

- (c) Buffer strip:

A planted buffer strip, consisting of hedge trees, or other shrubbery or a combination thereof, to a height of at least 5 feet so as to give a screening effect from surrounding properties, shall be provided:

- (i) to a width of 3 feet between the existing wall adjoining St. David Street West and all parking spaces lying north of such wall; and
- (ii) to a width of 4 feet along the entire westerly and northerly boundaries of the said property; and
- (iii) the planted buffer strip within the front yard, may not be included in computing the required landscaped open space;

- (d) Parking requirements:

Notwithstanding the provisions of Section 6 General Provisions, the following shall apply:

- (i) each parking space shall have a width of at least 9 feet and a total area of at least 180 square feet;
- (ii) adequate ingress and egress of at least 18 feet in width shall be provided to and from all parking spaces; and
- (iii) all parking spaces, and drives for ingress and egress shall be paved with hot-mix asphalt or concrete;

- (e) Conditions of Permit

No building permit shall be issued in respect to these lands unless the applicant therefore shall have first delivered to the Corporation of the City of Thorold, in addition to all other lawful requirements, the following:

- (i) a conveyance to the Corporation, free of encumbrance of a strip of land one foot in width lying immediately adjacent to and to the south of the southerly terminus of Conlon Crescent and extending the full width of Conlon Crescent, for the sum of one dollar. Such strip shall constitute a one-foot reserve for the purpose of preventing access to or from this property by way of Conlon Crescent.
- (ii) security, in a form satisfactory to the Treasurer of the Corporation of the City of Thorold, for the cost of providing a water supply system to the Maplehurst property which is adequate for fire protection purposes. The design and construction of such system shall be done in accordance with the directions and under the supervision of the Director of Operations and the cost thereof, as determined by the Director of Operations, shall at the discretion of the City be paid by the owner or occupier of this property to the City.

CC-8 5 Ormond Street South (Munro House)

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-8 on Schedule A7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

CC-9 18 Front Street North (The Former Post Office)

Notwithstanding the provisions of the Central Commercial CC Zone and General Provisions, Section 6.15 Parking Space Requirements, the lands indicated as CC-9 on Schedule A7 are designated as a historical structure and may in addition to the permitted uses of the CC Zone be used for a student residence on the second floor and shall be subject to the following additional special provisions:

- | | |
|------------------------------------|------------------------|
| (a) Maximum Number of Beds | 25 |
| (b) Minimum Parking Requirement | 1 space per 3.125 beds |

CC-10 20 Pine Street North (Welland Mills Property)

The Welland Mills and Millstone Monument located on these lands is designated as a historical structure.

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-10 on Schedule A7 may also be used for 8 townhouse dwelling units, in accordance to all the provisions of the Central Commercial CC Zone and shall be subject to the following special provision:

- | | |
|----------------------------|-------|
| Rear Yard Setback (metres) | 0.914 |
|----------------------------|-------|

CC-11 54 Front Street South (The Moose & Goose)

Notwithstanding the provisions of the Central Commercial CC Zone and General Provisions, Section 6.14 Loading Space Requirements and 6.15 Parking Space Requirements in addition to the permitted uses of the CC Zone, the lands indicated as CC-11 on Schedule A7 may also be used for an attached 6 storey 77 bed student residence and recognition of the existing 23 bed residence, and shall be subject to the following special provisions:

- | | |
|---|------------------------------|
| (a) Maximum Number of Beds | 100 |
| (b) Minimum Parking Requirement | 1 space for every 3.125 beds |
| (c) Minimum Perpendicular Width of Access Driveway (metres) | 6.7 |
| (d) Minimum Number of Loading Spaces Required | 1 |
| (e) Minimum Landscaped Open Space to include a strip of land not less than 1.5 metres shall be provided and maintained adjacent to the southerly rear lot line along the established parking area and along the length of the interior easterly side lot line. | |

- | | |
|---|-------|
| (f) Maximum Lot Area (square metres) | 3,300 |
| (g) Rear Yard Setback (metres) | 7.3 |
| (h) Exterior Side Yard Setback (metres) | 1.5 |

CC-12 21 Ormond Street North, Lot 12, Plan 890 & 891

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-12 on Schedule A7 may be used for a three (3) unit street townhouse.

CC-13 7 Clairmont Street

Notwithstanding the provisions of Section 6.30 (a) Outdoor Commercial Patio, an Outdoor Commercial Patio shall be permitted in the rear and easterly interior side yard setback on the lands indicated as CC-13 on Schedule A7 and shall be subject to the following special provisions:

- (1) That the applicant takes into consideration the placing of tables away from the neighbouring residents.
- (2) That no music, amplified, unamplified or live be permitted in the patio area.
- (3) That all outdoor lighting be directed away from abutting land uses.

CC-14 133 Front Street North (The former CVL Lands)

Notwithstanding the permitted uses and provisions of the Central Commercial CC Zone, the lands indicated as CC-14 on Schedule A7 may only be used for the following:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) club, public or private;
- (4) bake shop;
- (5) bakery;
- (6) financial institution;
- (7) office;
- (8) convenience store;
- (9) artisan shop;
- (10) dance, health or fitness club or studio;

- (11) clinic;
- (12) department store;
- (13) dry cleaning establishment;
- (14) dry cleaning distribution station;
- (15) laundromat;
- (16) farmers market;
- (17) food store;
- (18) funeral home;
- (19) garden centre;
- (20) parking lot;
- (21) retail establishment;
- (22) service shop, merchandise;
- (23) service shop, personal;
- (24) veterinary hospital;
- (25) food processing establishment;
- (26) printing and/or publishing establishment;
- (27) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 17.9;

and shall be subject to the following provisions:

- | | |
|--|--|
| (a) Rear Yard Setback (metres) | 1.75 |
| (b) Exterior Westerly Side Yard Setback (metres) | 2 |
| (c) Exterior Westerly Side Yard Setback for proposed southerly addition (metres) | 0 |
| (d) Site Triangle at intersections of John Street and McNamara Street and John Street and Townline Road East | none required |
| (e) Office and Retail uses parking requirements | 1 space for every 30 square metres of gross floor area |

- | | | |
|-----|--|-------|
| (f) | Maximum gross floor area for food processing establishment (square metres) | 1,900 |
|-----|--|-------|

CC-15 17 Ormond Street North (First St. Andrew's Presbyterian Church)

Notwithstanding the provisions of the Central Commercial CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-15 on Schedule A7 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

**CC-16 31-33-35 Front Street South (The Carr-Millar-McMillan Block)
15 Front Street South (Macartney Drug Store)
11 Front Street South (The Stone Store)
28 Front Street South (The Quebec Bank)
16 Towpath Street (The Old Fire Hall Bell)**

Notwithstanding the provisions of the Central CC Zone, in addition to the permitted uses of the CC Zone, the lands indicated as CC-16 on Schedule A7 are designated as a historical structure.

CC-17 17 - 23 Front Street

Notwithstanding the provisions of the Section 17.3 of the Central Commercial CC Zone, the following provisions shall apply to those lands indicated as CC-17 on Schedule A7;

- | | | |
|----|---|-------|
| a) | Minimum Rear Yard Setback to stairs | 0.0 m |
| b) | Seventy-five percent (75%) of the ground floor area of the building may be used for residential purposes to the rear of the commercial use. | |
| c) | Dwelling units may be permitted in a basement | |

CC-18 6 – 14 Albert Street East

Notwithstanding the provisions of the Section 17.2 of the Central Commercial "CC" Zone and Sections 6.6, 6.15.11 and 6.15.18, the following provisions shall apply to those lands indicated as "CC-18" on Schedule A7;

- | | | |
|----|--|--------------------------------|
| a) | Minimum Rear Yard Setback | 0.6 m |
| b) | Maximum Building Height (top of parapet) | 15.8 m |
| c) | Parking Space requirement | 1 space for each dwelling unit |
| d) | Bicycle Parking Space | |
| | Office | 2 spaces |
| | Residential | 0.5 spaces / unit |
| e) | Elevator enclosure or mechanical or service penthouse occupying not more than 13.65 % of the area of the roof of the building on which it is located | |

- f) The minimum perpendicular width of an access driveway shall be 7 metres

Notwithstanding the provisions of the Schedule C Parking Space Requirements the following provision shall apply to those lands indicated as CC-18:

- g) The aisle width shall be 6.1 metres

CC-19 Boundary Lane

Notwithstanding the provisions of the Central Commercial CC Zone the lands identified as Central Commercial CC-19 Zone on Schedule A7 shall permit an apartment building subject to the following special provisions:

Apartment buildings in the CC-19 Zone shall be subject to the following provisions, notwithstanding anything to the contrary in Section 17.2:

- | | |
|---|-----|
| (a) Minimum Lot Area per Dwelling Unit (square metres) | 50 |
| (b) Minimum Lot Frontage (metres) | 20 |
| (c) Front Yard Setback (metres) | 6 |
| (d) Rear Yard Setback: | |
| (i) where the rear lot line abuts a Residential Zone rear setback shall be 7.5 metres, | |
| (ii) in any other case, 3 metres or as it existed on the date of passage of this by-law, whichever is less; | |
| (e) Exterior Side Yard Setback (metres) | 4.5 |
| (f) Interior Side Setback - not required, except that the minimum interior side setback abutting a Residential Zone shall be 3 metres; | |
| (g) Maximum Lot Coverage (percent of lot area) | 60 |
| (h) Maximum Building Height (metres) | 14 |
| (i) Minimum Landscaped Open Space - 15% of the lot area to include a strip of land having a width of not less than 1.5 metres shall be provided and maintained adjacent to every interior side lot line, exterior side lot line, front lot line and to the rear lot line. | |

CC-20 14-20 Front Street South and 7 Market Place, (Pt Lot 9, Pt Lot 10; Pt Lot 34, Pt Lot 33, NP 889) (By-law No. 109-2016)

Notwithstanding the provisions of Sections 17.1, the following use shall apply to the lands identified a "CC-20" on Schedule A7:

- a) Student Dormitory

Notwithstanding Section 17.2 of the Central Commercial “CC” Zone as per Zoning By-law 2140(97), the following provisions shall apply to the lands identified as “CC-20” on Schedule A7:

- | | | |
|----|----------------------------------|------|
| a) | Maximum Building Height (metres) | 14.5 |
|----|----------------------------------|------|

Notwithstanding the provisions of Section 6.15, the following provisions shall apply to the lands identified as “CC-20” on Schedule 7:

Parking Space Requirement	1 space for 3.125 student dormitory rooms
---------------------------	---

Notwithstanding the provisions of Section 17.3 as per Zoning By-law 2140(97), the following provision shall apply to those lands indicated as “CC-20” on Schedule A7:

- | | |
|----|---|
| a) | Not more than sixty-five percent (65%) of the ground floor area of the building may be used for residential purposes. |
|----|---|

Notwithstanding the provisions of Section 6.30 as per Zoning By-law 2140(97), Section 6.30 (a) shall not apply to those lands indicated as “CC-20” on Schedule A7.

**CC-21 7 Ormond Street North Lot 8, Pt Lot 9, Plans 890 and 891
(By-law No. 25-2018)**

Notwithstanding the provisions of the “Central Commercial (CC) Zone”, in addition to the “Permitted Uses” in Section 17.1, the lands zoned “Central Commercial (CC-21) Zone” may be used as an apartment building and shall be subject to the following provisions:

Provisions for Apartment Buildings:

- | | | |
|----|--|------|
| a) | Minimum Lot Area per Dwelling Unit (square metres) | 50 |
| b) | Minimum Lot Frontage (metres) | 20.0 |
| c) | Front Yard Setback (metres) | 2.0 |
| d) | Rear Yard Setback (metres): | |
| | i. Abutting a Municipal Lane | 1.0 |
| e) | Interior Side Yard Setback (metres): | |
| | i. Abutting a Commercial Zone | 0.0 |
| | ii. Abutting a Residential Zone | 3.0 |
| f) | Exterior Side Yard Setback (metres) | 4.5 |
| g) | Maximum Lot Coverage (percentage) | 72 |
| h) | Maximum Building Height (stories) | 6 |
| i) | Minimum Landscaped Open Space (metres): | |
| | i. Provided and Maintained Adjacent to the
Front Lot Line, Side Lot Line, Exterior Lot Line | 1.5 |

- ii. Provided and Maintained Adjacent to a
Rear Lot Line that abuts a Municipal Lane 1.0

Notwithstanding the provisions of “General Provisions- Exception to Parking Requirements” in Section 6.15.11 the following provision shall apply:

- (c) (i) 1.25 parking spaces for each dwelling unit

Notwithstanding the provisions of “General Provisions- Access to Driveways to Parking Spaces” in Section 6.15.8 the following provision shall apply:

- (b) The minimum perpendicular width of an access driveway shall be 3 metres if the access driveway is one-way and 6.0 metres if the access driveway is two-way.

Notwithstanding the provisions of “Schedule C- Parking Space Requirements” the following provision shall apply:

- (a) Aisle width shall be 6.0 metres

SECTION 18: NEIGHBOURHOOD COMMERCIAL NC ZONE

18.1 Permitted Uses

The following uses are permitted in the Neighbourhood Commercial NC Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) financial institution;
- (3) office;
- (4) bake shop;
- (5) convenience store;
- (6) dance, health or fitness club or studio;
- (7) day nursery;
- (8) dry cleaning distribution station;
- (9) laundromat;
- (10) dwelling units in accordance with Section 18.3;
- (11) existing residential dwelling unit;
- (12) restaurant;
- (13) service shop, merchandise;
- (14) service shop, personal;
- (15) veterinary hospital;
- (16) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 18.5.

18.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Neighbourhood Commercial Zone, except in accordance with Section 6 General

Provisions and with the following:

- | | |
|--------------------------------------|-------|
| (a) Maximum Lot Area (square metres) | 3,500 |
| (b) Minimum Lot Frontage (metres) | 20 |

(c) Front Yard Setback (metres)	7.5
(d) Rear Setback (metres)	1.5, except that:
(i) where the rear lot line abuts a Residential Zone the rear setback shall be 4.5 metres; and	
(ii) where a loading space or access thereto is in a rear yard, the rear setback shall be 4.5m;	
(e) Interior Side Yard Setback (metres)	1.5, except that:
(i) where the interior side lot line abuts a Residential Zone interior side setback be 4.5 metres; and	
(ii) where a loading space or access thereto is an interior side yard, interior side setback shall be 4.5 metres;	
(f) Exterior Side Yard Setback (metres)	6
(g) Minimum Landscaped Open Space - 10 percent of lot area to include buffering along any lot line abutting a Residential Zone;	
(h) Maximum Floor Area for each storey (square metres)	750
(i) Maximum Floor Area for each permitted commercial use (square metres)	250
(j) Maximum Total Floor Area for all permitted commercial uses (square metres)	750
(k) Maximum Building Height (storeys)	2
(l) Open Storage	not permitted

18.3 Provisions for Residential Uses in a NC Zone

A portion of a building in a NC Zone may be used for one (1) or more dwelling units in accordance with the following provisions:

- (a) Dwelling units shall be located only above a commercial use

18.4 Provisions for Loading Spaces in a NC Zone

Where required in accordance with Section 6.14, loading spaces in a NC Zone shall not be permitted within a front yard or an exterior side yard.

18.5 Provisions for Accessory Buildings and Structures in a NC Zone

Accessory buildings and structures in a Neighbourhood Commercial NC Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) Not be established until or unless the main building or use to which it is accessory is established;
- (c) Not be used for gain or profit;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres;
- (e) Rear Yard Setback (metres) 1.5
- (f) Interior Side Yard Setback (metres) 1.5
- (g) Exterior Side Yard Setback (metres) 6.0
- (h) Where a rear or interior side lot line abuts a Residential or Institutional Zone the setback shall be 3 metres;
- (l) Maximum Permitted Coverage (square metres) 25

18.6 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

NC-1 Neighbourhood Commercial (Restricted)

Notwithstanding the permitted uses of the Neighbourhood Commercial NC Zone, the lands indicated as NC-1 on Schedules A7 and A9 may be only used for the following uses:

- ☐ convenience store
- ☐ day nursery
- ☐ dry cleaning distribution station
- ☐ service shop, personal
- ☐ dwelling units:

34 ½ Sullivan Avenue	A7
29 - 29 ½ Queen Street North	A7
71 Sullivan Avenue	A7
53 Chapel Street South	A7
186 Pine Street South	A7
128 Clara Street	A9
66 Pine Street North	A7
238 Allanburg Road	A9
106 Niagara Falls Road	A9
120-122 Niagara Falls Road	A9
236 Allanburg Road	A9

NC-2 60 Albert Street West

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-2 on Schedule A7 may be used as a Clinic.

NC-3 South East Corner of Whyte Avenue and Albert Street

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-3 on Schedule A7 may be used as a parking lot in conjunction with the lands identified as NC-2 on Schedule A7.

NC-4 141 Pine Street South

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-4 on Schedule A7 may be used as a Hotel/Motel.

NC-5 South East Corner of Pine Street South and Hwy. 58 Ramp

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-5 on Schedule A7 may be used as a parking lot in conjunction with the lands identified as NC-4 on Schedule A7.

NC-6 103 Pine Street South

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-6 on Schedule A7 may be used as a store for equipment sales and service in conjunction with seven (7) dwelling units.

NC-7 54 Ormond Street South

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-7 on Schedule A7 may be used as an automobile service and repair establishment.

NC-8 64 St. David Street West

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-8 on Schedule A7 may be used as a gasoline bar and convenience store.

NC-9 111 Ormond Street North

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-9 on Schedule A7 may be used as a gasoline bar and an automobile service and repair establishment.

NC-10 13 Richmond Street

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-10 on Schedule A7 may be used as a duplex dwelling and automobile service and repair establishment.

NC-11 70 Pine Street South

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-11 on Schedule A7 may be used as a video store and associated parking.

NC-12 204 Richmond Street

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, the lands indicated as NC-12 on Schedule A6 shall be subject to the following provisions:

- (a) Maximum Lot Coverage by all buildings and structures: 25% of lot area;
- (b) Minimum Front Yard Setback (metres) 9
- (c) Maximum Building Height (storey) 1
- (d) Required parking area: ten (10) parking spaces;
- (e) Fencing: a five foot privacy fence shall be erected and maintained along the entire length of rear and side lot lines.

NC-13 228 Allanburg Road

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-13 on Schedule A9 may be used as an automobile service and repair establishment.

NC-14 Richmond Street Plaza

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-14 on Schedule A6 may be used as a clinic and retail establishment.

NC-15 56 Ormond Street North

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC-15 on Schedule A7 may be used as a hotel/motel.

NC (H)-16 2008 Port Robinson Road

Notwithstanding the provisions of the Neighbourhood Commercial NC Zone, in addition to the permitted uses of the NC Zone, the lands indicated as NC (H)-16 on Schedule A3 may be used for an automobile service and repair facility.

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SECTION 18A: COMMERCIAL C ZONE**18A.1 Permitted Uses**

The following uses are permitted in the Commercial C Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) financial institution;
- (3) office;
- (4) bake shop;
- (5) convenience store;
- (6) dance, health or fitness club or studio;
- (7) day nursery;
- (8) dry cleaning distribution station;
- (9) laundromat;
- (10) farmer's market;
- (11) garden centre;
- (12) gasoline bar and/or automobile service station;
- (13) printing and/or publishing establishment;
- (14) retail establishment;
- (15) restaurant;
- (16) service shop, merchandise;
- (17) service shop, personal;
- (18) veterinary hospital;
- (19) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 18A.4.

18A.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Commercial C Zone except in accordance with Section 6 General Provisions and with the following:

- | | |
|---------------------------------|-----|
| (a) Maximum Lot Area (hectares) | 0.4 |
|---------------------------------|-----|

(b) Minimum Lot Frontage (metres)	60
(c) Front Yard Setback (metres)	10.5
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	4.5
(f) Exterior Side Yard Setback (metres)	7.5
(g) Minimum Landscaped Open Space - 10 percent of lot area to include buffering along any lot line abutting a Residential Zone;	
(h) Maximum Total Floor Area for all permitted commercial uses (square feet)	2,500
(i) Maximum Building Height (storeys)	2
(j) Open storage	not permitted

18A.3 Provisions for Loading Spaces in a C Zone

Where required in accordance with Section 6.14, loading spaces in a C Zone shall not be permitted within a front yard or an exterior side yard.

18A.4 Provisions for Accessory Buildings and Structures in a C Zone

Accessory buildings and structures in a Commercial C Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) Not be established until or unless the main building or use to which it is accessory is established;
- (c) Not be used for gain or profit;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres;
- (e) Rear Yard Setback (metres) 1.5
- (f) Interior Side Yard Setback (metres) 1.5
- (g) An accessory building or structure is not permitted within any front or exterior side yard;
- (h) Where a rear or interior side lot line abuts a Residential or Institutional Zone the setback shall be 3 metres;
- (i) Maximum permitted coverage (square metres) 25

18A.5 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

C(H) -1 1311 Egerter Road

Notwithstanding the provisions of the Commercial C Zone, in addition to the permitted uses of the C Zone, the lands indicated as C(H)-1 on Schedule A3 may be used for a banquet hall and private club.

C(H) -2 1344 Merrittville Highway

Notwithstanding the provisions of the Commercial C Zone, in addition to the permitted uses of the C Zone, the lands indicated as C(H)-2 on Schedule A4 may be used for a nursery.

C(H)-3 2404 Port Robinson Road

Notwithstanding the provisions of the Commercial C Zone, in addition to the permitted uses of the C Zone, the lands indicated as C(H)-3 on Schedule A4 may be used for an automobile sales and rental establishment.

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SECTION 19: SHOPPING CENTRE COMMERCIAL SC ZONE**19.1 Permitted Uses**

The following uses are permitted in the Shopping Centre Commercial SC Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) assembly hall;
- (3) financial institution;
- (4) office;
- (5) bake shop;
- (6) cinema/theatre;
- (7) clinic;
- (8) convenience store;
- (9) dance, health or fitness club or studio;
- (10) department store;
- (11) laundromat;
- (12) garden centre;
- (13) gasoline bar and/or automobile service station;
- (14) food store;
- (15) printing and/or publishing establishment;
- (16) recreational and entertainment facilities;
- (17) restaurant;
- (18) retail establishment;
- (19) service shop, merchandise;
- (20) service shop, personal;
- (21) veterinary hospital;

19.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Shopping Centre Commercial Zone except in accordance with Section 6 General Provisions and with the following:

- | | |
|--|----------------|
| (a) Minimum Lot Area (hectares) | 1.5 |
| (b) Minimum Lot Frontage (metres) | 50 |
| (c) Front Yard Setback (metres) | 10.5 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 7.5 |
| (f) Exterior Side Yard Setback (metres) | 10.5 |
| (g) Maximum Lot Coverage (percent of area) | 30 |
| (h) Maximum Building Height (metres) | 11 |
| (i) Minimum Landscaped Open Area - 10 percent of lot area to include buffering along any lot line abutting a Residential Zone; | |
| (j) Open Storage | not permitted. |

19.3 Provisions for Automobile Washing Establishments in a SC Zone

In a SC Zone, automobile washing establishments shall provide and maintain on the site a waiting lane, marked with painted lines, capable of accommodating at least four (4) cars per bay in which cars can wait if the washing bays are occupied.

19.4 Provisions for Loading Spaces in a SC Zone

Where required in accordance with Section 6.14, loading spaces shall not be permitted within a front yard or an exterior side yard.

19.5 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

SC-1 Pine Street Plaza

Notwithstanding the provisions of the Shopping Centre Commercial SC Zone, in addition to those uses of the SC Zone, the lands indicated as SC-1 on Schedule A7 may be used for a billiard hall containing not more than 10 billiard tables.

**SC-2 Port Robinson Estates Subdivision (By-law 145-2016 and 49-2018)
(Removal of Holding By-law No. 62-2018)**

The lands identified as SC(H)-2 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters have been resolved to the satisfaction of the City of Thorold confirmation has been received from the Ministry of Tourism, Culture and Sport, through the Regional Planning and Development Department, that all archaeological resource concerns have met licensing and resource conservation requirements.

