



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 123-2016

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### Being A By-law To Amend Zoning By-law No. 129-90 Being The Comprehensive Zoning By-law For All Lands Within The Town of Fort Erie (Housekeeping)

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350309-0422

**Whereas** By-law No. 129-90 as amended, being the Comprehensive Zoning By-law for the Town of Fort Erie was passed on May 28, 1990, and

**Whereas** By-law Nos. 48-97, 34-98, 44-98, 03-02, 123-03, 10-04, 90-04, 152-04, 100-05, 57-06, 199-07, 56-08, 120-11, 130-11, 110-12, 38-13, 65-13, 94-2014, 133-2014 and 152-2015 are previous housekeeping amendments to Zoning By-law 129-90 as amended, and

**Whereas** since that time municipal staff have been compiling a record of proposed improvements to the Zoning By-law, and

**Whereas** Subsection 34 (1) of the *Planning Act*, R.S.O. 1990, c.P.13, authorizes the Council of the Municipality to regulate the use of lands and the character, location and use of buildings and structures within the Municipality, and

**Whereas** the Council of the Town of Fort Erie at its meeting of September 6, 2016, authorized staff to undertake a housekeeping amendment to Zoning By-law No. 129-90 as amended, through Report PDS-73-2016, and

**Whereas** Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13, provides that the Council, before the passing of a by-law under this section of the Act, shall ensure that sufficient information is made available to the public to generally understand the zoning proposal, to hold an open house and to hold a public meeting, and

**Whereas** in accordance with Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13, an Open House was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law No. 129-90 as amended on September 22, 2016 and notice of such was published in the Fort Erie Times on September 15, 2016, and

**Whereas** in accordance with Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13 a Public Meeting was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law No. 129-90 as amended, on October 3, 2016 and notice of such was published in the Fort Erie Times on September 8, 2016, and,

**Whereas** to satisfy the notification requirements for Town initiated amendments approved by Council on May 6, 2013, the following additional measures were undertaken to notify the public of the proposed amendment:

- Notice of the proposed amendments was posted on the Town's website;
- Notice of the proposed changes was posted on the Town's social media;
- Notice of the public meeting was sent to the Ridgeway, Bridgeburg and Crystal Beach Business Improvement Associations;
- Notice of the amendments was advertised on the billboard at the corner of Municipal Centre Drive and Garrison Road;
- Notice of the amendments was posted at the Library Branches, Leisureplex, Museum and in the Town Hall Atrium;
- Owners of properties directly impacted by the amendment (i.e. a change to the zoning of the property is proposed) were mailed notice of the Public Meeting on September 13, 2016, and

**Whereas** on November 7, 2016, Council determined that in accordance with Section 34(17) of the *Planning Act*, further notice is not required with respect to the addition of a definition and regulation for "in home pet boarding" since the holding of the Public Meeting on October 3, 2016, and

**Whereas** it is deemed desirable to change the zoning of the lots on the south side of Bertie Street, east of Sunset Drive from Environmental Protection EP Zone and Rural RU Zone with an Environmental Conservation Overlay to Rural RU Zone pursuant to the amendment to the recommendation contained in Report PDS-90-2016 considered at the Council-in-Committee meeting of November 7, 2016, and subsequently approved by Council, and

**Whereas** on November 14, 2016, Council determined that in accordance with Section 34(17) of the *Planning Act*, further notice is not required with respect to the removal of the Environmental Protection EP Zone along Bertie Street since the holding of the Public Meeting on October 3, 2016, and

**Whereas** it is deemed desirable to proceed with the housekeeping amendments to the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. PDS-90-2016 considered at the Council-in-Committee meeting of November 7, 2016, as amended, and subsequently approved by Council;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Index to By-law No. 129-90 as amended is repealed in its entirety and replaced with the Index attached hereto as Appendix 1".
2. **That** "Section 1 – Application and Interpretation" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 1" attached hereto as "Appendix 2".
3. **That** "Section 5 – Definitions" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 5" attached hereto as "Appendix 3".
4. **That** "Section 6 – General Provisions" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 6" attached hereto as "Appendix 4".

5. **That** Section 7.6 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“7.6 REGULATIONS FOR BUILDINGS ACCESSORY TO DWELLINGS**

Maximum Lot Coverage	2% per building, provided the total lot coverage of all accessory buildings on the lot does not exceed 10%
Minimum Front Yard Setback	15m
Minimum Interior Side Yard	3m
Minimum Exterior Side Yard	15m
Minimum Rear Yard	3m
Minimum Rear Yard abutting a Street	7.5m
Maximum Building Height	i) 1 storey ii) 6 metres”

6. **That** Section 8.5 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“8.5 REGULATIONS FOR BUILDINGS ACCESSORY TO DWELLINGS**

Maximum Lot Coverage	2% per building, provided the total lot coverage of all accessory buildings on the lot does not exceed 10%
Minimum Front Yard Setback	15m
Minimum Interior Side Yard	3m
Minimum Exterior Side Yard	15m
Minimum Rear Yard	3m
Minimum Rear Yard abutting a Street	7.5m
Maximum Building Height	i) 1 storey ii) 6 metres”

7. **That** By-law No.129-90 as amended, is further amended by deleting the following from “Section 8 – Rural (RU) Zone” Subsection – “Exceptions to the Rural (RU) Zone” the following exceptions:

**“RU-219 (158-07) Burleigh Road N, west side, north of Dominion Road**

These lands are zoned “Rural RU-219 Zone” and all of the provisions of By-law 129-90 as amended that relate to land zoned “Rural (RU) Zone” shall apply to those lands zoned “Rural RU-219 Zone” except that the property may also be used for a nursery/garden centre. (applies ONLY to Part 2 Plan 59R-13243)”

8. **That** By-law No.129-90 as amended, is further amended by adding to “Section 10– Residential 1 (R1) Zone” Subsection – “Exceptions to the Residential 1 (R1) Zone” the following exceptions:

**“R1-218 (214-1999) South Side of Lakecrest Court, east of Burleigh Road South**

These lands are zoned "Residential 1 R1-218 Zone" and all of the provisions that relate to lands zoned "Residential 1 (R1) Zone" by this by-law shall apply to those lands zoned "Residential 1 R1-218 Zone" except:

- (a) that notwithstanding the requirements of Subsection 10.3, the minimum floor area shall not