The following special provisions shall apply:

In addition to the permitted uses in the Shopping Centre Commercial SC Zone, the following uses shall be permitted on those lands indicated as SC(H)-2 on Schedule A3:

- 1) Automobile Washing Establishment
- 2) Restaurant, Drive-Through
- 3) Dwelling units in accordance with the provisions under Section 18.3

In addition to the zone provisions of the Shopping Centre Commercial SC Zone the following additional zone provisions shall apply to those lands indicated as SC-2 on Schedule A3:

- | | | |
|----|--|-------|
| a) | Minimum MTO setback (metres) | 14.0 |
| b) | Minimum Width of Planting Strip (metres)
(Required in addition to the landscape open space requirement and shall be provided and maintained adjacent to every lot line) | 1.5 |
| c) | Minimum Lot Area (hectares) | 0.667 |

Provisions for Restaurant Drive-Through within the SC-2 Zone

A restaurant drive-through shall not be located between the exterior of the building and a public road and shall be located no closer than 7.5 metres to a Residential zone.

A restaurant drive-through must provide lane parking to permit queuing for a minimum of ten (10) vehicles.

Provisions for Bicycle Parking Spaces within the SC-2 Zone

Bicycle Parking shall be provided and maintained in accordance with the following provisions:

Office	2 spaces plus 0.25 spaces per 1000 m ² GFA
Service Commercial/Retail	2 spaces plus 1 space per 1000 m ² GFA
Restaurant	2 spaces plus 1 space per 1000 m ² GFA
Convenience Store	2 spaces plus 1 space per 1000 m ² GFA

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SECTION 20: HIGHWAY COMMERCIAL HC ZONE - HIGHWAY 20 EAST OF CANAL**20.1 Permitted Uses**

The following uses are permitted in the Highway Commercial HC Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) art gallery/museum;
- (4) cinema/theatre;
- (5) drive-in theatre;
- (6) assembly hall;
- (7) club, public or private;
- (8) auctioneering establishment;
- (9) automobile sales and rental establishment;
- (10) automobile service and repair establishment;
- (11) automobile washing establishment;
- (12) financial institution;
- (13) service shop, personal;
- (14) building materials establishment;
- (15) office;
- (16) convenience store;
- (17) farm produce market;
- (18) gasoline bar and/or automobile service station;
- (19) garden centre;
- (20) hotel/motel;
- (21) parking lot;
- (22) recreational and entertainment facilities;
- (23) recreational vehicle establishment;

- (24) restaurant;
- (25) restaurant, drive-thru;
- (26) service shop, merchandise;
- (27) veterinary hospital;
- (28) wholesale establishment;
- (29) accessory buildings and structures to the permitted foregoing uses and in accordance with the provisions of Section 20.3.

20.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Highway Commercial HC Zone except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area - .15 hectares (1500 square metres) except where there are no municipal sanitary sewers, in which case the minimum lot area shall be subject to approval by the Medical Officer of Health;
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback - 14 metres, subject to Section 3.6;
- (d) Rear Yard Setback - 1.5 metres, except that:
 - (i) where the rear lot line abuts a Residential Zone, rear setback shall be 4.5 metres,
 - (ii) where a loading space or access thereto is in a rear yard, the rear setback shall be 4.5 metres;
- (e) Interior Side Yard Setback - 1.5 metres, except that:
 - (i) where the interior side lot line abuts a Residential Zone interior side setback shall be 4.5 metres,
 - (ii) where a loading space or access thereto is in an interior side yard, the interior side setback shall be 4.5 metres;
- (f) Exterior Side Yard Setback - 6 metres subject to Section 3.6;
- (g) Minimum Landscaped Open Space - 10 percent of the lot area, to include buffering along any lot line abutting a Residential Zone;
- (h) Maximum Lot Coverage - 60 percent except where there are no municipal sanitary sewers, in which case the maximum lot coverage shall be 15%;

- (i) Maximum Building Height (metres) 11
- (j) Open Storage - permitted in accordance with Section 20.6
- (k) Environmental Requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

20.3 Accessory Buildings in a Highway Commercial HC Zone

Accessory buildings and structures in a Highway Commercial HC Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front or exterior side yard;
- (c) The setback from a rear or an interior side lot line shall be .9 metres; except that where such rear or interior side lot line abuts a Residential Zone the setback shall be 3 metres;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres.

20.4 Automobile Service Station and Gasoline Bars in a HC Zone

In a HC Zone, automobile service stations and gasoline bars are subject to the following provisions, notwithstanding anything to the contrary in Section 20.2:

- (a) Minimum Lot Frontage (metres) 30
- (b) Minimum Lot Area (square metres) 1200
- (c) Maximum Lot Coverage - 30 percent, including the area covered by gasoline pump islands;
- (d) Front Yard Setback (metres) 9
- (e) Exterior Side Yard Setback (metres) 9
- (f) Interior Side Yard Setback - 7.5 metres; except that where the interior side lot line abuts a Residential Zone or an existing residential use, interior side setback shall be 10.5 metres;
- (g) Rear Yard Setback - 7.5 metres; except that where the rear lot line abuts a Residential Zone or an existing residential use, rear setback shall be 10.5 metres;
- (h) Minimum Landscaped Open Space - 10 percent of the lot area, to include buffering along any lot line abutting a Residential Zone.

20.5 Automobile Washing Establishments in a HC Zone

In a HC Zone, automobile washing establishments shall be subject to the provisions of this Section notwithstanding anything to the contrary in Section 20.2:

- | | |
|--|-------|
| (a) Minimum Lot Area (square metres) | 1,500 |
| (b) Minimum Lot Frontage - 30 metres, except on a corner lot where the minimum frontage shall be 35 metres; | |
| (c) Front Yard Setback (metres) | 12 |
| (d) Exterior Side Yard Setback (metres) | 12 |
| (e) Interior Side Yard Setback (metres) | 6 |
| (f) Rear Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage (percent of lot area) | 20 |
| (h) Maximum Building Height (metres) | 7.5 |
| (i) A minimum landscaped open space of 5 percent of the lot area shall be provided and maintained, to include buffering along any lot line abutting a Residential Zone; | |
| (j) A waiting lane, marked with painted lines, capable of accommodating at least four (4) cars per bay, shall be provided and maintained on the site, in which cars can wait if the washing bays are occupied. | |

20.6 Provisions for Open Storage in a HC Zone

Open storage is permitted, subject to the following provisions:

- (a) Open storage is restricted to goods, materials and merchandise for retail sale or rental in connection with the main commercial use on the lot;
- (b) Open storage shall not be permitted within a front yard or exterior side yard;
- (c) Open storage areas shall be surfaced with a granular base, crushed stone, concrete, asphalt or similar hard and dust inhibiting material;
- (d) Any area used for open storage purposes shall be separate from and in addition to any parking area and loading spaces required by this By-law.

20.7 Provisions for Loading Spaces in a HC Zone

Where required in accordance with Section 6.14, loading spaces in a HC Zone shall not be permitted within a front or an exterior side yard.

20.8 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

HC-1 13207 Lundy's Lane

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicates as HC-1 on Schedule A3 may be used for two (2) motel units and three (3) residential units located on the second floor.

HC-2 Former trailer park north side of Highway 20, Part Twp. Lot92

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicated as HC-2 on Schedule A2 may be used for a trailer park.

**HC-3 2305 Allanport Road
2317 Allanport Road
13225 Lundy's Lane**

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicates as HC-3 on Schedule A10 may be used as a single detached dwelling.

**HC-4 13030 Lundy's Lane
13105 Lundy's Lane**

Notwithstanding the provisions of the Highway Commercial HC Zone - Highway 20 East of the Canal, in addition to the permitted uses of HC Zone, the lands indicated as HC-4 on Schedule A2 and A3 may be used for an adult entertainment parlour subject to the following provisions:

- (a) Maximum building area for adult entertainment parlour
at 13030 Lundy's Lane (square metres) 817.25
- (b) Maximum building area for adult entertainment parlour
at 13105 Lundy's lane (square metres) 1,115
- (c) Parking spaces required - one parking space for every 3 persons based on lawful capacity
- (d) Separation distances identified are measured from property line to property line.

Sensitive land uses listed include residential zones, institutional zones and a park owned and/or operated by the City of Thorold.

- (i) the minimum separation distance between adult entertainment parlours and residential zones shall be 1,000 metres

- (ii) the minimum separation distance between adult entertainment parlours and institutional zones shall be 750 metres
- (i) the minimum separation distance between adult entertainment parlours and a park owned and/or operated by the City of Thorold shall be 1,000 metres
- (iv) the minimum separation distance between adult entertainment parlours shall be 400 metres.

HC-5 3393 Thorold Townline Road
Part Twp Lot 25, Thorold Gateway Plaza

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses, the lands indicated as HC-5 on Schedule As may be used for the following uses:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) art gallery/museum;
- (4) club, public or private;
- (5) automobile service and repair establishment;
- (6) automobile washing establishment;
- (7) financial institution;
- (8) service shop, personal (limited to a maximum of 225 square metres);
- (9) building materials establishment (within wholly enclosed buildings);
- (10) office (except medical offices/clinics)
- (11) convenience store;
- (12) farm produce outlet;
- (13) gasoline bar and/or automobile service station;
- (14) garden centre;
- (15) restaurant;
- (16) restaurant; drive-thru;
- (17) service shop, merchandise (limited to a maximum of 225 square metres)'
- (18) veterinary hospital;

- (19) wholesale establishment (within wholly enclosed buildings);
- (20) retail establishment with a maximum gross leasable floor area of 225 square metres per individual unit; with a maximum gross leasable floor area of 675 square metres for retail establishments upon the lands;
- (21) accessory buildings and structures to the permitted forgoing uses and in accordance with the provisions of Section 20.3;

and shall be subject to the following special provisions;

- (a) Minimum Lot Area (hectares) 0.40 (4000 square metres)
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (Taylor Road) (metres) 14, subject to Section 3.6;
- (d) Rear Yard Setback (West lot line) (metres) 9
- (e) Interior Side Yard Setback (North lot line) – 9 metres where a loading space or access thereto is in an interior side yard, the interior side yard shall be 4.5 metres.
- (f) Exterior Side Yard Setback (Hwy 58)- 14 metres subject to Section 3.6;
- (g) Minimum Landscaped Open Space 25%
- (h) Maximum Lot Coverage 20%
- (i) Maximum Building Height (metres) 11
- (j) Open Storage not permitted
- (k) Environmental Requirements

Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

** Holding Provision removed by By-law No. 31-2013, March 19, 2013**

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SECTION 21: HIGHWAY COMMERCIAL/INDUSTRIAL HCI ZONE - HIGHWAY 20 WEST OF CANAL**21.1 Permitted Uses**

The following uses are permitted in the Highway Commercial/Industrial HCI Zone:

- (1) light manufacturing carried on entirely in wholly enclosed buildings and which are not obnoxious or incompatible with other permitted uses by reason of the emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration refuse matter or water-carried waste;
- (2) automobile sales and rental establishment;
- (3) automobile service and repair establishment;
- (4) building materials establishment;
- (5) carpentry shop;
- (6) custom workshop;
- (7) existing dwelling units;
- (8) farm produce market;
- (9) farm service and supply establishment;
- (10) garden centre;
- (11) equipment sales, rental and service;
- (12) offices having a combined floor area of not greater than 185 square metres in any one building;
- (13) printing and/or publishing establishment;
- (14) recreational vehicle establishment;
- (15) warehouse;
- (16) retail store for: furniture, appliances, carpets and flooring, plumbing supplies, decorating supplies (paint and wallpaper), light fixtures, and similar home furnishing or home improvement products; floor area for such store is unrestricted;
- (17) retail store (other than a store referred to in Clause (16)) having a maximum floor area of 185 square metres provided that the combined floor area of all such stores in one building shall not exceed 390 square metres;
- (18) accessory buildings and structures permitted to the foregoing uses and in accordance with the provisions of Section 21.3;

21.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Highway Commercial Industrial HCI Zone except in accordance with the applicable provisions of Section 6 General Provisions and with the following:

- (a) Minimum Lot Area (hectare) 1
- (b) Minimum Lot Frontage (metres) 76
- (c) Front Yard Setback (metres) 14
- (d) Exterior Side Yard Setback (metres) 6
- (e) Rear Yard Setback - 6 metres except that the minimum rear yard:
 - (i) may be reduced to nil abutting a hydro right-of way or rail siding serving the site; and
 - (ii) abutting a Residential Zone or residential use shall be 10 metres;
- (f) Interior Side Yard Setback - 5 metres except that the minimum side yard:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone or residential use shall be 10 metres;
- (g) Maximum Lot Coverage (percent of lot area) 15
- (h) Industrial activities shall be carried on entirely within wholly-enclosed buildings;
- (i) Environmental Requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

21.3 Provisions for Accessory Buildings and Structures in a HCI Zone

Accessory buildings and structures in a HCI Zone are permitted in accordance with the following provisions:

- (a) Not be established until or unless the main building or use to which it is accessory is established;
- (b) No accessory building or structure shall be used for human habitation;
- (c) Not be used for gain or profit;
- (d) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;

- (e) An accessory building or structure is not permitted within any front yard or exterior
- (f) The minimum distance from an accessory building or structure to a rear or a side lot line shall be 3 metres; however, where such rear or side lot line abuts a Residential Zone, or residential use, or Agricultural Zone, any accessory building or structure shall be a minimum of 6 metres from said lot line;
- (g) Maximum Building Height (metres) 4.5

21.4 Provisions for Open Storage in a HCI Zone

The open storage of goods and materials is permitted to the following:

- (a) Open storage shall be directly related to the permitted use on any lot;
- (b) Open storage shall not be permitted in any front yard, any side yard abutting a street or any yard abutting a Residential Zone or residential use;
- (c) Open storage areas shall be totally fenced, and screened from public view; which screening (other than landscaping) shall be not less than 1.5 metres nor more than 2.5 metres in height, and open storage shall not exceed the actual height of such screening.

21.5 Provisions for Loading Space in a HCI Zone

Notwithstanding the requirements of Section 6.14, loading spaces are subject to the following additional provisions:

- (a) Loading spaces shall not be permitted in any front yard or any side yard abutting a street;
- (b) Loading spaces in a rear yard or side yard shall be screened from view from a street;
- (c) Loading spaces in a rear or side yard shall not be located within 3 metres of a lot line.

21.6 Provisions for Lighting in a HCI Zone

Outside lighting shall be so arranged as to deflect light from any adjacent Residential Zone or lands used for residential purposes.

21.7 Provisions for Landscaping in a HCI Zone

Every lot in an HCI Zone shall be subject to the following requirements:

- (a) Minimum Landscaped Open Space (% of lot area) 25
- (b) Required Planting Strips:
 - (i) adjacent to front lot line and side lot line abutting a street having a minimum width of 5 metres; and

- (ii) adjacent to any other lot line having a minimum width of 3 metres;
- (c) Notwithstanding the requirements of sub-section 21.7 (b) a planting strip is not required along the length of a mutual driveway.

21.8 Provisions for Parking in a HCI Zone

In addition to the parking requirements in Section 6.15, the following requirements apply in the HCI Zone:

- (a) All parking areas, loading areas, driveways, and egress areas shall have a cement or asphalt binder or other permanent type of surfacing;

21.9 Provisions for Exterior Treatment

No exterior walls that face a street, are exposed to public view from a street, or constitute the principal point of public entry shall be constructed of concrete blocks unless the same are decorative masonry blocks or are used in a decorative pattern form or are surfaced with stucco.

21.10 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

HCI(H)-1 2132 Beaverdams Road, Part Twp. Lot 79

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI(H) -1 on Schedule A1 may be used for a banquet hall and club, subject to the removal of the Holding symbol (H) from the said land.

HCI-2 2320 Hwy. 20, Part Twp. Lot 150, Parts 1 & 2 on Reference Plan 59R-4236

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-2 on Schedule A4 may be used as a restaurant and automobile service station.

HCI-3 2325 Hwy. 20, Part Twp. Lot 150

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-3 on Schedule A4 may be used as a restaurant, automobile service station and motel/hotel.

HCI-4 1809 Merrittville Hwy., Part Twp. Lots 150 and 151

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-4 on Schedule A4 may be used for the following:

- (a) automobile service station
- (b) restaurant having a floor area not greater than 185 square metres

HCI-5 2432 Hwy. 20, Part Twp. Lot 151

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-5 on Schedule A4 may be used as an automobile service station and convenience store.

HCI-6 1837 Merrittville Hwy., Part Twp. Lot 151

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-6 on Schedule A4 may be used as a restaurant.

HCI-7 1131 Niagara Street North, Part Twp. Lot 226

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-7 on Schedule A4 may be used as a motel/hotel.

HCI-8 2740 Merrittville Hwy., Part Twp. Lot 79

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-8 on Schedule A1 may be used as a restaurant.

HCI-9 1115 Niagara Street North, Part Twp. Lot 226

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, in addition to the permitted uses of the HCI Zone, the lands indicated as HCI-9 on Schedule A4 may be used as an automobile service station.

HCI(H)-10 1183 Merrittville Highway, Part Twp. Lot 220, rt 2 of Plan 59R-9712

Notwithstanding the provisions of the Highway Commercial Industrial HCI Zone, the lands indicated as HCI(H)-10 on Schedule A4 shall be subject to the following special provisions:

- (a) Minimum Lot Area (hectares) 0.6
- (b) Minimum Lot Frontage (metres) 44

- (c) That the lands identified as HCI(H)-10 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, providing the following occurs:
 - (i) A Site Plan Agreement has been executed prior to development of the subject lands.
 - (ii) Any existing building is either removed or moved to meet the minimum side yard setback requirement of 10 metres (33 ft.).

HCI-11 2704 Regional Road 20, Pt Twp Lot 159

Notwithstanding the provisions of the Highway Commercial/Industrial HCI Zone, a warehouse, public storage facility and ancillary offices on the lands indicated as HCI-11 on Schedule A4 shall be subject to the following provisions:

- | | |
|--|----|
| (a) Maximum Lot Coverage (percent of lot area) | 30 |
| (b) Parking Spaces Requirement | 30 |

SECTION 22: HIGHWAY COMMERCIAL NODE HCN ZONE**22.1 Permitted Uses**

The following uses are permitted in the Highway Commercial Node HCN Zone;

- (1) light manufacturing carried on entirely in wholly enclosed buildings and which are not obnoxious or incompatible with other permitted uses by reason of the emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration refuse matter or water-carried waste;
- (2) automobile sales and rental establishment;
- (3) printing and/or publishing establishment;
- (4) warehouse;
- (5) retail store for: furniture, appliances carpets and flooring, plumbing supplies, decorating supplies (paint and wallpaper), light fixtures, and similar home furnishing or home improvement products; to a maximum floor area for such use of 1,390 square metres;
- (6) retail store (other than a store referred to in clause (5)) having a maximum floor area of 185 square metres provided that the combined floor area of all such stores in one building shall not exceed 390 square metres;
- (7) office;
- (8) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 22.3.

22.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Highway Commercial Node (HCN) Zone except in accordance with the applicable provisions of section 6 General Provisions and with the following:

- | | |
|--|---|
| (a) Minimum Lot Area (hectares) | 2.5 or as existing on December 1, 1990; |
| (b) Minimum Lot Frontage (metres) | 150 |
| (c) Building Line (Front Yard) (metres) | 24 |
| Building Line (Side Yard abutting a street) (metres) | 15 |
| (d) Minimum Rear Yard Setback (metres) | 15 |
| (e) Minimum Side Yard Setback (metres) | 15 |
| (f) Maximum Lot Coverage (percent of lot area) | 15 |

(g) Environmental Requirements:

Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

22.3 Accessory Buildings and Structures in a HCN Zone

Accessory buildings and structures in a HCN Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any minimum front yard or side yard abutting a street;
- (c) The minimum distance from an accessory building or structure to a rear or a side lot line shall be 3 metres; however, where such rear or side lot line abuts a Residential Zone, or residential use, or Agricultural Zone, any accessory building or structure shall be a minimum of 6 metres from said lot line.

22.4 Open Storage in a HCN Zone

The open storage of goods and materials is permitted subject to the following:

- (a) Open storage shall be directly related to the permitted use on any lot;
- (b) Open storage shall not be permitted in any front yard, any side yard abutting a street or any yard abutting a Residential Zone or residential use;
- (c) Open storage areas shall be totally fenced, and screened from public view; which screening (other than landscaping) shall be not less than 1.5 metres nor more than 2.5 metres in height, and open storage shall not exceed the actual height of such screening.

22.5 Loading Space in a HCN Zone

Loading spaces are subject to the following provisions:

- (a) Loading spaces shall not be permitted in any front yard or any side yard abutting a street;
- (b) Loading spaces in a rear yard or side yard shall be screened from view from a street;
- (c) Loading spaces in a rear or side yard shall not be located within 3 metres of a lot line.

22.6 Provisions for Landscaping in a HCN Zone

Every lot in a HCN Zone shall be subject to the following requirements:

- (a) Minimum Landscaped Open Space (percent of lot area) 25
- (b) Required Planting Strips:

- (i) adjacent to front lot line and side lot line abutting a street having a minimum width of 5 metres; and
- (ii) adjacent to any other lot line having a minimum width of 3 metres.

22.7 Provisions for Parking in a HCN Zone

In addition to the parking requirements in Section 6.15, the following requirements apply in the HCN Zone:

- (a) All parking areas, loading areas, driveways and access and egress areas shall have a cement or asphalt binder or other permanent type of surfacing;

22.8 Provisions for Exterior Treatment

No exterior walls that face a street, are exposed to public view from a street, or constitute the principal point of public entry shall be constructed of concrete blocks unless the same are decorative masonry blocks or are used in a decorative pattern form or are surfaced with stucco.

22.9 Special Provisions

In accordance with Section 5.1.3, the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

HCN-1 2055 Kottmeier Road

Notwithstanding the provisions of the Highway Commercial Node HCN Zone, in addition to the permitted uses of the HCN Zone, the lands indicated as HCN-1 on Schedule A3 may be used as a construction trades establishment.

HCN-2 1946 Hwy. 20

Notwithstanding the provisions of the Highway Commercial Node HCN Zone, in addition to the permitted uses of the HCN Zone, the lands indicated as HCN-2 on Schedule A3 may be used as a drive-in theatre.

HCN-3 Part of Twp. Lot 147, West Side of Kottmeier Road

Notwithstanding the provisions of Section 22.2 of the Highway Commercial Node HCN Zone, the lands indicated as HCN(H)-3 on Schedule A3 shall be subject to the following special provisions:

- | | |
|-----------------------------------|------|
| (a) Minimum Lot Area (hectares) | 1.25 |
| (b) Minimum Lot Frontage (metres) | 76.2 |

** Holding Provision removed, Pt 2, 59R-13649 by By-law 68-2008, July 8, 2008.**

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SECTION 23: PRESTIGE OFFICE PO ZONE**23.1 Permitted Uses**

The following uses are permitted in a Prestige Office PO Zone:

- (1) institutional use;
- (2) office;
- (3) research laboratory with the exception that research laboratories involving the keeping of animals, significant amounts of dangerous materials or undesirable levels of noise, odour, smoke, vibration, dust and the like shall not be permitted;
- (4) personal services;
- (5) accessory buildings and structures to the foregoing permitted uses and in accordance with the provision of Section 23.3.

23.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Prestige Office Zone, except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area - 2 hectares, except for lots abutting King's Highway No. 406 shall be 3 hectares;
- (b) Minimum Lot Frontage - 80 metres, except for lots abutting King's Highway No. 406 shall be 100 metres;
- (c) Front Yard Setback - 20 metres, except for lots abutting St. David's Road shall be 30 metres;
- (d) Rear Yard Setback - 10 metres, except that the rear setback abutting King's Highway No. 406 shall be 15 metres;
- (e) Interior Side Yard Setback - 7.6 metres except that:
 - (i) the interior side setback on a lot abutting Regional lands shall be 20 metres; and
 - (ii) the interior side setback abutting Highway No. 406 shall be 15 metres,
 - (iii) no side yard is required along the north or south sides of the lot line between Lots 1 and 2, Plan 59M-131;
- (f) Exterior Side Yard Setback (metres) 20
- (g) Minimum Landscaped Open Space (percent of the lot area) 15
- (h) Maximum Lot Coverage (percent of lot area) 40

- (i) Maximum Building Height - 3 storeys or 15 metres, whichever is less, except that:
 - (i) offices, educational and institutional uses on lots having an area in excess of 4 hectares - no height limit,
 - (ii) hotels and convention centre 5 storeys, but not exceeding 24 metres;
- (j) Maximum permitted leasable floor area for personal services - 10% of the total leasable floor area on the lot;
- (k) Operations, storage and display of goods or materials in the open air are all prohibited;
- (l) All refuse and waste containers shall be screened so as not to be visible from any public highway.

23.3 Provisions for Accessory Buildings in a PO Zone

In a Prestige Office Zone, accessory buildings and structures are subject to the following provisions:

- (a) An accessory building or structure is not permitted in a front yard or an exterior side yard;
- (b) The interior side and rear setback for any accessory building or structure shall be 3 metres, except that:
 - (i) the interior side or rear setback on a lot abutting Regional lands shall be 20 metres; and
 - (ii) the interior side or rear setback abutting Highway No. 406 shall be 15 metres;

23.4 Provisions for Parking in a PO Zone

In a Prestige Office Zone, a parking area shall be provided in accordance with the provisions of Section 6.15 but subject to the following additional provisions:

- (a) Number of Parking Spaces:
 - (i) for research laboratories, educational and institutional uses and government offices - one (1) for each 23.23 square metres or less of leasable floor area;
 - (ii) for other general and professional offices - one (1) for each 18.5 square metres or less of leasable floor area;
- (b) Visitor Parking Area: if provided shall be in addition to spaces required by (a);
- (c) No parking area shall be located in a front yard or in a side yard abutting a street, except for the following:

- (i) visitor parking area for passenger vehicles only, the number of which shall be restricted to three (3) spaces for the first 15.2 metre and one (1) additional space for each additional 3.8 metre of front wall of the main building measured at and parallel to grade,
 - (ii) all or any parking area required, provided that the view of any such parking area is screened from any public street by berming or landscaping or a combination thereof, of sufficient height and density,
 - (iii) no parking area shall be established within the minimum depth of a landscaping area;
- (d) All parking areas shall be hard-surfaced with concrete, asphalt, bituminous emulsion or other material achieving a similar result.

23.5 Provisions for Loading Spaces in a PO Zone

In a Prestige Office Zone, off-street loading facilities shall be provided in accordance with the provisions of Section 6.14 but subject to the following provisions:

- (a) One loading space shall be provided for each main building, at least 3m X 7.5m;
- (b) No loading space shall be located within any yard abutting a street, except where the lot is in excess of 4ha, in which case the loading door shall not be closer than 60 metres to the street line;
- (c) Every loading space and access driveway shall be hard-surfaced with concrete, asphalt, bituminous emulsion or other material achieving a similar result.

23.6 Driveways

In a Prestige Office Zone, driveways for vehicular traffic between a parking or loading area and a street shall be subject to the following regulations:

- (a) Total number of permitted entrance ways per lot from a street is 2, except for
 - (i) from Merrittville Highway shall be 1,
 - (ii) from Schmon Parkway to Lots 1 and 2, Plan 59M-131, 2 entrance ways for two-way traffic and 1 median-divided entrance way for two-way traffic;
- (b) The maximum width permitted is 7.6 metres, but not exceeding 20% of lot width in the aggregate, except for driveways from Merrittville Highway shall be 10 metres;
- (c) The minimum width permitted for one-way traffic - 3 metres and for two-way traffic - 6 metres.

23.7 Landscaping and Buffering

A landscaping area shall be provided and thereafter maintained in and to the entire depth of every yard abutting a street, except for required driveways and walkways and any loading area.

- (a) Where any parking area is permitted to be located in a yard abutting a street, the minimum depth of the landscaping area may be reduced to 6 metres abutting any other street line and 10 metres abutting St. David's Road and Merrittville Highway, provided the landscaped area shall occupy the remainder of the yard not used for the parking area;
- (b) Any yard abutting Regional lands, a landscaping area in the form of a planting strip having a minimum width of 9 metres shall be provided and maintained;
- (c) A landscaping area having a minimum width of 3 metres shall be provided along every side lot line with the exception to the southerly limit of Lot 1, northerly limit of Lot 2 and the southerly limit of Lot 2 of Plan 59M-131 - no landscaping area is required.

23.8 Special Provisions

In accordance with Section 5.1.3, the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

**PO-1 3530 Schmon Parkway
Lots 1 and 2, Brock Business & Industrial Park, Plan 59M-131**

Notwithstanding the provisions of the Prestige Office PO Zone, in addition to the permitted uses of the PO Zone, the lands indicated as PO-1 on Schedule A5 may be used for a hotel and convention centre and a bingo establishment subject to the following provisions:

- (a) Minimum Number of Parking Spaces:
- (i) Hotel and Convention Centre 270;
- (ii) Bingo Establishment One (1) parking space per 10 sq. metres of floor area devoted to public use.

**PO(H)-1 Part of Lot 2 on Registered Plan 59M-131
Brock Business Park**

The lands identified as PO(H)-1 on Schedule A5 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, until all servicing matters have been resolved and a Financial Strategy and/or securement of funding for the necessary infrastructure upgrades has been approved to the satisfaction of the City of Thorold.

**PO-2 3490 Schmon Parkway, Lot 3,
Brock Business & Industrial Park, Plan 59M-131**

Notwithstanding the provisions of the Prestige Office PO Zone, in addition to the permitted uses of the PO Zone, the lands indicated as PO-2 on Schedule A5 may be used for LEED Standard Student Residences with ancillary office and/or commercial uses, subject to the following provisions:

- (a) Minimum gross floor area for ancillary commercial and/or office type uses (% of total gross residential floor area) 3
- (b) Maximum number of beds 850
- (c) Maximum building height (storeys/metre) 8/28
- (d) Minimum lot area (hectares) 2.8
- (e) Minimum number of parking spaces (Uses);
 - (i) All permitted commercial and office type uses 3.43 spaces per 92 square metres
 - (ii) Per Bed 0.24 spaces
 - (iii) Visitor (per suite of rooms) 0.1 spaces
- (f) Parking (Standards - Perpendicular Only):
 - (i) Above and Below Ground (metres) 5.5 length, 2.6 width
 - (ii) Manoeuvring Aisle (metres) 6
- (g) Parking (Location):
 - (i) Permitted in the front yard provided it is screened from view from a public highway by berming and landscaping,
- (h) Exemptions:
 - (i) Section 6.15.2 regarding the Calculation of Parking Spaces shall not apply; and
 - (ii) Section 23.4 a), b), and c) regarding the provision of parking spaces for certain uses, the provision of visitor parking and the location of parking, respectively, shall not apply. Schedule "C" shall not apply to perpendicular parking only.

**PO-3 Part of Lot 2 on Registered Plan 59M-131
Brock Business Park**

Notwithstanding the provisions of the Prestige Office PO Zone, in addition to the permitted uses of the PO Zone, the lands indicated as PO-3 on Schedule A5 may be used for purpose-built apartment buildings geared to students with ancillary office and/or commercial uses subject to the following provisions:

- | | | |
|-----|--|-----------------------------------|
| (a) | Minimum percentage of gross floor area for ancillary commercial and/or office type uses
(% of total gross residential floor area) | 3 |
| (b) | Maximum number of beds | 300 |
| (c) | Maximum building height (storeys/metre) | 5 / 18 |
| (d) | Minimum lot area | 0.6 |
| (e) | Minimum number of parking spaces for a student residence (uses): | |
| | (i) All permitted commercial and office type uses | 3.43 spaces per 92 m ² |
| | (ii) Per bed | 0.24 spaces |
| | (iii) Visitor (per suite of rooms) | 0.1 spaces |
| (f) | Parking (Standards - Perpendicular Only): | |
| | (i) Above and Below Ground (metres) | 2.6 width x 5.5 length |
| | (ii) Manoeuvring Aisle (metres) | 6 |
| (g) | Parking (Location) | |
| | (i) is not permitted in the front yard | |
| (h) | Exemptions: | |
| | (i) Section 6.15.2 regarding the Calculation of Parking Spaces shall not apply; and | |
| | (ii) Section 23.4 a), b), and c) regarding the provision of parking spaces for certain uses and the provision of visitor parking and the location of parking, respectively, shall not apply. | |
| | (iii) Schedule C shall not apply to perpendicular parking only | |
| | (iv) Section 6.30 a) regarding the location of Outdoor Commercial Patios shall not apply | |

** Holding Provision removed by By-law No. 124-2014, October 7, 2014

SECTION 24: PRESTIGE INDUSTRIAL PI ZONE**24.1 Permitted Uses**

The following uses are permitted in a Prestige Industrial PI Zone:

- (1) institutional use;
- (2) office;
- (3) light manufacturing carried on entirely in wholly enclosed buildings and which are not obnoxious or incompatible with other permitted uses by reason of the emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste;
- (4) research laboratory;
- (5) retail or wholesale showroom;
- (6) personal services;
- (7) service shop, merchandise;
- (8) warehouse;
- (9) wholesale establishment;
- (10) accessory uses, buildings and structures to the foregoing permitted uses and in accordance with the provision of Section 24.3.

24.1.1 Transport or truck terminals, equipment yards and any similar or other uses involving outside operations or storage, or features tending to be obnoxious or incompatible with other permitted uses for the reasons set out in Sub-Section 24.1(3) are specifically prohibited.

24.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Prestige Industrial Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|---|-----|
| (a) Minimum Lot Area (hectares) | 0.6 |
| (b) Minimum Lot Frontage (metres) | 60 |
| (c) Front Yard Setback - 15 metres, except for lots abutting Merrittville Highway shall be 20 metres; | |
| (d) Rear Yard Setback (metres) | 15 |
| (e) Interior Side Yard Setback (metres) | 6 |
| (f) Exterior Side Yard Setback (metres) | 15 |

- (g) Minimum Landscaped Open Space (percent of the lot area) 10
- (h) Maximum Lot Coverage (percent of lot area) 40
- (i) Maximum Building Height (metres) 10
- (j) Maximum permitted leasable floor area for personal services - 10% of the total leasable floor area on any lot for personal services and/or retail showrooms and outlets;
- (k) Open Storage - prohibited except on Lots 8, 9 and 10 of the Brock Business and Industrial Park Plan 59M-131, subject to the following restrictions and regulations:
 - (i) open storage is permitted only in a rear yard,
 - (ii) open storage shall be completely screened from outside view by opaque screening, which shall include a continuous opaque screen along the rear lot lines of Lots 8, 9 and 10. Screening (other than landscaping) shall be not less than 1.6 metres nor more than 2.5 metres in height, and open storage shall not exceed the actual height of such screening,
 - (iii) open storage shall not occupy more than 25% of the lot area;
- (l) An open storage area is restricted to the following uses:
 - (i) the storage of products manufactured, assembled or warehoused on the premises,
 - (ii) the storage in tanks and containers of liquids, gases or other similar materials used in the commercial or manufacturing process on the lot,
 - (iii) the storage of materials used in the industrial operation on the lot but excluding open storage of sand, gravel, stone, coal and similar materials or products, and excluding open storage of scrap or disused materials;
- (m) A product display is permitted in the open air (including in a yard abutting a street) for informational, promotional and advertising purposes, subject to the following conditions:
 - (i) that such display be suitable designed and mounted so as to be compatible with and form part of a landscaping area,
 - (ii) that the design and location of such display be approved by resolution of the Council of the Corporation of the City of Thorold;
- (n) All refuse and waste containers shall be screened so as not to be visible from any public highway.

24.3 Provisions for Accessory Buildings in a PI Zone

In a PI Zone, accessory buildings and structures are subject to the following provisions:

- (a) An accessory building or structure is not permitted in a front yard or an exterior side yard, except that a product display is permitted in the open air for informational, promotional and advertising purposes;
- (b) The interior side and rear setback for any accessory building or structure shall be 3 metres, except that:
 - (i) the interior side or rear setback on a lot abutting Regional lands shall be 20 metres; and
 - (ii) the interior side or rear setback abutting Highway No. 406 shall be 15 metres;

24.4 Provisions for Parking in a PI Zone

In a Prestige Industrial Zone, a parking area shall be provided in accordance with the provisions of Section 6.15 but subject to the following additional provisions:

- (a) Number of Parking Spaces:
 - (i) for any use permitted in a Prestige Office Zone the applicable number of spaces required by Sub-Section 23.4 (a) i) and ii);
 - (ii) for any other permitted use - two (2) plus one (1) additional space for each 92.9 square metres or less of floor area of the main building.
 - (iii) visitor parking area for passenger vehicles only, the number of which shall be restricted to three (3) spaces for the first 15.2 metres and one (1) additional space for each additional 3.8 metres of front wall of the main building measured at and parallel to grade;
 - (iv) all or any parking area required provided that the view of any such parking area is screened from any public street by berming or landscaping or a combination thereof, of sufficient height and density;
 - (v) no parking area shall be established within the minimum depth of a landscaping area;
- (b) Visitor Parking Area: if provided shall be in addition to spaces required by paragraph (a);
- (c) No parking area shall be located in a front yard or a side yard abutting a street, except for the following:
- (d) All parking areas shall be hard-surfaced with concrete, asphalt, bituminous emulsion or other material achieving a similar result.

24.5 Provisions for Loading Spaces in a PI Zone

In a Prestige Industrial Zone, loading spaces shall be provided in accordance with the provisions of Section 6.14 but subject to the following provisions:

- (a) One loading space shall be provided for each main building devoted entirely to educational institutional or office uses;
- (b) No loading space shall be located within a front yard or an exterior side yard, except where the lot is in excess of 4ha, in which case the loading door shall not be closer than 60 metres to the street line;
- (c) Every loading space and access driveway shall be hard-surfaced with concrete, asphalt, bituminous emulsion or other material achieving a similar result.

24.6 Driveways

In a Prestige Industrial Zone, driveways for vehicular traffic between a parking or loading area and a street shall be subject to the following regulations:

- (a) Total number of permitted entrances per lot from a street is 2, except for:
 - (i) from Merrittville Highway shall be 1;
- (b) The maximum width permitted is 7.6 metres, not to exceed 20% of lot width in aggregate except for driveways from Merrittville Highway shall be 10 metres;
- (c) The minimum width permitted for one-way traffic - 3 metres and for two-way traffic - 6 metres.

24.7 Landscaping and Buffering

A landscaping area shall be provided and therefore maintained in and to the entire depth of every yard abutting a street, except for required driveways and walkways, a product display and any loading area.

- (a) Where any parking area is permitted to be located in a yard abutting a street, the minimum depth of the landscaping area may be reduced to 6 metres abutting any street line and 10 metres abutting Merrittville Highway, provided the landscaped area shall occupy the remainder of the yard not used for the parking area;
- (b) Any yard abutting Regional lands, a landscaping area in the form of a planting strip having a minimum width of 9 metres shall be provided;
- (c) A landscaping area having a minimum width of 3 metres shall be provided along every side lot line.

24.8 Special Provisions

In accordance with Section 5.1.3, the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

PI-1 3250 Schmon Parkway, Southeast Corner of Merrittville Hwy. and Schmon Parkway, Lots 11, 12, 13 and 14 of the Brock Business and Industrial Park, Plan 59M-131

Notwithstanding the provisions of the Prestige Industrial PI Zone, in addition to the permitted uses of the PI Zone, the lands indicated as PI-1 on Schedule A5 may be used for an automobile service station.

PI-2 3401 Schmon Parkway, Lot 15, 16, 17 and 18 of the Brock Business and Industrial Park, Plan 59M-131

Notwithstanding the provisions of the Prestige Industrial PI Zone, in addition to the permitted uses of the PI Zone, the lands indicated as PI-2 on Schedule A5 shall be subject to the following provisions:

- | | | |
|-----|---|---|
| (a) | Minimum Rear Yard Setback (metres) | 6 |
| (b) | Minimum Exterior Side Yard Setback (metres) | 6 |

PI(H)-3 Part Twp. Lots 37, 38 and 39, North Side of Decew Road

Notwithstanding the provisions of the Prestige Industrial PI Zone, the lands indicated as PI-3(H) on Schedule A5 may be used for a seniors retirement home and long term care facilities and shall be subject to the following additional provisions:

- | | | |
|-----|-------------------------|------|
| (a) | Maximum height (metres) | 13.5 |
|-----|-------------------------|------|
- (b) "Seniors Retirement Home" means a building or portion thereof providing accommodation primarily for persons or couples with limited physical disabilities brought on by age for which some degree of physical assistance is required where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and such things, as common lounges, recreation rooms and medical care may also be provided.
- (c) "Long-Term Care Facility" means a building or portion thereof providing accommodation for those individual requiring extensive medical/nursing care where each private bedroom or living unit has a separate entrance from a common hall.
- (d) That the lands identified as PI(H)-3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, providing the following occurs:

- (i) The regulatory floodplain, the existing watercourse, and a 30 metre setback from the wetland boundary be zoned and designated with an environmental protection type category to prohibit development.
- (ii) The archaeological site within the environmental setback be protected through an appropriate zone category.
- (iii) A noise impact assessment is completed in accordance with Ministry of Environment criteria, and
- (iv) Detailed engineering design for water and sanitary servicing, including stormwater management be prepared.

PI-4 2087 Port Robinson Road

Notwithstanding the provisions of the Prestige Industrial PI(H) Zone the lands identified as PI-4 on Schedule A-3 shall be used for only a single detached dwelling and a landscape business.

PI-5 3300 Merrittville Highway, East side of Merrittville Highway, Lot 24 of the Brock Business and Industrial Park, Plan 59M-131

Notwithstanding the provisions of the Prestige Industrial PI Zone in addition to the permitted uses of the PI Zone the lands indicated as PI-5 on Schedule A5 may be used for a veterinary clinic.

PI-6 Lots 19 and 20, Registered Plan 59M-131, Brock Business Park (By-law No. 110-2016)

The lands identified as PI-6 on Schedule "A" attached hereto may only be used for purpose built apartment buildings with ancillary office and/or commercial uses located within the ground floor of buildings fronting onto Schmon Parkway, subject to the following special provisions:

- | | |
|--|------|
| a) Minimum Lot Area (ha) | 1.3 |
| b) Minimum Lot Frontage (metres) | 70 |
| c) Minimum Front Yard Setback (metres) | 0 |
| d) Maximum Front Yard Setback (metres) | 6 |
| e) Minimum Rear Yard Setback (metres) | 4.86 |
| f) Minimum Interior Side Yard Setback (metres) | 2.6 |
| i. Building 4 - northerly property line (metres) | 0.71 |
| ii. Building 4 - basement walkout northerly property line (metres) | 0.0 |
| g) Maximum Lot Coverage (%) | 40 |
| h) Minimum Landscaped Area (%) | 30 |

- | | | |
|----|---|------------------------|
| i) | Minimum gross floor area for ancillary commercial and/or office type uses (square metres) | 2172 |
| j) | Maximum building height (storeys / metre) | 6 / 22 |
| k) | Minimum number of parking spaces | 360 |
| l) | Minimum number of bicycle parking spaces (50% to be located in indoor secured facilities) | 151 |
| m) | Parking (Standards - Perpendicular Only): | |
| | i. Above and Below Ground (metres) | 2.6 width x 5.5 length |
| | ii. Manoeuvring Aisle (metres) | 6 |
| n) | Parking is not permitted in front yard between the building and the front property line | |
| o) | Exemptions: | |
| | i. Section 6.15.2 regarding the Calculation of Parking Spaces shall not apply; and | |
| | ii. Section 24.4 a), b), and c) regarding the provision of parking spaces for certain uses and the provision of visitor parking and the location of parking, respectively, shall not apply; and | |
| | iii. Schedule "C" shall not apply to perpendicular parking only; and | |
| | iv. Section 6.30 a) regarding the location of Outdoor Commercial Patios shall not apply. | |
| | v. Section 6.14 regarding loading spaces shall not apply. | |

**PI(H)-7 Artisan Ridge Neighbourhood Subdivision, Part 10
(By-law No. 156-2015)**

Notwithstanding the permitted uses and provisions of the Prestige Industrial "PI" Zone, the lands identified as being Part 10 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the Stormwater Management Plan being approved by the Ministry of Environment and Climate Change which may include phasing with respect to mitigation resulting from post construction stormwater management flow monitoring.

Permitted Uses

- a) Office
- b) Light manufacturing carried on entirely within wholly enclosed building provided use is not obnoxious or incompatible by reason of the emission of odour, dust, smoke, noise, gas, fumes, vibration or refuse.
- c) Warehouse
- d) Wholesale establishment

- e) Ancillary retail uses to the above permitted uses
- f) Accessory uses, buildings and structures to the foregoing permitted uses and in accordance with provisions in Section 25.3

Zone Provisions

a)	Minimum Lot Area (hectares)	0.4
b)	Minimum Lot Frontage (metres)	45
c)	Minimum Front Yard Setback (metres)	7.5
d)	Minimum Rear Yard Setback (metres)	6.0
e)	Minimum Setback from Railway ROW (metres)	15
f)	Minimum Setback from a Residential zone (metres)	20
g)	Minimum Interior Side Yard Setback (metres)	3.5
h)	Minimum Exterior Side Yard Setback (metres)	7.5
i)	Maximum Lot Coverage (percent of lot area)	40%
j)	Maximum Height (metres)	15
k)	Minimum Landscaped Open Space	10%
l)	Minimum width Landscape Buffer strip (metres) (from Residential zones)	3

PI-8 3460 Schmon Parkway (By-law 98-2017)

That notwithstanding the provisions of Section 24 Prestige Industrial, the following provision shall apply to the lands indicated as "PI-8" on Schedule A5:

- a) The subject lands may be used for a clinic with an accessory pharmacy use.

SECTION 25: LIGHT INDUSTRIAL LI ZONE**25.1 Permitted Uses**

The following uses are permitted in the Light Industrial LI Zone:

- (1) manufacturing; but excluding any drop forge, smelting, or other operation specifically permitted in Section 26 inclusive of the Heavy Industrial Zone;
- (2) automobile service and repair establishment;
- (3) vehicle body shop;
- (4) automobile washing establishment;
- (5) building materials establishment;
- (6) carpentry shop;
- (7) transport depot;
- (8) contractor's yard and/or shop;
- (9) construction trades establishment;
- (10) custom workshop;
- (11) dry cleaning establishment;
- (12) food processing establishment;
- (13) research laboratory;
- (14) equipment sales, rental and service;
- (15) offices accessory to a permitted industrial use;
- (16) printing and/or publishing establishment;
- (17) warehouse;
- (18) wholesale establishment;
- (19) winery;
- (20) courier service;
- (21) foundry and casting operation subject to the provisions of Section 6.12.2;
- (22) automobile sales and rental establishment;

- (23) retail uses accessory to the foregoing permitted uses, provided that such retail uses do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (24) outside storage accessory to the foregoing permitted uses;
- (25) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3.

25.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Light Industrial Zone except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area (hectares) 0.4
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (metres) 7.5
- (d) Rear Yard Setback - 6 metres except that the rear setback:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone shall be 10 metres;
- (e) Interior Side Yard Setback - 3.5 metres except that the interior side setback:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone shall be 10 metres;
- (f) Exterior Side Yard Setback (metres) 6
- (g) Maximum Lot Coverage - 50 percent, if no municipal services - 15 percent
- (h) Maximum Height (metres) 15
- (i) Minimum Floor Area (square metres) 380
- (j) Minimum Landscaped Open Space - 10 percent of the lot area to include buffering along any lot line abutting a Residential Zone or street.
- (k) Environmental Requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

25.3 Provisions for Accessory Buildings and Structure in a LI Zone

Accessory buildings and structures in a LI Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front or required exterior side yard;
- (c) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be 3.5 metres; however, where such rear or interior side lot line abuts a Residential Zone, any accessory building or structure shall be a minimum of 7.5 metres from said lot line;
- (d) Not be established until or unless the main building or use to which it is accessory is established;
- (e) Not be located within, or partially within, any utility easement, corridor or storm drainage swale.

25.4 Provisions for Landscaping in a LI Zone

- (a) Minimum Landscaped Open Space (percent of lot area) 10
- (b) Required planting strips:
 - (i) adjacent to front lot line, side lot line and rear lot line abutting a street or an abutting Residential Zone having a minimum width of 5 metres,
 - (ii) the required planting strip will form part of the minimum 10% landscaped open space requirement,
 - (iii) the required planting strip when containing landscaping features to screen outside storage then said landscaping features shall have a minimum height of 1.5 metres.

25.5 Provisions for Open Storage in a LI Zone

The open storage of goods and materials is permitted subject to the following:

- (a) Open storage shall be directly related to the permitted use on a lot;
- (b) Open storage shall be permitted in the rear yard and interior side yard and in the case of a corner lot, not within the required exterior side setback;
- (c) Open storage shall not be permitted within 6 metres of a Residential Zone;
- (d) Open storage shall be screened from view:
 - (i) at a plane level which is a minimum of 1.5 metres from grade level of an adjacent street; or

- (ii) when abutting a residential zone or a permitted residential use at a plane level which is a minimum of 1.5 metres from the finish grade level at the property line;

by means of landscaping features to be located within a planting strip.

25.6 Provisions for Loading Spaces in a LI Zone

Loading spaces required by Section 6.14 are subject to the following additional provisions:

- (a) Loading spaces shall not be permitted in a minimum front yard or a minimum exterior side yard;
- (b) Loading spaces in a front yard or exterior side yard shall be screen from view from a street;
- (c) Loading spaces in a rear or interior side yard shall not be located within 3 metres of a lot line.

25.7 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

LI-1 Egerter Road, W.S.

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-1 on Schedule A3 may be used as an fabricating shop, and subject to the following provisions:

- (a) Minimum Side Yard Setback to the north lot line - 3 metres except that the side setback may be reduced to nil abutting a rail spur;
- (b) Exterior Side Yard Setback (metres) 7.5
- (c) Minimum Side Yard Setback to the west lot line - 25 metres except that the side setback may be reduced to nil abutting a rail spur;
- (d) Loading spaces adjacent to the north lot line and the west lot line are subject to the following provisions:
 - (i) loading spaces shall be screened from view from a street or public walkway,
 - (ii) loading spaces shall not be located within 3 metres of a lot line.

LI-2 658 Allanburg Road 13252 Lundy's Lane

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-2 on Schedule A2 may be used for a single detached dwelling.

**LI-3 210 Allanburg Road
 310 Allanburg Road**

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-3 on Schedule A9 may be used for storage, processing and distribution of scrap metal.

LI-4 100 Wellington Street

Notwithstanding the provisions of the Light Industrial LI Zone the lands indicated as LI-4 on Schedule A7 shall be subject to the following provisions:

- | | |
|---|-------------|
| (a) Minimum Front Yard Setback (metres) | 7.5 |
| (b) Minimum Exterior Side Yard Setback | as existing |

LI-5 E.S. Fox Subdivision Plan

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-5 on Schedule A3 shall be subject to the following additional provisions:

- | | |
|---|------------|
| (a) No permitted use is allowed which by its nature or operation offensive or obnoxious to surrounding or nearby property owners, nor will become so by reason of emission or odours, smoke, dust, noise, gases, fumes, cinders, vibrations, refuse matter or water-carried wastes; | |
| (b) Minimum Lot Area (hectares) | 0.8 |
| (c) Minimum Lot Frontage (metres) | 60 |
| (d) Rear Yard Setback: | |
| (i) may be reduced to nil where one permitted use occupies more than one lot; | |
| (ii) when abutting a residential or institutional use shall be 15 metres; | |
| (iii) when abutting the CN railway right-of-way shall be 15 metres; | |
| (e) Minimum Interior Side Yard Setback - 3 metres except that the minimum side setback: | |
| (i) may be reduced to nil when one permitted use occupies more than one lot; | |
| (ii) when abutting a residential or institutional use shall be 15 metres; | |
| (iii) when abutting the CN railway right-of-way shall be 15 metres; | |
| (f) Exterior Side Yard Setback (metres) | 7.5 |
| (g) Maximum Building Height - 25 metres, except: | |
| (i) for Lots 1, 2, 9, 14, 15 and 19 | 12 metres; |

- (h) Environmental requirements:
 - (i) every lot and use shall be in compliance with the applicable provisions and regulations of the Environmental Protection Act and all the requirements of the Regional Niagara Public Health Department;
 - (ii) all fabrication, manufacture or repair shall be carried on within enclosed buildings;
- (i) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be 3 metres except where such rear or side lot line abuts a residential or institutional use, the minimum distance shall be 7.5 metres;
- (j) Maximum building height for an accessory building or structure shall be 6 metres;
- (k) Open storage shall not be permitted within 15 metres of any residential or institutional use;
- (l) Open storage shall be fully screened from view from adjacent streets, public walkways, or any residential use by means of fencing and/or landscaping features;
- (m) Loading spaces in the rear yard or side yard shall be screened from view from a street;
- (n) Loading spaces shall not be permitted within 15 metres of a residential use;
- (o) All loading spaces and access areas shall be maintained in a stable surface condition such as crushed stone, gravel, asphalt or concrete which is treated as required to prevent the raising of dust;
- (p) Minimum Landscaped Open Space (percent of lot area) 25
- (q) Required planting strips:
 - (i) adjacent to a front and exterior side lot line, having a minimum width of 3 metres;
 - (ii) adjacent to any side or rear lot line which abuts a residential or institutional use, having a minimum width of 7.5 metres and which shall include an opaque screen of a minimum height of 1.5 metres;
 - (iii) on either side of the watercourse which follows the south property line of Lot 15 and shares the common lot line between Lots 14 and 15 and 18 and 19, a 7.5 metre natural vegetative buffer is required;
- (r) All parking areas, loading areas, driveways and access and egress areas shall be of granular base, crushed stone, concrete or asphalt or similar dust inhibiting material;
- (s) Parking areas, loading areas, driveways and access and egress areas shall have a cement or asphalt binder or other permanent type of surfacing to the front building line;
- (t) All parking areas, driveways, egress and access points located in the front or side yard abutting a street shall incorporate concrete or similar type of curbing treatment;

- (u) All parking areas shall be adequately lighted and all lighting shall be deflected away from adjacent residential uses;
- (v) The minimum perpendicular width of an access driveway shall be 3.0 metres if the access driveway is one-way and 7.5 metres if the access driveway is two-way;
- (w) Required Parking:
 - (i) industrial mall - 1 space per 50 square metres of gross floor area;
- (x) Provisions for Change in a Permitted Use on a Lot or Building:

After a permitted use ceases to exist on any lot and/or building, and prior to a new permitted use locating on the same lot and/or occupying a building, an occupancy permit shall be issued by the Chief Building Official and furthermore, approval has been obtained from the Regional Niagara Public Health Department that the existing individual private septic system installed on the lot is adequate to support the new use and the number of proposed employees.

LI-6 324 Allanburg Road

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-6 on Schedule A9 may be used for a concrete batching plant.

LI-7 Towpath Road/Egerter Road - (17 acre parcel)

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-7 on Schedule A3 may be used for a dock or wharf, a steam generating clean room assembly plant or plants and uses accessory thereto and subject to the following provisions:

- (a) (i) Paving - all parking areas and driveways shall be surfaced with hot-mix asphalt;
- (ii) Location - no part of any parking area shall be located less than fifty feet (50') from the westerly, northerly and easterly boundaries of the subject lands;
- (b) No wall or any main building shall be located less than fifty feet (50') from the westerly, northerly and easterly boundaries of the lands;
- (c) Landscaping, consisting of trees, shrubs, hedges and other plantings, or a combination thereof, designed generally to give a screening effect, shall be provided and maintained adjacent to the easterly, northerly and westerly sides of every main building and parking area to a width of fifty feet (50'), except where such width is occupied by accessory buildings or structures, access or loading areas.

**LI-8 65 Ormond Street North
 94-110 Front Street North
 4 St. Davids Road East**

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-8 on Schedule A7 may be used for:

- (a) dance, health or fitness club or studio;
- (b) garden centre;
- (c) service shop, merchandise;
- (d) veterinary hospital.

LI-9 Moore McCleary land west side of Canal behind Beer Store

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-9 on Schedule A7 shall be subject to the following provision:

- (a) open storage shall be permitted as a free standing use.

LI-10 Thorold Industrial Park

Notwithstanding the provisions of the Light Industrial LI Zone, the following uses are not permitted on lands indicated as LI-10 on Schedule A7:

- (a) transport depot;
- (b) automobile service and repair establishment;
- (c) food processing establishment;
- (d) automobile washing establishment;
- (e) building materials establishment;
- (f) vehicle body shop; and
- (g) open storage of materials, goods or equipment.

LI-11 Former Trailer Park, North Side of Highway 20, Part Twp. Lot 92

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of LI Zone, the lands indicated as LI-11 on Schedule A2 may be used for a trailer park.

LI-12 Uppers Cemetery

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-12 on Schedule A2 may be used as a cemetery.

LI-13 Collier Road and Highway 58 Industrial/Business Area

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-13 on Schedule A7 may be used for and the following regulations apply thereto:

- (a) office;
- (b) veterinary hospital;
- (c) garden centre;
- (d) bank or trust company;
- (e) restaurant, including a drive-through restaurant, but not including outdoor food and beverage consumption areas;
- (f) clinic, having a minimum floor area of 465 square metres;
- (g) recreation and entertainment facilities, having a minimum floor area of 465 square metres;
- (h) dance, health or fitness club or studio, service shop, personal; provided that one or a combination of the preceding uses do not comprise more than 10% of the gross leasable area for all buildings permitted on any lot under the by-law for those lands zoned LI-13;
- (i) retail warehouse, which is defined as a building or structure, or part thereof having a minimum floor area of a single user of 465 square metres, where commodities are stored and offered for sale in one and the same area, and shall include only the following:
 - (i) office supplies;
 - (ii) books;
 - (iii) automotive supplies;
 - (iv) pet food and supplies;
 - (v) clothing and apparel;
 - (vi) home furnishings and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, draperies and decorating supplies such as paint and wallpaper;
 - (vii) patent medicines and personal care products; and
 - (viii) sporting goods and equipment.
- (j) outside storage of goods and materials is not permitted except for use © above and in such case is subject to Section 25.5 of this By-law;

- (k) any outdoor sales area located within 85 metres of a Heavy Industrial HI Zone shall be appropriately screened from the use located on the adjacent Heavy Industrial Zone, which screening may include awnings;
- (l) an earthen berm shall be constructed and maintained along the southerly lot line contiguous to the railway right-of-way and for the purpose of this subsection the berm is to be 264 metres in length; a minimum of 3 metres in height with a maximum slope of 2 to 1 and a 1.5 metre wide crown; and located thereon a minimum of either two rows of coniferous trees having a minimum height of 3.0 metres planted at a maximum of 2.3 metre centres in staggered fashion located on the crown of the berm and the side slope abutting the railway right-of-way, or planted with two rows of coniferous and deciduous mix, staggered with the coniferous trees on the crown and the deciduous trees on the side slope with a maximum of 2.3 metre centres with the preferred planting plan to be approved and implemented by a landscape architect.
- (m) the lands shall not be used for any commercial purpose, and without limiting the generality thereof, for uses a) through i) above and sub-paragraph n) below, unless a berm is first constructed thereon in accordance with the requirements of subsection l) above.
- (n) In addition to the permitted uses of the LI-13 Zone, a food supermarket may be located within Block 4, Registered Plan 59N-306 with a maximum lot area of 2.43 ha (6 acres), A food supermarket is defined as:
 - (i) Food Supermarket: a retail establishment having a maximum gross floor area of 40,000 sq. ft., primarily selling food and grocery items and which may sell other accessory merchandise such as typical household supplies and personal care products but not including a pharmacy, a photo shop, a dry cleaner, or a florist. **The 40,000 sq. ft. structure which represents a Food Supermarket shall be constructed wholly within the hatched area shown on Schedule A7 to this By-law.** (underlined portion by Order of the Board)
 - (ii) the only outdoor activity permitted in association with the food supermarket will be a garden centre.
 - (iii) all provisions of the LI-13 Zone apply thereto.

LI-14 Former Sears Building

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-14 on Schedule A7 may be used for the following:

- (a) office;
- (b) veterinary hospital;
- (c) garden centre;
- (d) bank or trust company;
- (e) restaurant, including a drive through restaurant, but not including outdoor food and beverage consumption areas;

- (f) clinic, having a minimum floor area of 465 square metres;
- (g) adult trade school, and for the purpose of this subsection means the use of premises for training or instruction in particular vocations or trades, including, but not limited to, barbering, beauty culture, hairdressing, broadcasting, charm or modelling, salesmanship in a particular vocation, driving (commercial transport), piloting (commercial transport), woodworking, metalworking, construction or other trade or technical occupations or vocations, but does not include School as defined in Section 2.213.
- (h) recreation and entertainment facilities having minimum floor area of 465 square metres;
- (i) dance, health or fitness club or studio; service shop, personal; provided that one or a combination of the preceding uses do not comprise more than 10% of the gross leasable area for all buildings permitted on any lot under the by-law for those lands zoned LI-14;
- (j) retail warehouse, which is defined as a building or structure, or part thereof having a minimum floor area of a single user of 465 square metres, where commodities are stored and offered for sale in one and the same area, and shall include only the following:
 - (i) office supplies;
 - (ii) books;
 - (iii) automotive supplies;
 - (iv) pet food and supplies;
 - (v) clothing and apparel;
 - (vi) home furnishings and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, draperies and decorating supplies such as paint and wallpaper;
 - (vii) patent medicines and personal care products; and
 - (viii) sporting goods and equipment.
- (k) outside storage of goods and materials is not permitted except for use © above and in such case is subject to Section 25.5;
- (l) any outdoor sales area located within 85 metres of a Heavy Industrial HI Zone shall be appropriately screened from the use located on the adjacent Heavy Industrial Zone, which screening may include awnings.

LI-15 1665 Beaverdams Road

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-15 on Schedule A8 may be used for an automobile recycling facility, and subject to the following provisions:

- (i) Minimum Rear Yard Setback for all buildings and structures - 7.5 metres

- (ii) Minimum Rear Yard planting strip - 3.0 metres

**LI-16 Area between John Street and Front Street on the north side
 of St. David's Street West**

Notwithstanding the permitted uses of the Light Industrial LI Zone, the lands indicated as LI-16 on Schedule A7 may only be used for a parking area and park.

**LI-17 1110 Hansler Road (Former Fantom Industries Lands Currently used by
 Continental Promotion Group)**

Notwithstanding the permitted uses of the Light Industrial LI Zone, the lands indicated as LI-17 on Schedule A3 and A4 may only be used for the following:

- (1) automobile washing establishment;
- (2) carpentry shop;
- (3) contractor's yard and/or shop;
- (4) custom workshop;
- (5) research laboratory;
- (6) equipment sales, rental and service;
- (7) offices accessory to a permitted industrial use;
- (8) warehouse;
- (9) wholesale establishment;
- (10) courier service;
- (11) automobile sales and rental establishment and;
- (12) retail uses accessory to the foregoing permitted uses, provided that such retail uses do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (13) indoor manufacturing and assembly but does not include metal spinning and any factory production or manufacturing use which generate offensive noise, dust or vibration;
- (14) call and data entry centre;
- (15) fulfilment house which is a building or portion thereof used for issuing a rebate, gift cards, premium items and the like in response to a certificate given to a purchaser as result of a sale of a product or a promotion in a store or facility located elsewhere;
- (16) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3.

SECTION 26: HEAVY INDUSTRIAL HI ZONE**26.1 Permitted Uses**

The following uses are permitted in the Heavy Industrial HI Zone:

- (1) all uses which are permitted in the Light Industrial LI Zone;
- (2) industrial use;
- (3) fuel storage depot and supply yard;
- (4) pulp and paper mill;
- (5) trail and staging areas of the Welland Canals Parkway;
- (6) outside storage accessory to the foregoing permitted uses;
- (7) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 26.3.

26.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Heavy Industrial Zone except in accordance with Section 6 General Provisions and with the following provisions:

- | | |
|---|-----|
| (a) Minimum Lot Area (hectares) | 0.4 |
| (b) Minimum Lot Frontage (metres) | 45 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback - 6 metres except that the rear setback: | |
| (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site;
and | |
| (ii) abutting a Residential Zone shall be 10 metres; | |
| (e) Interior Side Yard Setback - 3.5 metres except that the interior side setback: | |
| (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site;
and | |
| (ii) abutting a Residential Zone shall be 10 metres; | |
| (f) Exterior Side Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage - 50 percent, if no municipal services - 15 percent; | |

- (h) Maximum Building Height - not restricted;
- (i) Minimum Floor Area (square metres) 380
- (j) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

26.3 Provisions for Accessory Buildings and Structures in a HI Zone

Accessory buildings and structures in a HI Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front yard or required exterior side yard;
- (c) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be 3.5 metres; however, where such rear or interior side lot line abuts a Residential Zone, any accessory building or structure shall be a minimum of 7.5 metres from said lot line;
- (d) No accessory building or structure shall be established until or unless the main building or use to which it is accessory is established;
- (e) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (f) Maximum height is unrestricted except within 10 metres of a Residential Zone the height shall be 6 metres.

26.4 Provisions for Open Storage in a HI Zone

In an HI Zone, open storage is permitted subject to the following:

- (a) Open storage shall be directly related to the permitted use on a lot;
- (b) Open storage shall be permitted in the rear yard and interior side yard and in the case of a corner lot, not within the required exterior side setback;
- (c) Open storage shall not be permitted within 6 metres of a Residential Zone;
- (d) Open storage shall be screened from view:
 - (i) at a plane level which is a minimum of 1.5 metres from grade level of an adjacent street; or
 - (ii) when abutting a residential zone or a permitted residential use at a plane level which is a minimum of 1.5 metres from the finish grade level at the property line; by means of landscaping features to be located within a planting strip.

26.5 Provisions for Landscaping in a HI Zone

Every lot in an HI Zone shall be subject to the following requirements:

- (a) Minimum Landscaped Open Space (percent of lot area) 10
- (b) Required planting strips:
 - (i) adjacent to front lot line, side lot line and rear lot line abutting a street or an abutting Residential Zone having a minimum width of 5 metres,
 - (ii) the required planting strip will form part of the minimum 10 percent landscaped open space requirement,
 - (iii) the required planting strip when containing landscaping features to screen outside storage then said landscaping features shall have a minimum height of 1.5 metres.

26.6 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

HI-1 399 Allanburg Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-1 on Schedule A9 may be used for a single detached dwelling.

HI-2 Part Twp. Lot 14, North Side of Old Thorold Stone Road Part Twp. Lots 15 and 28, Westerly Terminus of Old Thorold Stone Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-2 on Schedule A2 may be used for an asphalt and concrete recycling facility.

HI-3 Southwest Corner of Davis Road and Old Thorold Stone Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-3 on Schedule A2 may be used as a concrete batching plant and subject to the following provisions:

- (a) All parking areas, driveways, egress and access points located in the front yard or side yard abutting a street shall incorporate concrete or similar type of curbing treatment;
- (b) The minimum perpendicular width of an access driveway shall be 3.0 metres if the access driveway is one-way and 7.5 metres if the access driveway is two-way.

HI-4 Part Twp. Lot 181, Turner Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-4 on Schedule A3 may be used for automobile recycling facility.

HI-5 Part Twp. Lot 179, West Side of Thorold Townline Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-5 on Schedule A3 may be used for an asphalt and concrete recycling facility.

HI-6 Donahue and Industrial Docks

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-6 on Schedules A2 and A9 may be used for open storage as a free-standing use.

HI-7 Part of Twp. Lots 27 and 28, South Side of Old Thorold Stone Road

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-7 on Schedule A2 may be used for an asphalt batching plant.

HI-8 Part of Twp. Lots 197 and 198, Plan 59R-8603, Parts 7 to 34

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-8 on Schedule A3 may be used for agriculture, and buildings and structures accessory thereto.

** Holding Provision removed by By-Law No. 21-2014, February 18, 2014.

HI-9 11 St. David's Street West (Mike's Auto)

Notwithstanding the provisions of the Heavy Industrial "HI" Zone, the lands indicated as HI-9 on Schedule A7, may only be used for the following uses:

- (a) Automobile sales and rental establishment;
- (b) Automobile service and repair establishment;
- (c) Automobile washing establishment;
- (d) Building materials establishment;
- (e) Carpentry shop;
- (f) Construction trades establishment;

- (g) Custom workshop;
- (h) Dry cleaning establishment;
- (i) Food processing establishment;
- (j) Research laboratory;
- (k) Equipment sales, rental and service;
- (l) Offices accessory to a permitted industrial use;
- (m) Printing and/or publishing establishment;
- (n) Courier service;
- (o) Vehicle body shop;
- (p) Retail uses accessory to the foregoing permitted uses, provided that such retail use do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (q) Accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3;

Subject to the following provisions:

- (a) Minimum number of parking spaces (dedicated to commercial uses off-site at 13 St. David's Street West) 14
- (b) Outdoor storage Not permitted

HI-10 Part Lot 179, 1701 Thorold Townline Road

Notwithstanding the provisions of the Heavy Industrial HI Zone in addition to the permitted uses of the HI Zone, the lands indicated as HI-10 on Schedule A3 may be used for an asphalt/concrete recycling facility and open storage accessory to the foregoing permitted uses subject to the following conditions:

- (a) That any Ministry of Environment (MOE) approvals deemed necessary by the MOE be obtained for the uses established on site such as storm water management and noise generation.
- (b) That a storm water management plan be approved by the NPCA and a fully executed Site Plan Agreement be obtained.

****Note:** OMB Decision issued May 2, 2013 identifies all conditions have been satisfied.**

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SECTION 27: DRY INDUSTRIAL DI ZONE

27.1 Permitted Uses

The following uses are permitted in a Dry Industrial DI Zone:

- (1) manufacturing, providing no water requirements are necessary for processing purposes;
- (2) automobile service and repair establishment;
- (3) vehicle body shop;
- (4) building materials establishment;
- (5) carpentry shop;
- (6) contractor's yard and/or shop;
- (7) construction trades establishment;
- (8) custom workshop;
- (9) equipment sales, rental and service;
- (10) printing and/or publishing establishment;
- (11) warehouse;
- (12) retail uses accessory to the foregoing uses, provided that such retail uses do not occupy more than 10 percent of the gross floor area of the industrial premises;
- (13) offices accessory to the foregoing uses;
- (14) outside storage accessory to the foregoing uses;
- (15) buildings and structures accessory to the foregoing uses and in accordance with the provisions of Section 27.3.

27.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Dry Industrial DI Zone except in accordance with the following:

- | | |
|-------------------------------------|-----|
| (a) Minimum Lot Area (hectare) | 1 |
| (b) Minimum Lot Frontage (metres) | 60 |
| (c) Front Yard Setback (metres) | 7.5 |
| Exterior Side Yard Setback (metres) | 6 |

- (d) Minimum Rear Yard Setback - 6 metres except that the minimum rear yard:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone or residential use shall be 10 metres;
- (e) Interior Side Yard Setback - 3.5 metres except that the interior side yard:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone or residential use shall be 10 metres;
- (f) Maximum Lot Coverage (percent of lot area) 15
- (g) Minimum Floor Area (square metres) 380
- (h) Building Height (metres) 15
- (i) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

27.3 Provisions for Accessory Buildings and Structures in a DI Zone

Accessory buildings and structures DI Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front yard or required exterior side yard;
- (c) The minimum distance from an accessory building or structure to a rear or a side lot line shall be 3.5 metres; however, where such rear or side lot line butts a Residential Zone, or residential use, any accessory building or structure shall be a minimum of 7.5 metres from said lot line;
- (d) Not be established until or unless the main building or use to which it is accessory is established;
- (e) Not be used for gain or profit;
- (f) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (g) Maximum building height shall be 6 metres.

27.4 Provisions for Open Storage in a DI Zone

The open storage of goods and materials is permitted subject to the following:

- (a) Open storage shall be directly related to the permitted use on a lot;
- (b) Open storage shall be permitted in the rear yard and interior side yard and in the case of a corner lot, not within the required exterior side setback;
- (c) Open storage shall not be permitted within 6 metres of a Residential Zone;
- (d) Open storage shall be screened from view:
 - (i) at a plane level which is a minimum of 1.5 metres from grade level of an adjacent street; or
 - (ii) when abutting a residential zone or a permitted residential use at a plane level which is a minimum of 1.5 metres from the finish grade level at the property line;

by means of landscaping features to be located within a planting strip.

27.5 Provisions for Landscaping in a DI Zone

Every lot in a DI Zone shall be subject to the following requirements:

- (a) Minimum Landscaped Open Space (percent of lot area) 10
- (b) Required planting strips:
 - (i) adjacent to front lot line, side lot line and rear lot line abutting a street or an abutting Residential Zone having a minimum width of 5 metres,
 - (ii) the required planting strip will form part of the minimum 10 percent landscaped open space requirement,
 - (iii) the required planting strip when containing landscaping features to screen outside storage then said landscaping features shall have a minimum height of 1.5 metres.

27.6 Provisions for Loading Spaces in a DI Zone

Loading spaces are subject to the following provisions;

- (a) Loading spaces shall not be permitted in a required front yard or a required side yard abutting a street;
- (b) Loading spaces in a rear yard or side yard shall be screened from view from a street;
- (c) Loading spaces in a rear or side yard shall not be located within 3 metres of a lot line.

27.7 Provisions for Parking in a DI Zone

In addition to the parking requirements in Section 6.15, the following requirements apply in the DI Zone:

- (a) all parking areas, loading areas, driveway and access and egress areas shall have a cement or asphalt binder or other permanent type of surfacing;

27.8 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

DI-1 1108 Beaverdams Road, Part Twp. Lots 43 and 44

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-1 on Schedule A2 may be used as an automobile recycling facility.

DI-2 Part Twp. Lot 43 and 44

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-2 on Schedule A2 may be used as an asphalt/concrete recycling facility and to include an asphalt plant.

DI-3 2251 Allanport Road, Part Twp. Lot 117 - Schedule A10 2015 Allanport Road, Part Twp. Lot 140 - Schedule A11 1709 Allanport Road, Part Twp. Lot 184 - Schedule A11 1714 Allanport Road, Part Twp. Lot 183 - Schedule A11 1706 Allanport Road, Part Twp. Lot 183 - Schedule A11 1806 Allanport Road, Part Twp. Lot 139 - Schedule A11 1360 Chippawa Creek Road, Part Twp. Lot 200, R.P. 59R-774, Part 1 - Schedule A3 North side of Beaverdams Road, Part Twp. Lot 44 - Schedule A2

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-3 on Schedules A10 and A11 may be used for a single detached dwelling.

DI-4 Allanport Road, W.S., Part Twp. Lot 184

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-4 on Schedule A11 may be used as an asphalt/concrete recycling facility.

DI-5 1829 Allanport Road, Part Twp. Lot 140

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-5 on Schedule A11 may be used as a chemical waste disposal and transfer facility.

DI-6 1668 Allanport Road, Part Twp. Lot 183

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-6 on Schedule A11 may be used for the purpose of a drop forge within the existing building on the subject lands.

DI-7	2066 Allanport Road, Part Twp. Lot 116, R.P. 59R-8901 Parts 1 & 2
------	---

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-7 on Schedule A3 may be used for the purpose of a second storey dwelling unit within the existing building on the subject lands.

DI-8 South side of Turner Road, Unopened Road Allowance, Part Twp. Lot 184

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-8 on Schedule A11 may be used as a waste transfer facility, subject to the following provisions:

- (a) Turner Road is to be upgraded to municipal standards as per Section 6.7.1 of this By-law;
- (b) That the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on the title to the subject lands.

D1(H)-9 R.P. 59R-5279, Part 2 Allanport Road East Side, Part Twp. Lot 140

Notwithstanding the provisions of the Dry Industrial DI Zone, the lands indicated as DI(H)-9 on Schedule A11 may be used for a lumber mill subject to the following provisions:

- (a) Tender is awarded for the construction of the Allanport Municipal Drain;
- (b) That the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on the title to the subject lands.

DI-10 1548 Allanport Road, Part Twp. Lot 200

Notwithstanding the provisions of the Dry Industrial DI Zone, the lands shall be used for a single detached dwelling on a lot and a home industry subject to Section 6.22 Home Industry except for Subsection 6.22 (b) and (d), and the following special provisions apply:

- (a) The use of the subject site, or the operation of any equipment shall be in accordance with the provisions of a Certificate or Approval issued in accordance with the provisions of the Environmental Protection Act.
- (b) Maximum building size for a home industry (square metres) 300
- (c) Maximum number of employees 4

- | | | |
|-----|--|-----|
| (d) | Minimum rear yard setback for the single detached dwelling (metres) | 150 |
| (e) | Minimum side yard setback for the single detached dwelling which abuts 2010 Allanport Road (metres) | 20 |
| (f) | Minimum separation distance between the single detached dwelling and the onsite home industry (metres) | 20 |

DI-11 1108 Beaverdams Road, Part Township Lot 43

Notwithstanding the provisions of the Dry Industrial DI Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-11 on Schedule A2 may be used as an automobile recycling facility, including open storage, subject to the following provisions:

- (a) A minimum front yard setback of 60 metres shall be provided within which is to be located an appropriate planting strip and landscaped area.
- (b) A minimum easterly interior side yard of 13 metres shall be provided within which is to be located an appropriate planting strip.
- (c) The open storage of goods and materials shall not exceed a height of 3.1 metres.

** Holding Provision removed by By-law No. 19-2015 dated February 3, 2015

DI-12 Part Lot 183, Part 2, Reference Plan 59R-6046, Allanport Road

Notwithstanding the provisions of the Dry Industrial DI Zone in addition to the permitted uses of the DI Zone, the lands indicated as DI-12 on Schedule A11 may be used for a water and soil reclamation facility, which is defined as:

“land and buildings used to recycle water, oily water and sediment taken from water collection facilities such as storm sewer catch basins, car wash catch basins and car wash separators.”

DI-13 2004 Allanport Road

Notwithstanding the provisions of the Dry Industrial Zone, in addition to the permitted uses of the DI Zone, the lands indicated as DI-13 on Schedule A11 may be used as a Transport Depot.

SECTION 28: INSTITUTIONAL I ZONE**28.1 Permitted Uses**

The following uses are permitted in the Institutional I Zone:

- (1) institutional use;
- (2) cemetery;
- (3) place of worship;
- (4) nursing home
- (5) school;
- (6) assembly hall;
- (7) club, public or private;
- (8) buildings and structures accessory to the foregoing permitted uses and in accordance with provisions of Section 28.3.

28.2 Zone Provisions

No person shall use any land or erect or use any building or structure, in an Institutional Zone except in accordance with Section 6 General Provisions and with the following:

- | | |
|--|---|
| (a) Minimum Lot Area | 650 square metres or existing whichever is greater; |
| (b) Minimum Lot Frontage | 20 metres or existing, whichever is greater; |
| (c) Front Yard Setback (metres) | 7.5 or existing whichever is less; |
| (d) Rear Yard Setback (metres) | 7.5 or existing, whichever is less; |
| (e) Interior Side Yard Setback (metres) | 4.5 or existing, whichever is less; |
| (f) Exterior Side Yard Setback (metres) | 7.5 or existing, whichever is less; |
| (g) Maximum Lot Coverage (percent of lot area) | 40 or existing, whichever is greater; |
| (h) Maximum Building Height | 11metres or existing, whichever is greater; |

- (i) Minimum Landscaped Open Space 10% of the lot area or existing, whichever is less;
- (j) Parking space requirements shall be in accordance with Section 6.15.
- (k) Environmental Requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

28.3 Provisions for Accessory Buildings and Structures in an I Zone

Every accessory building or structure erected after the date of passing of this By-law is subject to the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) Not be used for gain or profit;
- (c) An accessory building or structure is not permitted in a front yard or the required exterior side yard;
- (d) Not be located within or partially within, any utility easement, corridor or storm drainage swale;
- (e) The setback from a rear or interior side lot line shall be 1.5 metres; except that where the rear or interior side lot line abuts a Residential Zone, in which case the setback shall be 3 metres from said lot line;
- (f) The maximum height of any accessory building or structure shall be 4.5 metres;
- (g) Maximum lot coverage for all accessory buildings and structures shall not exceed five percent (5%) of lot area, or a maximum of 1,000 square feet, provided that an uncovered swimming pool shall not be counted in computing lot coverage.

28.4 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

I-1 1355 Uppers Lane, Part Twp. Lots 92 & 93

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-1 on Schedule A2 may be used as a correctional facility.

I-2 3 Ormond Street South

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-2 on Schedule A7 may be used for a private club and subject to the following provision:

- (a) no setbacks required

I-3 26 Clairmont Street (St. Andrew's Presbyterian Church)

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-3 on Schedule A7 are designated as a historical structure and may be used as a place of worship and subject to the following provision:

- (a) no setbacks required.

I-4 South side of St. David's Road West, east of Tupper Drive

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-4 on Schedule A6 may be used for a fluoridation plant.

I-5 West side of Richmond Street, north of Decew Road

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-5 on Schedule A6 may be used for a pumping station.

**I-6 South Street, Plan M10 Lot 13 (Port Robinson School) - Schedule A12
14 Ormond Street North (Chestnut Hall & East Side School Bell) - Schedule A7
Marlatts Road, Part Twp. Lot 52 (Beaverdams Church) - Schedule A8
1 Ormond Street South (Senior Centre - Carnegie Library) - Schedule A7
8 Carleton Street South (City Hall - former L.G. Lorrimer Central School) –
Schedule A7**

Notwithstanding the provisions of the Institutional I Zone, the lands indicated as I-6 on Schedules A7, A8 and A12 are designated as a historical structure. The lands known as 14 Ormond Street North (Chestnut Hall) contain the School Bell from East Side School which is designated for the historical aspects of the bell.

I-7 Plumbers Union Hall

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-7 on Schedule A2 may be used for a banquet hall, office and lounge.

**I-8 North Side of Falls Street, Between Hwy 20 and Centre Street
(Allanburg Heritage White Oak Tree)**

Notwithstanding the provisions of the Institutional I Zone, the lands indicated as I-8 on Schedule A10 contain the Allanburg Heritage White Oak Tree which is designated for the historical aspects of the tree.

I-9 2364 Centre Street (Allanburg United Church)

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-9 on Schedule A10 are designated as a historical structure.

I-10 15 Pine Street South (Trinity United Church)

Notwithstanding the provisions of the Institutional I Zone, in addition to the permitted uses of the I Zone, the lands indicated as I-10 on Schedule A7 are designated as a historical structure.

I-11 8 and 10 Ormond Street North (Chestnut Court Retirement Home)

Notwithstanding the provisions of the Institutional I Zone and the Office Residential OR Zone, the lands identified as I-11 on Schedule A-7 shall be used for only a 68 unit Retirement Home which is defined as a residence providing accommodation primarily for persons or couples with limited physical disabilities brought on by age for which some degree of physical assistance is required where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but, where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care may also be provided and subject to the following special provisions:

- | | |
|--|------------------------------|
| (a) Westerly Exterior Side Yard (metres) | 2.476 |
| (b) Rear Yard Setback (metres) | 0.611 |
| (c) Maximum Lot Coverage (percent of lot area) | 48 |
| (d) Parking Space Requirement | 0.27 parking spaces per unit |

I-12 Sunset Way (Pt 1, Plan 59R-1759) Rolling Meadows Bible Chapel

Notwithstanding the provisions of the Institutional I Zone, the lands indicated as I-12 on Schedule A9 are subject to the following provision:

- | | |
|------------------------------------|--|
| (a) Parking for a Place of Worship | 1 space for every 3.25 persons
based on lawful capacity |
|------------------------------------|--|

** Holding Provision removed by By-law No. 129-2014, October 22, 2014

SECTION 29: OPEN SPACE OS ZONE**29.1 Permitted Uses**

The following uses are permitted in the Open Space OS Zone:

- (1) park;
- (2) conservation;
- (3) cemetery;
- (4) agriculture, not including buildings and structures;
- (5) existing uses and additions and reconstruction thereto;
- (6) buildings and structures accessory to the foregoing permitted uses, not including residential dwelling units and agriculture, in accordance with the provisions of Section 29.3.

29.2 Zone Provisions

No person shall use any land or erect or use any building or structure in an Open Space OS Zone, except in accordance with Section 6 General Provisions and with the following:

- | | | |
|-----|--|-----|
| (a) | Minimum Lot Area (hectares) | 0.4 |
| (b) | Minimum Lot Frontage (metres) | 45 |
| (c) | Front Yard Setback (metres) | 7.5 |
| (d) | Rear Yard Setback - 7.5 metres except that the rear setback abutting a Residential Zone or existing residential use shall be 12 metres; | |
| (e) | Interior Side Yard Setback - 7.5 metres, except that an interior side setback abutting a Residential Zone or an existing residential use shall be 12 metres; | |
| (f) | Exterior Side Yard Setback (metres) | 7.5 |
| (g) | Maximum Lot Coverage - 30 percent except where municipal services are not available, lot coverage shall be 15 percent; | |
| (h) | Maximum Building Height (metres) | 11 |

29.3 Provisions for Accessory Buildings and Structures in an OS Zone

Accessory buildings and structures in an OS Zone are permitted subject to the following provisions:

- (a) No accessory building or structure shall be used for human habitation;

- (b) An accessory building or structure is not permitted in a front yard or an exterior side yard;
- (c) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (d) The setback from a rear or interior side lot line shall be 0.9 metres; except that where the rear or interior side lot line abuts a Residential Zone the setback shall be 3 metres from said lot line;
- (e) The maximum height of any accessory building or structure shall be 4.5 metres;
- (f) Maximum lot coverage for all accessory buildings and structures shall not exceed five percent (5%) of lot area, or a maximum of 1,000 square feet, provided that an uncovered swimming pool shall not be counted in computing lot coverage.

29.4 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

OS-1 Hutt Park, Block A, Plan M-12, Forster Avenue and McDonagh Crescent

Notwithstanding the provisions of the Open Space OS Zone, the lands indicated as OS-1 on Schedule A6 are limited to use as a park, but excluding the following:

- (a) active uses other than a T-Ball diamond, one mini-soccer pitch, and a bowling green;
- (b) accessory buildings other than portable washroom facilities; and
- (c) surface parking.

OS(H)-2 Allanburg Gateway and Staging Area, Part Twp. Lots 96, 97, 119 and 120

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses of the OS Zone, the lands indicated as OS(H)-2 on Schedules A2, A3 and A10 may be used for:

- (1) Restaurant;
- (2) Farm Produce Market;
- (3) Information Kiosk;
- (4) Gift Shop;
- (5) Picnic Area;

- (6) Washroom;
- (7) Water Playground;
- (8) Interpretive Centre.

OS-3 Part Twp. Lots 196 and 197 and Broken Front Lots 196 and 197

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses of the OS Zone, the lands indicated as OS-3 on Schedule A3 may contain buildings and structures accessory to the two single detached dwellings and agriculture.

OS-4 Southwest Corner of Chippawa Creek Road and Moyer Road

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses of the OS Zone, the lands indicated as OS-4 on Schedule A3 may be used for the purposes of one single detached dwelling and buildings and structures accessory thereto.

**OS-5 Memorial Park
13 Albert Street East (War Memorial)
Port Robinson (2nd Welland Canal River Lock)**

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses of the OS Zone, the lands indicated as OS-5 on Schedule A7 contains Memorial Park including expansion area and the War Memorial which are designated for the historical aspects of the park and monument and the lands indicated as OS-5 on Schedule A12 contains the 2nd Welland Canal River Lock which is designated as a historical structure.

**OS-6 North Side of Beaverdams Road, Near the Intersection of Beaverdams Road
and Decew Road (Smith's Cemetery)
Southeast Corner of Centre Street (Allanburg Village Cemetery)
Carl Street/Towpath Road - Port Robinson West
(Carl Misener, Bald Cemetery)**

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses of the OS Zone, the lands indicated as OS-6 on Schedule A6 contain the Old Beaverdams Burying Ground - Smith's Cemetery which is designated for the historical aspects of the cemetery, the lands indicated as OS-6 on Schedule A10 contain the Allanburg Village Cemetery which is designated for the historical aspects of the cemetery, and the lands indicated as OS-6 on Schedule A12 contain the Carl, Misener, Bald Cemetery which is designated for the historical aspects of the cemetery.

**OS-7 1373 Chippawa Creek Road, Part Twp. Lot 200, Parts 1, 2 & 3,
Ref. Plan 59R-14139**

Notwithstanding the provisions of the Open Space OS Zone, in addition to the permitted uses, the lands indicated as OS-7 on Schedule A3 may be used for a single detached dwelling, accessory buildings and structures in accordance with Section 29.3, and to recognize an existing silo and barn, subject to the following provisions:

- (a) Severances shall not be permitted.
- (b) Accessory buildings and structures shall not be permitted unless the existing barn and/or silo are removed to reduce the lot coverage for accessory buildings to less than 93 square metres (1,000 ft.²).

**OS-8 2250 Merrittville Highway, Part of Lots 149 and 150,
Pleasantview Memorial Gardens Cemetery**

Notwithstanding the provisions of the Open Space OS Zone, the lands indicated as OS-8 on Schedule A4 may only be used for a cemetery.

**OS-9 2250 Merrittville Highway, Part of Lots 149 and 150,
Pleasantview Memorial Gardens Cemetery**

Notwithstanding the provisions of the Open Space OS Zone, the lands indicated as OS-9 on Schedule A4 may be used for a cemetery, ancillary uses and one funeral establishment, subject to the following provisions:

- (a) Funeral Establishment means premises established for the purpose of temporarily placing dead human bodies, and in prescribed circumstances cremated human remains, so that persons may attend and pay their respects and allows for the provision funeral services including the care and preparation of dead human bodies, the coordination and provision of rites and ceremonies with respect to dead human bodies and the provision of such other services as may be prescribed.
- (b) Maximum gross floor area (square metres) 1,800
- (c) Maximum building height (metres) 10
- (d) Front Yard Setback (metres) 7.5
- (e) Rear Yard Setback - 7.5 metres except that the rear yard setback abutting a Residential Zone or existing residential use shall be 12 metres;
- (f) Interior Side Yard Setback - 7.5 metres, except that an interior side yard setback abutting a Residential Zone or an existing residential use shall be 12 metres.
- (g) Minimum number of parking spaces - 1 space per 10.53 square metres of gross floor area
- (h) Exterior Side Yard Setback (metres) 7.5

**OS(H)-10 Artisan Ridge Neighbourhood Subdivision (Parts 4, 5, 6, 7, 8 and 9)
(By-law 156-2015)**

Parts 4 and 5

Notwithstanding the permitted uses and provisions of the Open Space "OS" Zone, the lands identified as being Part 4 and 5 on Schedule A7 shall not be used, nor any building or

structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

Notwithstanding the provisions of the Open Space OS Zone, the lands indicated as Parts 4 and 5 on Schedule A7 may also be used for a Stormwater Management Facility.

Parts 6 and 7

Notwithstanding the permitted uses and provisions of the Open Space “OS” Zone, the lands identified as being Parts 6 and 7 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the access to Part 1 lands being obtained from Trillium Railway and to the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

Part 8

Notwithstanding the permitted uses and provisions of the Open Space “OS” Zone, the lands identified as being Part 8 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to a Record of Site Condition being filed on the Ministry of the Environment and Climate Change’s Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended by Ontario Regulation 511/09 and to the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

Part 9

Notwithstanding the permitted uses and provisions of the Open Space “OS” Zone, the lands identified as being Part 9 on Schedule A7 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, subject to the Stormwater Management Plan being approved by the Ministry of the Environment and Climate Change.

OS-11 Hansler Heights Subdivision (By-law No. 02-2017)

Notwithstanding the provisions of the Open Space “OS” Zone, the lands identified as OS-11 on Schedule A4 shall be used for a Public Park subject to the following special provisions:

- | | | |
|----|-------------------------------|----|
| a) | Minimum Lot Frontage (metres) | 30 |
|----|-------------------------------|----|

OS-12 Hansler Heights Subdivision (By-law No. 02-2017)

Notwithstanding the provisions of the Open Space “OS” Zone, the lands identified as OS-12 on Schedule A4 shall be used for a stormwater management facility subject to the following special provisions:

- | | | |
|----|-----------------------------|-----|
| a) | Minimum Lot Area (hectares) | 0.9 |
|----|-----------------------------|-----|

- | | | |
|----|-------------------------------|----|
| b) | Minimum Lot Frontage (metres) | 30 |
|----|-------------------------------|----|

**OS-13 Port Robinson Estates Subdivision
(By-law No. 49-2018)**

Notwithstanding the minimum lot area and minimum lot frontage requirements of the Open Space "OS" Zone, the lands indicated as Open Space "OS-13" Zone on Schedule A3 shall be subject to the following provisions:

- | | | |
|----|-------------------------------|---------|
| a) | Minimum Lot Area (hectares) | 0.01799 |
| b) | Minimum Lot Frontage (metres) | 3.45 |

SECTION 30: ENVIRONMENTAL CONSERVATION EC ZONE**30.1 Permitted Uses**

The following uses are permitted in the Environmental Conservation EC Zone:

- (1) agriculture, save and except any buildings;
- (2) conservation, save and except any buildings;
- (3) existing single detached dwelling and additions and reconstruction thereto;
- (4) buildings and structures accessory to a single detached dwelling in accordance with the provisions of Section 30.2.3.

30.2 Zone Provisions**30.2.1 Agriculture, Conservation**

- | | |
|---|---------------|
| (a) Minimum Lot Frontage | none required |
| (b) Minimum Lot Area | none required |
| (c) Minimum Setback from all property lines | none required |

30.2.2 Existing Single Detached Dwelling

- | | |
|--|------|
| (a) Minimum Lot Area (hectare) | 0.4 |
| (b) Minimum Lot Frontage (metres) | 45 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 7.5 |
| (f) Exterior Side Yard Setback (metres) | 7.5 |
| (g) Maximum Lot Coverage (percent of lot area) | 15 |
| (h) Maximum Building Height (metres) | 10.5 |

30.2.3 Provisions for Buildings and Structures Accessory to a Single Detached Dwelling in an EC Zone

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

- (c) An accessory building or structure is not permitted in a front yard or an exterior side yard;
- (d) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (e) The setback from a rear or interior side lot line shall be 0.9 metres; except that where the rear or interior side lot line abuts a Residential Zone, the setback shall be 3 metres from said lot line;
- (f) The maximum height of any accessory building or structure shall be 4.5 metres;
- (h) Maximum lot coverage for all accessory buildings and structures shall not exceed five percent (5%) of lot area, or a maximum of 1,000 square feet, provided that an uncovered swimming pool shall not be counted in computing lot coverage.

30.2.4 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 from the Niagara Peninsula Conservation Authority in accordance with the provisions of the Conservation Authorities Act, and unless appropriate approvals have been received from Regional Niagara on behalf of the Ministry of Natural Resources, in accordance with the Fisheries Act and Lakes and Rivers Improvement Act.

30.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those land shown on the zoning schedules as having reference to the corresponding special provision number:

EC-1 Wetlands/Woodlots

Notwithstanding the provisions of the Environmental Conservation EC Zone, the lands indicated as EC-1 on Schedules A1, A2, A3, A4, A5, A8, A9, A10 and A12 may only be used for conservation purposes.

EC-2 West Side Thorold Town line Road, Part Twp. Lot 12

Notwithstanding the provisions of the Environmental Conservation EC Zone, in addition to the permitted uses of the EC Zone, the lands indicated as EC-2 on Schedule A2 may be used as Regional Public Works/Police Yard.

EC-3 Chippawa Creek Road, South Side, Part Twp. Lot 199

Notwithstanding the provisions of the Environmental Conservation EC Zone, in addition to the permitted uses of the EC Zone, the lands indicated as EC-3 on Schedule A3 may be used as a sewage lagoon.

EC-4 South East Corner of Hwy. 58 and Thorold Stone Road, Part Twp. Lots 25 and 26

Notwithstanding the provisions of the Environmental Conservation EC Zone, in addition to the permitted uses of the EC Zone, the lands indicated as EC-4 on Schedule A2 may contain an accessory building and said accessory building shall be subject to the following provisions:

(a) Maximum Lot Coverage for the accessory building 10%.

EC-5 Part Twp. Lot 215, East of Kottmeier Road

Notwithstanding the provisions of the Environmental Conservation EC Zone, the lands indicated as EC-5 on Schedule A3 are to be maintained as a naturalized area only.

EC-6 1543 Beaverdams Road

Notwithstanding the provisions of the Environmental Conservation EC Zone, in addition to the permitted uses of the EC Zone, the lands indicated as EC-6 on Schedule A8 may be used as a Municipal Public Works building.

EC-7 Chippawa Creek Road, South Side, Part Twp. Lot 195 and 196

Notwithstanding the provisions of the Environmental Conservation EC Zone, in addition to the permitted uses of the EC Zone, the lands indicated as EC-7 on Schedule A3 may be used for a sewage treatment facility for the industrial lands located on the south side of Chippawa Creek Road east side of Thorold Townline Road.

EC-8 Part of lot 74 and Part of Road Allowance between Lots 74 and 51 and Part 1 on Reference Plan 30R-11620.

Notwithstanding the provisions of the Environmental Conservation EC Zone and Section 6.12.1, 17), the lands indicated as EC-8 on Schedule A2 may be used for a radio telecommunication tower and accessory structures shall be subject to the following special provision:

- (a) Minimum setback from the Provincially Significant Wetland (metres) 30
- (b) Maximum Height for the radio telecommunication tower (metres) 129.5

EC-9 2440 Decew Road

Notwithstanding the provisions of the Environmental Conservation EC Zone and in addition to the permitted uses of the EC Zone, the lands indicated as EC-9 on Schedule A5 are designated as a historical structure and may be used for a Bed and Breakfast Establishment and shall be subject to the following special provision:

- (a) Maximum Number of Guest Rooms 2

EC-10 Decew Road North Side, West of Merrittville Hwy (DeCou House Monument)

Notwithstanding the provisions of the Environmental Conservation EC Zone and in addition to the permitted uses of the EC Zone, the lands indicated as EC-10 on Schedule A5 is designated as a historical structure.

EC-11 Part Twp. Lots 37, 38 and 39, North Side of Decew Road

Notwithstanding the provisions of the Environmental Conservation EC-1 Zone the lands indicated as EC-11 on Schedule A5 shall be subject to the following additional provisions:

- (a) Minimum undisturbed natural vegetative buffer from the Provincially Significant Wetland (metres) 30

EC-12 Part Twp. Lots 37, 38 and 39, North Side of Decew Road

Notwithstanding the provisions of the Environmental Conservation EC Zone the lands indicated as EC-12 on Schedule A5 shall be subject to the following additional provisions:

- a) Minimum setback from the westerly water channel of 30 metres for any building or structure, consisting of a 15 metres undisturbed natural vegetative buffer adjacent to the water channel and a 15 metres landscaped open space.

EC-13 The Neighbourhoods of Rolling Meadows, Block 204, 1275, 1276 and 1277

Notwithstanding the provisions of the Environmental Conservation EC Zone, development including but not limited to buildings and structures, lot grading, site alteration or the placement of fill material of any kind, shall be prohibited in recognition of the inherent flood hazard and environmental sensitivity of the lands. It is not the intention of this zone to prohibit any required maintenance of these lands, provided written permission is first obtained from the Niagara Peninsula Conservation Authority and the City of Thorold.

EC-14 2250 Merrittville Highway, Part of Lots 149 and 150, Pleasantview Memorial Gardens Cemetery

Notwithstanding the provisions of the Environmental Conservation EC Zone, the lands indicated as EC-14 on Schedule A4 may only be used for conservation purposes subject to the following provisions:

- (a) Works and watercourse crossings are permitted, subject to the approval by the Niagara Peninsula Conservation Authority.
- (b) A minimum five (5) metre buffer from the watercourse is required, subject to the approval of the Niagara Peninsula Conservation Authority.

EC-15 Hansler Heights Subdivision (By-law 02-2017)

Notwithstanding the provisions of the Environmental Conservation "EC" Zone, the lands identified as EC-15 on Schedule A4, shall be recognized as hazard lands where development including but not limited to buildings and structures, shall be prohibited in recognition of the inherent flood hazard and environmental sensitivity of the lands. It is not the intention of this zone to prohibit any site alteration permitted by the Niagara Peninsula Conservation Authority or maintenance of these lands, provided written permission is first obtained from the Niagara Peninsula Conservation Authority and/or the City of Thorold.

SECTION 31: DEVELOPMENT D ZONE**31.1 Permitted Uses**

The following uses are permitted in a Development D Zone:

- (1) existing uses and additions and reconstruction thereto;
- (2) uses, buildings and structures accessory to existing uses in accordance with the provisions of Section 31.3;
- (3) agriculture, save and except buildings and structures.

31.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Development Zone except in accordance with the applicable provisions of Section 6 General Provisions and with the following:

- | | |
|---|--------------------------|
| (a) Minimum Lot Frontage | 75 metres or as existing |
| (b) Minimum Lot Area - as existing or as created by consent of the Land Division Committee; | |
| (c) Maximum Lot Coverage (percent of lot area) | 10 |
| (d) Building Line (front yard and side yard abutting a street) | 7.5 metres |
| (e) Minimum Side Yard Setback (metres) | 1.5 |
| (f) Minimum Rear Yard Setback | 10 |
| (g) Maximum Height for a dwelling (storeys) | 2.5 |

31.3 Provisions for Accessory Buildings and Structures in a D Zone

Accessory buildings and structures in a D Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any minimum front yard or side yard abutting a street;
- (c) The minimum distance from an accessory building or structure to a rear or a side lot line shall be 3 metres; however, where such rear or side lot line abuts a Residential Zone, or residential use, or Agricultural Zone, any accessory building or structure shall be a minimum of 6 metres from said lot line.

31.4 Special Provisions

In accordance with Section 5.1.3, the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

D-1 1840 Decew Road

Notwithstanding the provisions of the Development D Zone, in addition to the permitted uses of the D Zone, the lands indicated as D-1 on Schedule A6 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

SECTION 31A: RESIDENTIAL DEVELOPMENT RD ZONE**31A.1 Permitted Uses**

The following uses are permitted in a Residential Development RD Zone:

- (1) single detached dwelling;
- (2) existing uses and additions and reconstruction thereto;
- (3) uses, buildings and structures accessory to existing uses in accordance with the provisions of Section 31A.3;
- (4) agriculture, save and except buildings and structures.
- (5) a home occupation, in accordance with the provisions of Section 6.21.

31A.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Development Zone except in accordance with the applicable provisions of Section 6 General Provisions and with the following:

- | | | |
|-----|--|---------------------------|
| (a) | Minimum Lot Frontage | 75 metres or as existing; |
| (b) | Minimum Lot Area as existing or as created by consent of the Land Division Committee; | |
| (c) | Maximum Lot Coverage (percent of lot area) | 10 |
| (d) | Front Yard Setback 7.5 metres, except when the yard abuts the Highway 406 property line, a setback of 13.7 metres is required; | |
| (e) | Minimum Side Yard Setback (metres) | 10 |
| (f) | Minimum Exterior Side Yard Setback 7.5 metres, except when the yard abuts the Highway 406 property line, a setback of 13.7 metres is required; | |
| (g) | Minimum Rear Yard Setback 10 metres, except when the yard abuts the Highway 406 property line, a setback of 13.7 metres is required; | |
| (h) | Maximum Height for a dwelling (storeys) | 2.5 |

31A.3 Lots Created by Severance in a Residential Development Zone

Where a lot is created hereafter in a Residential Development Zone by severance, no person shall use such lot or erect or use any building or structure thereon except in accordance with the applicable provisions of Section 6 General Provisions and with provisions of Section 32.2.4(a) to (i).

31A.4 Provisions for Accessory Buildings and Structures in a RD Zone

Accessory buildings and structures in a Residential Development RD Zone are permitted in accordance with Section 6.25 Accessory Buildings and Structures in Residential Zones notwithstanding the following:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front yard or side yard abutting a street;
- (c) The minimum distance from an accessory building or structure to a rear or a side lot line shall be 3 metres; however, where such rear or side lot line abuts a Residential Zone, or a residential use, or Agricultural Zone, any accessory building or structure shall be a minimum of 6 metres from said lot line.

31A.5 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

RD-1	1885 Port Robinson Road
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Notwithstanding the provisions of the Residential Development RD Zone, in addition to the permitted uses of the RD Zone, the lands indicated as RD-1 on Schedule A3 may be used for a sign painters warehouse.

SECTION 31B: RESIDENTIAL DEVELOPMENT DEFERRED RDD ZONE

The Residential Development Deferred RDD zone applies to those lands generally located to the west of Highway 406 and implements the Deferred Urban designation of the Port Robinson West Secondary Plan, Section 4.9.8 of the Official Plan. Lands subject to the RDD Zone shall not be used, nor any buildings or structures used, altered or erected except in accordance with the provisions of the RDD Zone and Section 4.9.8 of the Secondary Plan.

31B.1 Permitted Uses

Uses permitted in a Residential Development Deferred RDD Zone shall be in accordance with Section 31A.1.

31B.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential Development Deferred RDD Zone except in accordance with the applicable provisions of Section 6 General Provisions and with Section 31A.2.

31B.3 Existing Single Detached Dwelling and/or lot having an area of less than 0.9 hectares or a lot frontage less than 45 metres

No Person shall use any land or erect or use any building or structure in a Residential Development Deferred RDD Zone except in accordance with the applicable provisions of Section 6 General Provisions and with Section 32.2.3.

31B.4 Provisions for Accessory Buildings and Structures in a RDD Zone

Accessory buildings and structures in a Residential Development Deferred RDD Zone are permitted in accordance with the provisions of Section 31A.4.

31B.5 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

RDD - 1 1278 Cataract Road / 1240 Cataract Road

Notwithstanding the provisions of the Residential Development Deferred RDD Zone, in addition to the permitted uses of the RDD Zone, the lands indicated as RDD - 1 on Schedule A4 may be used for greenhouses in accordance with the provisions of Section 32.2.2.

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SECTION 31C: RURAL RESIDENTIAL RR ZONE**31C.1 Permitted Uses**

The following uses are permitted in a Rural Residential Zone:

- (1) single detached dwelling;
- (2) uses, building and structures accessory to a single detached dwelling in accordance with the provisions of Section 6.25.

31C.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Rural Residential RR Zone except in accordance with the applicable provisions of Section 6 General Provisions and with the following:

- | | |
|---|-----|
| (a) Minimum Lot Frontage (metres) | 45 |
| (b) Minimum Lot Area (hectares) | 1.0 |
| (c) Maximum Height for a dwelling (storeys) | 1.5 |
| (d) Maximum Lot Coverage (percent of lot area) | 15 |
| (e) Minimum Front Yard Setback (metres) | 15 |
| (f) Minimum Exterior Side Yard Setback (metres) | 15 |
| (g) Minimum Interior Side Yard Setback (metres) | 6 |
| (h) Minimum Rear Yard Setback (metres) | 15 |

31C.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

RR-1 Part 1, 3295 Thorold Townline Road

Notwithstanding the provisions of the Rural Residential RR Zone, the lands indicated as RR-1 on Schedule A2 shall be subject to the following special provisions:

- (a) For all buildings and structures including swimming pool, the minimum interior side yard setback for Part 1 lands shall be 25 metres.

RR-2 Part 2, 3295 Thorold Townline Road

Notwithstanding the provisions of the Rural Residential RR Zone, the lands indicated as RR-2 on Schedule A2 shall be subject to the following special provisions:

- (a) For all buildings and structures including swimming pool, the minimum rear yard setback for Part 2 lands shall be 25 metres.
- (b) The existing structure may be used for storage purposes until such time as a single detached dwelling is erected on the subject lands whereby the storage barn will become an accessory use in accordance with the provisions of Section 6.25.

RR-3 Part 3, 3295 Thorold Townline Road

Notwithstanding the provisions of the Rural Residential RR Zone, the lands indicated as RR-3 on Schedule A2 shall be subject to the following special provisions:

- (a) For all buildings and structures including swimming pool, the minimum rear yard setback for Part 3 lands shall be 25 metres.

RR-4 Part 4, 3295 Thorold Townline Road

Notwithstanding the provisions of the Rural Residential RR Zone, the lands indicated as RR-4 on Schedule A2 shall be subject to the following special provisions:

- (a) For all buildings and structures including swimming pool, the minimum westerly interior side yard setback for Part 4 lands shall be 10 metres.
- (b) For all buildings and structures including swimming pool, the minimum rear yard setback for Part 4 lands shall be 20 metres.
- (c) Minimum Lot Area (hectares) 0.4

SECTION 32: AGRICULTURAL A ZONE**32.1 Permitted Uses**

The following uses are permitted in the Agricultural A Zone:

- (1) agriculture;
- (2) conservation;
- (3) greenhouse;
- (4) kennel;
- (5) farm produce outlet accessory to an agricultural use;
- (6) nursery;
- (7) existing single detached dwelling;
- (8) help house, accessory to an agricultural use;
- (9) single detached dwelling;
- (10) wayside pits and quarries;
- (11) a home occupation, in accordance with the provisions of Section 6.21;
- (12) a group home, in accordance with the provisions of Section 6.24;
- (13) bed and breakfast establishment in accordance with the provisions of Section 6.27;
- (14) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 32.2.6.

32.2 Zone Provisions**32.2.1 Agriculture, Conservation, Farm Produce Outlet, Nursery, Kennel and Single Detached Dwelling**

No person shall use any land or erect or use any building or structure in an Agricultural Zone, except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area (hectares) 4 or existing, whichever is less;
- (b) Minimum Lot Frontage (metres) 45 or existing, whichever is less;
- (c) Front Yard Setback:
 - (i) for a building used for residential purposes (metres) 7.5

- (ii) for any other building (metres) 15
- (d) Minimum Rear Yard Setback (metres) 15 or existing, whichever is less;
- (e) Minimum Side Yard Setback - 15 metres or existing, whichever is less; except that the side yards for a building used for residential purposes shall be 7.5 metres or existing, whichever is less;
- (f) Exterior Side Yard Setback:
 - (i) for a building used for residential purposes (metres) 7.5
 - (ii) for any other building (metres) 15
- (g) Maximum Lot Coverage (percent of lot area) 10
- (h) Notwithstanding the provisions of Section 32.2.5(d), the following minimum distance separation requirements shall apply:
 - (i) the locating of any new single detached dwelling, excluding additions to existing single detached dwellings, shall be in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice;
 - (iii) the locating of any new livestock or poultry buildings, including additions to existing livestock or poultry buildings shall be in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice.
- (i) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.2 Greenhouse

- (a) Minimum Lot Frontage (metres) 45
- (b) Minimum Lot Area (hectares) 2.0
- (c) Minimum Setback Requirements:
 - (i) Front Yard Setback (metres) 15
 - (ii) Exterior Side Yard Setback (metres) 15
 - (iii) Interior Side Yard Setback and Rear Yard Setback - 6 metres, except:
 - (i) that where the yard abuts a Residential Zone or residential use, 15 metres is required,

(ii) that where ventilating fans exhaust into the yard facing the Residential Zone or residential use, 25 metres is required,

(iii) that if the existing residential use is greater than 40 metres from the yard into which ventilating fans are exhausted 15 metres is required;

- (d) Maximum Lot Coverage no maximum requirement
- (e) Maximum Building Height (metres) 9
- (f) Where a lot is created hereafter in an Agricultural Zone by severance for greenhouse purposes, in accordance with Section 4.6.2 of the Official Plan, a single detached dwelling, accessory to a greenhouse can be erected on said lot provided a minimum greenhouse floor area of 7,500 square metres has been erected.
- (g) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.3 Existing Single Detached Dwelling and/or lot having an area of less than 0.9 hectares or a lot frontage less than 45 metres.

- (a) Minimum Lot Area as existing
- (b) Minimum Lot Frontage as existing
- (c) Front Yard Setback (metres) 7.5
- (d) Rear Yard Setback (metres) 7.5
- (e) Interior Side Yard Setback - 3.0 metres, except for an existing single detached dwelling, 1.5 metres shall apply;
- (f) Exterior Side Yard Setback (metres) 7.5 or existing
whichever is less;
- (g) Maximum Lot Coverage - 10 percent, except for lots having a lot area of 0.4ha or less, 30 percent shall apply;
- (h) Maximum Building Height (metres) 10.5
- (i) Minimum distance separation requirements:
 - (i) single detached dwelling, excluding 10.5 additions in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice;
 - (ii) livestock and poultry buildings, including additions.

- (j) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.4 Lots Created by Severance in an Agricultural Zone

Where a lot is created hereafter in an Agricultural Zone by severance in accordance with Section 4.6.2 of the Official Plan, no person shall use such lot or erect or use any building or structure thereon except in accordance with the applicable provisions of Section 6 General Provisions and with the following provisions:

- (a) Useable Minimum Lot Area for residential purposes - 0.4 hectare
 - (i) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department;
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (metres) 7.5
- (d) Minimum Rear Yard Setback (metres) 7.5
- (e) Minimum Side Yard Setback (metres) 7.5
- (f) Minimum Exterior Side Yard Setback (metres) 7.5
- (g) Maximum Lot Coverage (percent of lot area) 15
- (h) Maximum Building Height (metres) 10.5
- (i) In all cases the residential lot shall comply with the Minimum Distance Separation Formula of the Agricultural Code of Practice, as amended from time to time.

32.2.5 Help House

No person shall erect or use any help house in an Agricultural Zone, except in accordance with the applicable provisions of Section 6 General Provisions and with the following provisions:

- (a) No lot shall contain more than one (1) help house;
- (b) No help house shall contain more than two (2) dwelling units;
- (c) Setbacks shall be in accordance with the provisions of Section 32.2.4, except that no help house shall be erected closer to an existing residential dwelling on the lot than 15 metres;

- (d) The locating of a farm help house on a separate lot removed from the principle farm operation shall comply with the Minimum Distance Separation Formula of the Agricultural Code of Practice, as amended from time to time.

32.2.6 Provisions for Accessory Buildings and Structures for Residential Uses in an A Zone

Accessory buildings and structures uses are permitted in an Agricultural Zone in accordance with the following provisions;

- (a) No accessory building or structure shall be used for human habitation;
- (b)
 - (i) a private garage shall not be permitted in a front yard or a required side yard abutting a street,
 - (ii) no other accessory building or structure shall be permitted in a front yard or a side yard abutting a street;
 - (iii) maximum height (metres) 4.5
- (c) The minimum side yards shall be 15 metres or existing, whichever is less except that minimum side yards for purposes of Sections 32.2.3 and 32.2.4 shall be 0.9 metres;
- (d) The minimum rear yard shall be 15 metres or existing, whichever is less except that the minimum rear yard for purposes of Sections 32.2.3 and 32.2.4 shall be 0.9 metres;
- (e) Maximum lot coverage for all accessory buildings and structures shall not exceed five percent (5%) of lot area, or a maximum of 1,000 square feet, provided that an uncovered swimming pool shall not be counted in computing lot coverage.

32.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

A-1 2677/2745 Merrittville Hwy., Part Twp. Lot 80

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-1 on Schedule A1 may be used as a golf course, including miniature golf.

A-2 West Side of Hwy. 406 Part Twp. Lot 79

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-2 on Schedule A1 may be used for Provincial Public Works yard.

A-3 2371 Merrittville Hwy., Part Twp. Lot 128

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-3 on Schedule A4 may be used for a speedway.

A-4 1802 Cataract Road, Part Twp. Lot 152

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-4 on Schedule A4 may be used as a construction trades establishment.

A-5 1732 Merrittville Hwy., Part Twp. Lot 193

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-5 on Schedule A4 may be used for and the following regulations apply thereto:

- (a) golf driving range; non-illuminated with a maximum number of tee-off platforms of 30.
- (b) 120 square metres clubhouse accessory to the golf driving range

A-6 South Side of Turner Road, East of Hwy. 406, Part Twp. Lot 188 & 189

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-6 on Schedule A3 may be used as C.H.S.C. Towers.

A-7 1848 Barron Road, Part Twp. Lot 122

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-7 on Schedule A3 may be used for a home industry in accordance with Section 6.22.

A-8 1945 Hwy. 20, Part Twp. Lot 146

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-8 on Schedule A3 may be used for a drive-in theatre.

~~A-9 1961 Kottmeier Road, Part Twp. Lot 147 Schedule A3~~
~~Merrittville Hwy., Part Twp. Lot 151 Schedule A4~~

~~Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-9 on Schedule A3 and A4 may be used for a grain elevator and grain drying facility.~~

~~Replaced by By-law 107-2008, Replaced by A-24~~

A-10 2155 Turner Road, Part Twp. Lot 191

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-10 on Schedule A4 may be used as a composting facility and subject to the following provisions:

- (a) the use of the subject site, or the operation of any equipment shall be in accordance with the provisions of a Certificate of Approval issued in accordance with the provisions of the Environmental Protection Act;
- (b) the composting facility shall be in accordance with the provisions of Section 6.12.2 and 6.12.3 of this By-law; and
- (c) shall not include the composting of:
 - (i) animal, fish and fowl waste or by-products, excluding manure;
 - (ii) domestic waste, excluding yard waste;
 - (iv) restaurant waste or by-products;
 - (v) food store waste, excluding fruits and vegetables; and
 - (vi) industrial waste or by-products, excluding sawdust and paper mill biosolids.

For the purpose of this section industrial waste or by-product shall not include waste or by products from wineries; fruit and vegetable processing establishments; or cereal grains processing establishments, excluding finished packed products.

A-11 1983 Merrittville Hwy., Part Twp. Lot 151 (Bouk Home)

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone lands indicated as A-11 on Schedule A4 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

A-12 2085 Kottmeier Road, Part Twp. Lot 124

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-12 on Schedule A3 may be used for an automobile recycling facility.

A-13 2880 Hwy. 20, Part Twp. Lot 160

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-13 on Schedule A4 may be used for a construction trades establishment in accordance with the applicable provisions of Section 6 General provisions and Section 21 Highway Commercial/Industrial HCI Zone.

A-14 1792 Hwy. 20, Part Twp. Lot 121

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-14 on Schedule A3 may be used for a construction trades establishment.

A-15 1700 Hwy. 20, Part Twp. Lot 120

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-15 on Schedule A3 may be used for a hotel/motel.

A-16 Twelve Mile Creek Tributary

Notwithstanding the provisions of the Agricultural A Zone, the lands indicated as A-16 on Schedule A1 and A4 shall only be used for agriculture not including buildings, and for the purpose of this section the width of the A-16 Zone shall be determined based upon an 18 metre setback from the centre line of the watercourse.

A-17 2908 and 3000 Cataract Road, Part Twp. Lot 60

Notwithstanding the provisions of the Agricultural A Zone in addition to the permitted uses of the A Zone, the lands indicated as A-17 on Schedule A1 may be used for maximum of two (2) single detached dwellings.

A-18 1914 Glover Road, Part Twp. Lot 183

Notwithstanding the provisions of the Agricultural A Zone, the lands indicated as A-18 on Schedule A3 may be used for a welding and fabrication shop and subject to the following provisions:

- (a) Maximum Building Coverage (square metres) 186
- (b) Open storage of good or materials is not permitted.

A(H)-19 1792 Highway 20, Part Twp. Lot 121

Notwithstanding the provisions of the Agricultural A Zone, the lands indicates as A-14 and A(H)-19 on Schedule A3 may be used for a golf driving range and a 9 hole par 3 golf course subject to the following special provisions:

- (a) Approval be obtained from the Regional Niagara Public Health Department regarding the adequacy of the existing on site private sewage system and private water supply services.
- (b) A traffic impact study as required by the Regional Niagara Public Works Department be prepared in order to determine the requirements for a left turn lane into the site and entrance way revisions to accommodate the par 3 golf course.

- (c) That the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on title to the subject lands.
- (d) An agreement be entered into between property owner and Ontario Hydro to address the use of Hydro lands by the golf course.
- (e) The applicant enter into a crossing agreement with the Trillium Railway Company.

A-20 Part 2, Reference Plan 59R-4827, 2318 Turner Road.

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-20 on Schedule A4 may be used for a Psychologist's office in accordance with the applicable provisions of Sub-Section 6.21 Home Occupation/Business, items 2 through and including 15.

A-21 1706 Merrittville Hwy; Part Twp. Lot 193

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses (1) through to and including (7) , (10) and (14) of Section 32.1, the lands indicated as A-21 on Schedule A4 may be used for and the following provisions apply thereto:

- (a) One baseball diamond;
- (b) One soccer pitch;
- (c) Clubhouse and offices accessory to the permitted uses; Maximum floor area, leaseable 277 square metres
- (d) Minimum Lot Area (hectares) 3.78
- (e) Minimum Parking Spaces 50

A-22 2850 Cataract Road, Part Twp., Lot 60

Notwithstanding the provisions of the Agricultural A Zone in addition to the permitted uses of the A Zone, the lands indicated as A-22 on Schedule A1 may be used for one (1) single detached dwelling having no frontage on a public street.

A-23 Part Twp. Lot 147, Kottmeier Road

Notwithstanding the provisions of the Agriculture A Zone the lands indicated as A-23 on Schedule A3 shall be subject to the following special provision:

- (a) Minimum Lot Area (hectares) 3.58

A-24 1961 Kottmeier Road, Part Twp. Lot 147

Notwithstanding the provisions of the Agriculture A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-24 on Schedule A3 may be used for:

- (a) a grain drying elevator and grain drying facility;

- (b) a farm produce market;
- (c) a farm service and supply establishment; and
- (d) a garden centre

subject to the following special provisions:

- (a) Minimum Lot Area (hectares) 1.79
- (b) Future development of the lands is subject to Site Plan Control.

A-25 1660 Cataract Road / 2511 Highway 20 (in favour of Free Gas Co Ltd)

Notwithstanding the provisions of the Agricultural “A” Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-25 on Schedule A4 measuring 15.24 metres by 91.44 metres, may be used as a buffer in accordance with TSSA regulations and to facilitate safe traffic manoeuvres.

A-26 2705 Highway 20, Part Lot 159, Kottmeier Road (By-law No. 121-2017)

Notwithstanding the provisions of the Agricultural “A” Zone, in addition to the permitted uses, the lands indicated as A-26 on Schedule A4, may be used for a feed supply warehouse and a miscellaneous farm-related retail operation.

SECTION 33: RURAL COMMERCIAL RUC ZONE**33.1 Permitted Uses**

The following uses are permitted in the Rural Commercial RUC Zone:

- (1) animal hospital;
- (2) artisan shop;
- (3) bed and breakfast establishment in accordance with the provision of Section 6.27;
- (4) convenience store;
- (5) farm produce market;
- (6) farm service and supply establishment;
- (7) feed mill;
- (8) garden centre;
- (9) nursery school;
- (10) automobile service station;
- (11) automobile service and repair establishment;
- (12) single detached dwelling;
- (13) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 32.2.6.

33.2 Zone Provisions

(a) Minimum Lot Area (hectares)	0.8
(b) Minimum Lot Frontage (metres)	60
(c) Minimum Front Yard Setback (metres)	15
(d) Minimum Rear Yard Setback (metres)	15
(e) Minimum Side Yard Setback (metres)	10
(f) Minimum Exterior Yard Setback (metres)	15
(g) Minimum Landscaped Open Space	30%

- (h) Maximum Lot Coverage - 15% except that there is no maximum lot coverage requirement for greenhouses accessory to a garden centre;
- (i) Maximum Building Height (metres) 10.5
- (j) Maximum Retail Floor Area (square metres) 200
- (k) Outside storage:
 - (i) permitted in the rear and interior side yard,
 - (ii) only merchandise offered for sale is permitted in the front yard and exterior side yard,
 - (iii) shall be accessory to a permitted use;
- (l) Environmental requirements:

Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

33.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

RUC-1 2929 Merrittville Hwy., Part Twp. Lot 57

Notwithstanding the provisions of the Rural Commercial RUC Zone, in addition to the permitted uses of the RUC Zone, the lands indicated as RUC-1 on Schedule A1 may be used for automobile sales and rental establishment and automobile service and repair establishment.

RUC-2 1644 Merrittville Hwy., Part Twp. Lot 193

Notwithstanding the provisions of the Rural Commercial RUC Zone, in addition to the permitted uses of the RUC Zone, the lands indicated as RUC-2 on Schedule A4 may be used as a restaurant.

RUC-3 1783 Hwy. 20, Part Twp. Lot 121

Notwithstanding the provisions of the Rural Commercial RUC Zone, in addition to the permitted uses of the RUC Zone, the lands indicated as RUC-3 on Schedule A3 may be used for a custom workshop in accordance with the applicable provisions of Section 6 General Provisions and Section 21 Highway Commercial/Industrial HCI Zone.

RUC-4 1604 Merrittville Hwy., Part Twp. Lot 193

Notwithstanding the provisions of the Rural Commercial RUC Zone, in addition to the permitted uses of the RUC Zone, the lands indicated as RUC-4 on Schedule A4 may be used as a school.

SECTION: 34 WEST NEIGHBOURHOOD RESIDENTIAL FIRST DENSITY wn-R1B ZONE**34.1 Permitted Uses**

The following uses are permitted in a West Neighbourhood Residential First Density wn-R1B Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.16;
- (3) a group home, in accordance with the provisions of Section 6.18;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

34.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential First Density wn-R1B Zone, except in accordance with Section 6 General Provisions and with the following:

(a)	Minimum Lot Area (square metres)	450
(b)	Minimum Lot Frontage (metres)	15.0
(c)	Front Yard Setback (metres)	
	- to Dwelling	3.5
	- to Garage	6.0
(d)	Rear Yard Setback (metres)	7.5
(e)	Interior Side Yard Setback (metres)	1.2
(f)	Exterior Side Yard Setback (metres)	3.0
(g)	Minimum Distance Between Dwellings (metres)	2.4
(h)	Maximum Lot Coverage (percent of lot area)	35
(i)	Maximum Building Height (metres)	11

34.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1B Zone, the land indicated as wn-R1B-1 on Schedule A6 shall be subject to the following provision:

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side

- | | | |
|-----|---|-----|
| (c) | Minimum Distance between Dwellings (metres) | 2.1 |
|-----|---|-----|

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1B Zone, the lands indicated as wn-R1B-2 on Schedule A6 shall be subject to the following provision:

- 258

SECTION 35: WEST NEIGHBOURHOOD RESIDENTIAL FIRST DENSITY wn-R1D ZONE**35.1 Permitted Uses**

The following uses are permitted in a West Neighbourhood Residential First Density wn-R1B Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.16;
- (3) a group home, in accordance with the provisions of Section 6.18;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

35.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential First Density wn-R1D Zone, except in accordance with Section 6 General Provisions and with the following:

(a)	Minimum Lot Area (square metres)	390
(b)	Minimum Lot Frontage (metres)	13.5
(c)	Front Yard Setback (metres)	
	- to Dwelling	3.5
	- to Garage	6.0
(d)	Rear Yard Setback (metres)	7.5
(e)	Interior Side Yard Setback (metres)	1.2
(f)	Exterior Side Yard Setback (metres)	3.0
(g)	Minimum Distance Between Dwellings (metres)	2.4
(h)	Maximum Lot Coverage (percent of lot area)	40
(i)	Maximum Building Height (metres)	11

35.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

wn-R1D-1 West Community Phase 3 Lots 7-40

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1D Zone, the lands indicated as wn-R1D-1 on Schedule A6 shall be subject to the following provision:

- (a) Interior Side Yard Setback (metres) 1.2*
 - *except
 - (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
 - (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side
- (b) Maximum Lot Coverage (percent of lot area) 45
- (c) Minimum Distance between dwellings (metres) 2.1

SECTION 36: WEST NEIGHBOURHOOD RESIDENTIAL FIRST DENSITY wn-R1E ZONE**36.1 Permitted Uses**

The following uses are permitted in a West Neighbourhood Residential First Density wn-R1E Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.16;
- (3) a group home, in accordance with the provisions of Section 6.18;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

36.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential First Density wn-R1E Zone, except in accordance with Section 6 General Provisions and with the following:

(a) Minimum Lot Area (square metres)	360
(b) Minimum Lot Frontage (metres)	12.0
(c) Front Yard Setback (metres)	
- to Dwelling	3.5
- to Garage	6.0
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	1.2
(f) Exterior Side Yard Setback (metres)	3.0
(g) Minimum Distance Between Dwellings (metres)	2.4
(h) Maximum Lot Coverage (percent of lot area)	40
(i) Maximum Building Height (metres)	11

36.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

wn-R1E-1 Part 3 of Memorandum of Understanding

Notwithstanding the provisions of the West Neighbourhood Residential First Density wn-R1E Zone, in addition to the permitted uses of the wn-R1E Zone, the lands indicated as wn-R1E-1 on 36.3 Schedule A6 may be used for purposes of a park in accordance with the West Neighbourhood Open Space Woodlot wn-OSW Zone provisions.

wn-R1E-2 Plan 59M-280, Lots 22-92 and Lots 98-102

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1E Zone, the lands indicated as wn-R1E-2 on Schedule A6 shall be subject to the following special provisions:

- (a) Interior Side Setback (metres) 1.2*

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.

wn-R1E-3 Plan 59M-325, Lots 1, 2, 25, 27-31, 57, 58

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1E Zone, the lands indicated as wn-R1E-3 on Schedule A6 shall be subject to the following provision:

- (a) Interior Side Setback (metres) 1.2*

*except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side

wn-R1E-4 West Community Phase 3 Lots 79-107

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1E Zone, the lands indicated as wn-R1E-4 on Schedule A6 shall be subject to the following provision:

- (a) Interior Side Yard Setback (metres) 1.2*

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and

- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side

- (b) Maximum Lot Coverage (percent of lot area) 45
- (c) Minimum Distance between Dwellings (metres) 2.1

wn-R1E-5 West Community Phase 3 Lots 55, 65, 66, 75-78

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1E Zone, the lands indicated as wn-R1E-5 on Schedule A6 shall be subject to the following provision:

- (a) Maximum Lot Coverage (percent of lot area) 45

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SECTION 37: WEST NEIGHBOURHOOD RESIDENTIAL FIRST DENSITY wn-R1F ZONE**37.1 Permitted Uses**

The following uses are permitted in a West Neighbourhood Residential First Density wn-R1F Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.16;
- (3) a group home, in accordance with the provisions of Section 6.18;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

37.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential First Density wn-R1F Zone, except in accordance with Section 6 General Provisions and with the following:

(a) Minimum Lot Area (square metres)	250
(b) Minimum Lot Frontage (metres)	9
(c) Front Yard Setback (metres)	
- to Dwelling	3.5
- to Garage	6.0
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	1.2
(f) Exterior Side Yard Setback (metres)	3.0
(g) Minimum Distance Between Dwellings (metres)	2.4
(h) Maximum Lot Coverage (percent of lot area)	45
(i) Maximum Building Height (metres)	11

37.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

wn-R1F-1 West Neighbourhood Adult Lifestyle Community

Notwithstanding the provisions of the West Neighbourhood Residential First Density wn-R1F Zone, the lands indicated as wn-R1F-1 on Schedule A6 shall be subject to the following provisions:

Maximum Building Height	1.5
Maximum Gross Floor Area Above Established Grade (square metres)	140 per dwelling unit
Maximum Number of Bedrooms	2

wn-R1F-2 West Community Phase 3 Lots 1-6

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1F Zone, the lands indicated as wn-R1F-2 on Schedule A6 shall be subject to the following provision:

- (a) Interior Side Yard Setback (metres) 1.2*
- *except
- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
 - (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side
- (b) Minimum Distance between Dwellings (metres) 2.1

wn-R1F-3 West Community Phase 4, Plan 59M-381, Lots 350 - 359 & 360 – 369

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R1F Zone, the lands indicated as wn-R1F-3 on Schedule A6 shall be subject to the following provision:

- (a) Each dwelling shall be constructed with an attached garage.

wn-R1F-4 West Community

Notwithstanding the provisions of Section 37.2 of the West Community Residential First Density wn-R1F Zone, the lands indicated as wn-R1F-4 on Schedule A6 are subject to the following special provisions:

- a) Minimum Lot Area (square metres) 330
- b) Minimum Lot Frontage (metres) 11

- | | | |
|----|---|------------------------------|
| c) | Interior Side Yard Setback (metres) | 1.2* |
| | * except | |
| | i) where there is a one storey containing no habitable rooms | 0.9 metres shall be provided |
| d) | Maximum Lot Coverage | 50% |
| e) | Maximum permitted encroachment for an unenclosed covered porch Exterior Side Yard only (metres) | 1.8 |
| f) | Each dwelling shall be constructed with an attached garage | |
| g) | Sight Triangle (metres) | 4.5 |

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SECTION 38: WEST NEIGHBOURHOOD RESIDENTIAL SECOND DENSITY wn-R2 ZONE**38.1 Permitted Uses**

The following uses are permitted in a West Neighbourhood Residential Second Density wn-R2 Zone:

- (1) single detached dwelling;
- (2) semi-detached dwelling;
- (3) a home occupation, in accordance with the provisions of Section 6.16;
- (4) a group home, in accordance with the provisions of Section 6.18;
- (5) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

38.2 Zone Provisions**38.2.1 Semi-Detached Dwelling.**

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential Second Density wn-R2 Zone, except in accordance with Section 6 General Provisions and with the following:

(a)	Minimum Lot Area (square metres)	400 (2 units)
(b)	Minimum Lot Frontage (metres)	14.6 (2 units)
(c)	Front Yard Setback (metres)	
	- to Dwelling	3.5
	- to Garage	6.0
(d)	Rear Yard Setback (metres)	7.5
(e)	Interior Side Yard Setback (metres)	0.9 and 0.0 (each unit)
(f)	Exterior Side Yard Setback (metres)	3.0
(g)	Minimum Distance Between Dwellings (metres)	1.8
(h)	Maximum Lot Coverage (percent of lot area)	45
(i)	Maximum Building Height (metres)	11

38.2.2 Single Detached Dwelling

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential Second Density wn-R2 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a)	Minimum Lot Area (square metres)	360
(b)	Minimum Lot Frontage (metres)	12
(c)	Front Yard Setback (metres)	
	- to Dwelling	3.5
	- to Garage	6.0
(d)	Rear Yard Setback (metres)	7.5
(e)	Interior Side Yard Setback (metres)	1.2
(f)	Exterior Side Yard Setback (metres)	3.0
(g)	Minimum Distance Between Dwellings	2.4
(h)	Maximum Lot Coverage (percent of lot area)	40
(i)	Maximum Building Height (metres)	11

38.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

wn-R2-1 West Neighbourhood Adult Lifestyle Community.

Notwithstanding the provisions of the West Neighbourhood Residential First Density wn-R2 Zone, the lands indicated as wn-R2-1 on Schedule A6 shall be subject to the following additional provisions:

Maximum Building Height (storeys)	1.5
Maximum Gross Floor Area above established (square metres) unit grade	140 per dwelling
Maximum Number of Bedrooms	2 per dwelling unit

wn-R2-2 Street 8

Notwithstanding the provisions of the West Neighbourhood Residential Second Density wn-R2 Zone, in addition to the permitted uses of the wn-R2 Zone, the lands indicated as wn-R2-2 on

Schedule A6 may be used for purposes of a park in accordance with the West Neighbourhood Open Space Woodlot wn-OSW Zone provisions.

wn-R2-3 Plan 59M-325, Lots 3-8 inclusive

Notwithstanding the requirements of the West Neighbourhood Residential First Density wn-R2 Zone, the lands indicated as wn-R2-3 on Schedule A6 shall be subject to the following special provision:

- (a) Interior Side Yard Setback (metres) 1.2*

*except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side

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SECTION 39: WEST NEIGHBOURHOOD RESIDENTIAL THIRD DENSITY wn-R3 ZONE**39.1 Permitted Uses**

The following uses are permitted in the West Neighbourhood Residential Third Density wn-R3 Zone:

- (1) semi-detached dwelling;
- (2) street townhouse dwelling, one or more;
- (3) a group home, in accordance with the provisions of Section 6.18;
- (4) a home occupation, in accordance with the provisions of Section 6.16;
- (5) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

39.2 Zone Provisions**39.2.1 Semi-Detached Dwelling**

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential Third Density wn-R3 Zone except in accordance with Section 6 General Provisions and with the following:

- | | | |
|-----|---|-------------------------|
| (a) | Minimum Lot Area (square metres) | 400 (2 units) |
| (b) | Minimum Lot Frontage (metres) | 14.6 (2 units) |
| (c) | Front Yard Setback (metres) | |
| | - to Dwelling | 3.5 |
| | - to Garage | 6.0 |
| (d) | Rear Yard Setback (metres) | 7.5 |
| (e) | Interior Side Yard Setback (metres) | 0.9 and 0.0 (each unit) |
| (f) | Exterior Side Yard Setback (metres) | 3.0 |
| (g) | Minimum Distance Between Dwellings (metres) | 1.8 |
| (h) | Maximum Lot Coverage (percent of lot area) | 45 |
| (i) | Maximum Building Height (storeys) | 2 |

39.2.2 Street Townhouse Dwelling.

No person shall use any land or erect or use any building or structure in a West Neighbourhood Residential Third Density wn-R3 Zone except in accordance with Section 6 General Provisions and with the following:

(a) Minimum Lot Area -

161 square metres per dwelling unit for a street townhouse dwelling, except that the minimum lot area for an end unit shall be 206 square metres.

(b) Minimum Lot Frontage -

7 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage for an end unit shall be 8.8 metres.

(c) Front Yard Setback (metres)

- to Dwelling	3.5
- to Garage	6.0

(d) Rear Yard Setback (metres)

6

(e) Interior Side Yard Setback (metres):

1.8 for each end unit

(f) Exterior Side Yard Setback (metres)

3.0

(g) Minimum Distance Between Dwellings (metres)

Between Street Townhouse Unit and Semi-Detached Dwelling	2.7
--	-----

Between Two Street Townhouse Dwellings	36
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Between Street Townhouse Unit and Single Detached Dwelling	3.0
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(h) Maximum Lot Coverage (percent of lot area)

45

(i) Maximum Building Height (stories)

2

39.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number.

wn-R3-1 West Community

Notwithstanding the provisions of Section 39.2 of the West Community Residential First Density wn-R3 Zone, the lands indicated as wn-R3-1 on Schedule A6 are subject to the following special provisions:

- a) Maximum Lot Coverage 50%
- b) Maximum permitted encroachment for an unenclosed covered porch Exterior Side Yard only (metres) 1.8
- c) Each dwelling shall be constructed with an attached garage
- d) Sight Triangle (metres) 4.5

**wn-R3(H)-2 West Community (Richmond Street Condos) Part 1 of Part of Lot 35 and 36 and Part of Lot 675 (one foot reserve)
(By-law No. 34-2018)**

Notwithstanding the provisions of the “WN-R3” Zone, the lands zoned “WN-R3(H)-2” Zone on Schedule A6 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing matters, site plan and final approvals of the plan of condominium have been resolved to the satisfaction of the City of Thorold, subject to the following provisions:

Provisions for Block Townhouse Buildings:

- a) Minimum Lot Area per dwelling unit (squared metres) 430
- b) Minimum Lot Frontage (metres) 150.0
- c) Front Yard Setback (metres):
 - i. 6.0 metres from a private road to the front face of the garage
 - ii. 4.5 metres from a private road to the front face of a dwelling
- d) Rear Yard Setback (metres):
 - i. 6.0 metres from the rear of the dwelling to a property/zone line
 - ii. 0.9 metres for units abutting the EC-1 Zone
- e) Interior Side Yard Setback (metres)
 - i. 1.2 metres on each side (end dwelling units only) except that where an interior side lot line faces the rear all of a building, the interior side setback shall be 6 m
 - ii. 0.0 metres for a unit abutting the EC-1 Zone
- f) Exterior Side Yard Setback 4.0 metres
- g) Maximum Lot Coverage 45%
- h) Maximum Building Height 1 storey

- i) Minimum Landscaped Open Space:
 - i. Where the lot abuts any R1A, R1B, R1C, R1D, R2 or R2S Zone, a strip of land having a width of not less than 1.5 metres shall be provided and maintained on the lot adjacent to the abutting lot lines as landscaped open space.
 - ii. For every block townhouse dwelling, 25% of the lot area, which percentage may include any area required under clause i.
 - iii. Privacy Areas for Block Townhouse Dwellings: Every dwelling unit of a block townhouse, dwelling, shall be provided with an area for outdoor privacy of at least 18.5 square metres adjoining the front or rear of the dwelling unit.
- j) Rear yard covered unenclosed porch:
 - i. Permitted to encroach into the required rear yard setback to a maximum of 3.0 metres,
 - ii. Notwithstanding i) above, for those porches that abut the EC-1 Zone, a covered unenclosed porch may project from the dwelling up to a maximum of 3 metres and no closer than 0.6 metres to the EC-1 Zone.

Notwithstanding the provisions of “General Provisions – Deck (Attached)” in Section 6.2.2.3 the following provision shall apply:

- (2) a deck (attached) is permitted having a height of 0.6 metres or greater to a maximum height no higher than the floor level of the ground floor of the dwelling is only permitted subject to the following regulations:
 - i. Rear covered and unenclosed decks are permitted to encroach into the required rear yard setback to a maximum of 3.0 metres,
 - ii. Notwithstanding a) above, for those decks that abut the EC-1 Zone, a covered unenclosed deck may project from the dwelling up to maximum of 3 metres and no closer than 0.6 metres to the EC-1 Zone,
 - iii. Notwithstanding the above provisions, stairs used to access a deck shall not be subject of the setback requirements but shall not encroach into the EC-1 Zone.

SECTION 40: WEST NEIGHBOURHOOD - OPEN SPACE wn-OS ZONE**40.1 Permitted Uses**

The following uses are permitted in the West Neighbourhood - Open Space wn-OS Zone:

- (1) park;
- (2) conservation;
- (3) storm water management;
- (4) buildings and structures accessory to the foregoing permitted uses.

40.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood - Open Space wn-OS Zone, except in accordance with Section 6 General Provisions and with the following:

- | | |
|--|-----|
| (a) Minimum Lot Area (hectares) | 0.4 |
| (b) Minimum Lot Frontage (metres) | 45 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback - 7.5 metres except that the rear setback abutting a Residential Zone or existing residential use shall be 12 metres; | |
| (e) Interior Side Yard Setback - 7.5 metres, except that an interior side setback abutting a Residential Zone or an existing residential use shall be 12 metres; | |
| (f) Exterior Side Yard Setback (metres) | 7.5 |
| (g) Maximum Lot Coverage - 30 percent except where municipal services are not available, lot coverage shall be 15 percent; | |
| (h) Maximum Building Height (metres) | 11 |

40.3 Provisions for Accessory Buildings and Structures in a wn-OS Zone

Accessory buildings and structures in a wn-OS Zone are permitted subject to the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted in a front yard or an exterior side yard;

- (c) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;
- (d) The setback from a rear or interior side lot line shall be .6 metres; except that where the rear or interior side lot line abuts a Residential Zone the setback shall be 3 metres from said lot line;
- (e) The maximum height of any accessory building or structure shall be 4.5 metres;
- (f) Maximum lot coverage for all accessory buildings and structures shall not exceed ten percent (10%) of lot area.

SECTION 41: WEST NEIGHBOURHOOD - OPEN SPACE AND INSTITUTIONAL wn-OS/I ZONE**41.1 Permitted Uses**

The following uses are permitted in the West Neighbourhood - Open Space and Institutional wn-OS/I Zone:

- (1) a separate elementary school;
- (2) a public elementary school;
- (3) a place of worship;
- (4) a park;
- (5) uses, buildings and structures accessory to the foregoing permitted uses.

41.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a West Neighbourhood - Open Space and Institutional wn-OS/I Zone, except in accordance with Section 6 General Provisions and with the following:

- | | | |
|-----|---|-----|
| (a) | Minimum Lot Area (hectares) | 0.4 |
| (b) | Minimum Lot Frontage (metres) | 45 |
| (c) | Front Yard Setback (metres) | 7.5 |
| (d) | Rear Yard Setback (metres) | 7.5 |
| (e) | Interior Side Yard Setback (metres) | 7.5 |
| (f) | Exterior Side Yard Setback (metres) | 7.5 |
| (g) | Minimum Landscaped Open Space (percent of lot area) | 10 |
| (h) | Maximum Lot Coverage (percent of lot area) | 40 |

41.3 Provisions for Accessory Buildings and Structures in a wn-OS/I Zone

Accessory buildings and structures in a wn-OS/I Zone are permitted subject to the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted in a front yard or an exterior side yard;
- (c) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;

- (d) The setback from a rear or interior side lot line shall be 7.5 metres;
- (e) The maximum height of any accessory building or structure shall be 4.5 metres;
- (f) Maximum lot coverage for all accessory buildings and structures shall not exceed ten percent (10%) of lot area.

41.4 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

wn-OS/I - 1

Notwithstanding the provisions of the West Neighbourhood - Open Space and Institutional wn-OS/I Zone, the lands indicated as wn-OS/I - 1 on Schedule A6 may be used as:

- (i) a Separate Elementary School and/or Public Elementary School in accordance with the West Neighbourhood - Open Space and Institutional Zone - wn-OS/I provisions; or
- (ii) a park in accordance with the West Neighbourhood - Open Space Woodlot Zone - wn-OSW provisions; or
- (iii) residential uses in accordance with the West Neighbourhood First Density Residential wn-RIF Zone provisions. This provision will come into effect on December 4, 1997 if the lands have not been acquired by Welland County Separate School Board. Any party may request to speak to the Ontario Municipal Board about the time limit of the provision prior to expiration of two year period.

wn-OS/I - 2

Notwithstanding the provisions of the West Neighbourhood - Open Space and Institutional wn-OS/I Zone, the lands indicated as wn-OS/I - 2 on Schedule A6 may be used as:

- (i) a Separate Elementary School and/or Public Elementary School in accordance with the West Neighbourhood - Open Space and Institutional Zone - wn-OS/I provisions; or
- (ii) a park in accordance with the West Neighbourhood - Open Space Woodlot Zone - wn-OSW provisions; or
- (iii) residential uses in accordance with the West Neighbourhood First Density Residential wn-RIF Zone provisions.

wn-OS/I - 3

Notwithstanding the provisions of the West Neighbourhood - Open Space and Institutional wn-OS/I Zone, the lands indicated as wn-OS/I - 3 on Schedule A6 may be used as:

- (i) a place of worship in accordance with the West Neighbourhood - Open Space and Institutional Zone - wn-OS/I provisions; or
- (ii) a park in accordance with the West Neighbourhood - Open Space Woodlot Zone - wn-OSW provisions; or
- (iii) residential uses in accordance with the West Neighbourhood First Density Residential wn-RIF Zone provisions.

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SECTION 42: WEST NEIGHBOURHOOD - OPEN SPACE WOODLOT wn-OSW ZONE**42.1 Permitted Uses**

The West Neighbourhood - Open Space Woodlot wn-OSW Zone is intended for the preservation and conservation of the existing wooded area while permitting the following uses:

- (1) recreational trails;
- (2) park, active recreational activities within non-wooded areas;
- (3) any use building and structure accessory to the foregoing including acoustical sound barriers requested by the Ministry of Transportation or any other governmental agency having jurisdiction.

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SECTION 43: WEST NEIGHBOURHOOD - NEIGHBOURHOOD COMMERCIAL wn-NC ZONE**43.1 Permitted Uses**

The following uses are permitted in the West Neighbourhood - Neighbourhood Commercial wn-NC Zone:

- (1) food store;
- (2) convenience store;
- (3) service shop, personal;
- (4) restaurant;
- (5) amusement machines, subject to the provisions of Section 6.11;
- (6) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 43.4.

43.2 Zone Provisions

(a)	Maximum Lot Area (square metres)	5,500
(b)	Front Yard Setback (metres)	9.0
(c)	Rear Yard Setback (metres)	7.5
(d)	Interior Side Yard Setback (metres)	7.5
(e)	Exterior Side Yard Setback (metres)	9.0
(f)	Maximum leasable floor area for all uses permitted under Section 43.1 (square metres)	750
(g)	Maximum leasable floor area - Restaurant (square metres)	150
(j)	Maximum leasable floor area - Any other permitted use; excluding a restaurant (square metres)	250
(i)	Minimum Landscaped Open Space (percent of lot area)	10
(j)	Maximum Building Height (storeys)	1

43.3 Provisions for Loading Spaces in a wn-NC Zone

Where required in accordance with Section 6.11, loading spaces in a wn-NC Zone shall not be permitted within a front yard or an exterior side yard.

43.4 Provisions for Accessory Buildings and Structures in a wn-NC Zone

Accessory buildings and structures in a West Neighbourhood - Neighbourhood Commercial wn-NC Zone are permitted in accordance with the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) Not be established until or unless the main building or use to which it is accessory is established;
- (c) Not be used for gain or profit;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres;
- (e) Rear Yard Setback (metres) 1.5
- (f) Interior Side Yard Setback (metres) 1.5
- (g) Exterior Side Yard Setback (metres) 9.0
- (h) Where a rear or interior side lot line abuts a Residential Zone the setback shall be 3 metres;
- (i) Maximum permitted coverage (square metres) 25

SECTION 44: ROLLING MEADOWS - OPEN SPACE RM-OS ZONE**44.1 Permitted Uses**

The following uses are permitted in the Rolling Meadows - Open Space RM-OS Zone:

- (1) Park, including recreational trails;
- (2) conservation;
- (3) storm water management;
- (4) buildings and structures accessory to the foregoing permitted uses, including acoustical sound barriers requested by the Ministry of Transportation or any other governmental agency having jurisdiction.

44.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows - Open Space RM-OS Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

- | | | |
|-----|--|-----|
| (a) | Minimum Lot Area (hectares) | 0.4 |
| (b) | Minimum Lot Frontage (metres) | 45 |
| (c) | Front Yard Setback (metres) | 7.5 |
| (d) | Rear Yard Setback (metres) | 7.5 |
| (e) | Interior Side Yard Setback (metres) | 7.5 |
| (f) | Exterior Side Yard Setback (metres) | 7.5 |
| (g) | Maximum Lot Coverage (percent of lot area) | 30 |
| (h) | Maximum Building Height (metres) | 11 |

44.3 Provisions for Accessory Buildings and Structures in a RM-OS Zone

Accessory buildings and structures in a RM-OS Zone are permitted subject to the following provisions:

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted in a front yard or an exterior side yard;
- (c) Not be located within, or partially within, any utility easement, corridor or storm drainage swale;

- (d) The setback from a rear or interior side lot line shall be 3 metres from said lot line;
- (e) The maximum height of any accessory building or structure shall be 4.5 metres;
- (f) Maximum lot coverage for all accessory buildings and structures shall not exceed ten percent (10%) of lot area.

SECTION 45: ROLLING MEADOWS - RESIDENTIAL FIRST DENSITY RM-R1B ZONE**45.1 Permitted Uses**

The following uses are permitted in a Rolling Meadows Residential Density RM-R1B Zone:

- (1) single detached dwelling
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

45.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R1B Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

- | | |
|--|------|
| (a) Minimum Lot Area (square metres) | 450 |
| (b) Minimum Lot Frontage (metres) | 15.0 |
| (c) Front Yard Setback (metres) | |
| - to Dwelling | 3.0 |
| - to Garage | 6.0 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 |
| (f) Exterior Side Yard Setback (metres) | 3.0 |
| (g) Maximum Lot Coverage (percent of lot area) | 40 |
| (h) Maximum Building Height (metres) | 11 |

45.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

**RM-R1B(H)-1 Rolling Meadows Subdivision (Phases 6 and beyond)
(By-law No. 110-2017)**

**NOTE: All holding provisions have been removed for Phases 1 through 10
(By-law No. 40-2018)**

Notwithstanding the provisions of the Rolling Meadows Residential First Density 'RM-R1B-1' Zone, the lands identified as 'RM-R1B(H)-1' Zone on Schedules "A2" and "A9" attached hereto shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing, archaeological and the protection of aggregate resources matters have been resolved to the satisfaction of the City of Thorold.

The following special provisions shall apply:

Permitted Uses

The following uses are permitted in a Rolling Meadows Residential Density RM-R1B-1 Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the following provisions and Section 6.25;
- (5) Second Dwelling Unit in accordance with Section 45.3.

Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R1B-1 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a)	Minimum Lot Area (square metres)	450
(b)	Minimum Lot Frontage (metres)	15.0
(c)	Front Setback (metres)	
	i) to Dwelling	3.0
	ii) to Garage	6.0
(d)	Rear Setback (metres)	7.5
(e)	Interior Side Setback (metres)	1.2
(f)	Exterior Side Setback (metres)	3.0

- | | | |
|-----|--|-----|
| (g) | Maximum Lot Coverage (percent of lot area) | 40% |
| (h) | Maximum Building Height (metres) | 11 |

Second Dwelling Unit

Means a dwelling unit that is secondary to a detached dwelling and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the Zoning By-law subject to the following provisions:

- a) A maximum of one (1) second dwelling unit is permitted on a lot.
- b) A second dwelling unit is only permitted within a detached dwelling.
- c) Maximum floor area of the lesser of 40% of the dwelling unit area.
- d) Any separate entrance and exit to the second dwelling unit shall be oriented toward the flankage lot line, interior side lot line or rear lot line.
- e) Maximum of 1 parking space permitted in tandem.

Single Detached Dwelling and Accessory Structures Subject to TransCanada Pipeline

- | | | |
|----|--|-----|
| a) | Minimum Rear Yard Setback to TransCanada Pipeline (metres) | 7.0 |
| b) | Accessory Structures Minimum Rear Yard Setback (metres) | 3.0 |

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SECTION 46: ROLLING MEADOWS - RESIDENTIAL FIRST DENSITY RM-R1C ZONE**46.1 Permitted Uses**

The following uses are permitted in a Rolling Meadows Residential Density RM-R1C Zone:

- (1) single detached dwelling
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

46.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R1C Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a) Minimum Lot Area (square metres)	370
(b) Minimum Lot Frontage (metres)	12.0
(c) Front Yard Setback (metres)	
- to Dwelling	3.0
- to Garage	6.0
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	1.2
(f) Exterior Side Yard Setback (metres)	3.0
(g) Maximum Lot Coverage (percent of lot area)	45
(h) Maximum Building Height (metres)	11

46.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

**RM-R1C(H)-1 Rolling Meadows Subdivision (Phases 6 and beyond)
(By-law No. 110-2017)**

**NOTE: All holding provisions have been removed for Phases 1 through 10
(By-law No. 15-2018 and By-law No. 40-2018)**

Notwithstanding the provisions of the Rolling Meadows Residential First Density 'RM-R1C-1' Zone, the lands identified as 'RM-R1C(H)-1' Zone on Schedules "A2" and "A9" attached hereto shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing, archaeological and the protection of aggregate resources matters have been resolved to the satisfaction of the City of Thorold.

The following special provisions shall apply:

Permitted Uses

The following uses are permitted in a Rolling Meadows Residential Density RM-R1C-1 Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the following provisions and Section 6.25;
- (5) Second Dwelling Unit in accordance with Section 46.3.

Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R1C-1 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a)	Minimum Lot Area (square metres)	370
(b)	Minimum Lot Frontage (metres)	12.0
(c)	Front Setback (metres)	
	- to Dwelling	3.0
	- to Garage	6.0
(d)	Rear Setback (metres)	7.5
(e)	Interior Side Setback (metres)	1.2
(f)	Exterior Side Setback (metres)	3.0

- (g) Maximum Lot Coverage (percent of lot area)45%
- (h) Maximum Building Height (metres) 11

Second Dwelling Unit

Means a dwelling unit that is secondary to a detached dwelling and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the Zoning By-law subject to the following provisions:

- a) A maximum of one (1) second dwelling unit is permitted on a lot.
- b) A second dwelling unit is only permitted within a detached dwelling.
- c) Maximum floor area of the lesser of 40% of the dwelling unit area.
- d) Any separate entrance and exit to the second dwelling unit shall be oriented toward the flankage lot line, interior side lot line or rear lot line.
- e) Maximum of 1 parking space permitted in tandem.

Single Detached Dwelling and Accessory Structures Subject to TransCanada Pipeline

- a) Minimum Rear Yard Setback to TransCanada Pipeline (metres) 7.0
- b) Accessory Structures Minimum Rear Yard Setback (metres) 3.0

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SECTION 47: ROLLING MEADOWS - RESIDENTIAL SECOND DENSITY RM-R2 ZONE**47.1 Permitted Uses**

The following uses are permitted in a Rolling Meadows Residential Second Density RM-R2 Zone:

- (1) single detached dwelling;
- (2) semi-detached dwelling;
- (3) a home occupation, in accordance with the provisions of Section 6.21;
- (4) a group home, in accordance with the provisions of Section 6.24;
- (5) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

47.2 Zone Provisions**47.2.1 Semi-Detached Dwelling**

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Second Density RM-R2 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a) Minimum Lot Area (square metres)	400
(b) Minimum Lot Frontage (metres)	14.6
(c) Front Yard Setback (metres)	
- to Dwelling	3.0
- to Garage	6.0
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	1.2
(f) Exterior Side Yard Setback (metres)	3.0
(g) Maximum Lot Coverage (percent of lot area)	45
(h) Maximum Building Height (metres)	11

47.2.2 Single Detached Dwelling

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Second Density RM-R2 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a)	Minimum Lot Area (square metres)	325
(b)	Minimum Lot Frontage (metres)	10.5
(c)	Front Yard Setback (metres)	
	- to Dwelling	3.0
	- to Garage	6.0
(d)	Rear Yard Setback (metres)	7.5
(e)	Interior Side Yard Setback (metres)	1.2
(f)	Exterior Side Yard Setback (metres)	3.0
(g)	Maximum Lot Coverage (percent of lot area)	45
(h)	Maximum Building Height (metres)	11

SECTION 48: ROLLING MEADOWS - RESIDENTIAL THIRD DENSITY RM-R3 ZONE**48.1 Permitted Uses**

The following uses are permitted in a Rolling Meadows Residential Third Density RM-R3 Zone:

- (1) semi-detached dwelling;
- (2) street townhouse dwelling, one or more;
- (3) a home occupation, in accordance with the provisions of Section 6.21;
- (4) a group home, in accordance with the provisions of Section 6.24;
- (5) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

48.2 Zone Provisions**48.2.1 Semi-Detached Dwelling**

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Third Density RM-R3 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a) Minimum Lot Area (square metres)	400
(b) Minimum Lot Frontage (metres)	14.6
(c) Front Yard Setback (metres)	
- to Dwelling	3.0
- to Garage	6.0
(d) Rear Yard Setback (metres)	7.5
(e) Interior Side Yard Setback (metres)	1.2, except that a common wall may be centred on the side lot line
(f) Exterior Side Yard Setback (metres)	3.0
(g) Maximum Lot Coverage (percent of lot area)	45
(h) Maximum Building Height (storeys)	2

48.2.2 Street Townhouse Dwelling

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Third Density RM-R3 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

(a) Minimum Lot Area -

180 square metres per dwelling unit for a street townhouse dwelling, except that the minimum lot area for an end unit shall be 225 square metres.

(b) Minimum Lot Frontage -

6 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage for an end unit shall be 7.5 metres.

(c) Front Yard Setback (metres)

- to Dwelling	3.0
- to Garage	6.0

(d) Rear Yard Setback (metres)

6

(e) Interior Side Yard Setback (metres)

1.2, except that a common wall may be centred on the side lot line

(f) Exterior Side Yard Setback (metres)

3.0

(g) Maximum Lot Coverage (percent of lot area)

50

(h) Maximum Building Height (storeys)

2

(i) Maximum Number of Units

8

48.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

**RM-R3(H)-1 Rolling Meadows Subdivision (Phases 6 and beyond)
(By-law No. 110-2017)**

**NOTE: All holding provisions have been removed for Phases 1 through 10
(By-law No. 40-2018)**

Notwithstanding the provisions of the Rolling Meadows Residential First Density 'RM-R3-1' Zone, the lands identified as 'RM-R3(H)-1' Zone on Schedule "A" attached hereto shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant

to the provisions of the Planning Act, provided that all servicing and the protection of aggregate resources matters, as indicated in Schedule 'A', have been resolved to the satisfaction of the City of Thorold.

The following special provisions shall apply:

Permitted Uses

The following uses are permitted in a Rolling Meadows Residential Density RM-R3-1 Zone:

- (1) street townhouse dwelling, one or more;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the following provisions and Section 6.25;
- (5) Second Dwelling Unit in accordance with Section 48.3.

Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R3-1 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

- (a) Minimum Lot Area -

180 square metres per dwelling unit for a street townhouse dwelling, except that the minimum lot area for an end unit shall be 225 square metres.

- (b) Minimum Lot Frontage -

6 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage for an end unit shall be 7.5 metres.

- | | | |
|-----|--------------------------------|--|
| (c) | Front Setback (metres) | |
| | - to Dwelling | 3.0 |
| | - to Garage | 6.0 |
| (d) | Rear Setback (metres) | 6 |
| (e) | Interior Side Setback (metres) | 1.2, except that a common wall may be centred on the side lot line |
| (f) | Exterior Side Setback (metres) | 3.0 |

(g)	Maximum Lot Coverage (percent of lot area)	50%
(h)	Maximum Building Height (metres)	11
(l)	Maximum Number of Units	6

Second Dwelling Unit

Means a dwelling unit that is secondary to a detached dwelling and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the Zoning By-law subject to the following provisions:

- a) A maximum of one (1) second dwelling unit is permitted on a lot.
- b) A second dwelling unit is only permitted within a detached dwelling.
- c) Maximum floor area of the lesser of 40% of the dwelling unit area.
- d) Any separate entrance and exit to the second dwelling unit shall be oriented toward the flankage lot line, interior side lot line or rear lot line.
- e) Maximum of 1 parking space permitted in tandem.

RM-R3(H)-2 Rolling Meadows Subdivision (Phases 6 and beyond) (By-law No. 110-2017)

**NOTE: All holding provisions have been removed for Phases 1 through 10
(By-law No. 40-2018)**

Notwithstanding the provisions of the Rolling Meadows Residential First Density 'RM-R3-2' Zone, the lands identified as 'RM-R3(H)-2' Zone on Schedule "A" attached hereto shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided that all servicing and the protection of aggregate resources matters, as indicated in Schedule 'A', have been resolved to the satisfaction of the City of Thorold.

The following special provisions shall apply:

Permitted Uses

The following uses are permitted in a Rolling Meadows Residential Density RM-R3-2 Zone:

- (1) street townhouse dwelling, one or more;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;

- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the following provisions and Section 6.25;
- (5) Second Dwelling Unit in accordance with Section 48.3.

Zone Provisions

No person shall use any land or erect or use any building or structure in a Rolling Meadows Residential Density RM-R3-2 Zone, except in accordance with Section 6 General Provisions and with the following zone provisions:

- (a) Minimum Lot Area -

180 square metres per dwelling unit for a street townhouse dwelling, except that the minimum lot area for an end unit shall be 225 square metres.

- (b) Minimum Lot Frontage -

6 metres per dwelling unit for a street townhouse dwelling, except that the minimum lot frontage for an end unit shall be 7.5 metres.

- | | | |
|-----|--|--|
| (c) | Front Setback (metres) | |
| | - to Dwelling | 3.0 |
| | - to Garage | 6.0 |
| (d) | Rear Setback (metres) | 6 |
| (e) | Interior Side Setback (metres) | 1.2, except that a common wall may be centred on the side lot line |
| (f) | Exterior Side Setback (metres) | 3.0 |
| (g) | Maximum Lot Coverage (percent of lot area) | 50% |
| (h) | Maximum Building Height (metres) | 11 |
| (l) | Maximum Number of Units | 6 |

Second Dwelling Unit

Means a dwelling unit that is secondary to a detached dwelling and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the Zoning By-law subject to the following provisions:

- a) A maximum of one (1) second dwelling unit is permitted on a lot.
- b) A second dwelling unit is only permitted within a detached dwelling.

- c) Maximum floor area of the lesser of 40% of the dwelling unit area.
- d) Any separate entrance and exit to the second dwelling unit shall be oriented toward the flankage lot line, interior side lot line or rear lot line.
- e) Maximum of 1 parking space permitted in tandem.

Street Townhouse Dwelling and Accessory Structures Subject to TransCanada Pipeline

- a) Minimum Rear Yard Setback to TransCanada Pipeline (metres) 7.0
- b) Accessory Structures Minimum Rear Yard Setback (metres) 3.0

SECTION 49: TEMPORARY USE BY-LAWS

By-Law No. 62-2014, expiry May 20, 2017 (EXPIRED): Light Industrial LI(H) Zone, Thorold Townline Road to permit temporary use of lands for a Paintball Facility on lands generally described as Part Twp Lot 66, west side of Thorold Townline Road owned by 1635405 Ontario Inc.

By-law No. 121-2016, expiry October 4, 2019: Temporary use of lands for Sales Centre Complex on the south-west corner of the overall property, Part of Lot 216, for a period of three (3) years from the date of passing of the by-law.

By-Law No. 29-2017, expiry May 20, 2020: Light Industrial LI(H) Zone, Thorold Townline Road to permit temporary use of lands for a Paintball Facility and a Recreational Sports Field on lands generally described as Part Twp Lot 66, west side of Thorold Townline Road owned by 1635405 Ontario Inc. (Temp Use Agreement associated with By-law 62-2014)

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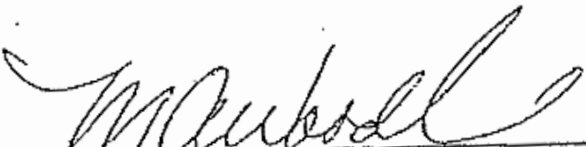
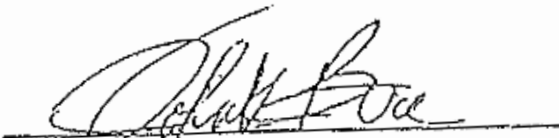
SECTION 50: APPROVAL

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

READ A FIRST TIME THIS 2ND DAY OF JULY, 1997

READ A SECOND TIME THIS 2ND DAY OF JULY, 1997

READ A THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF JULY, 1997


M.A. Woodhouse, Mayor
J.K. Bice, City Clerk

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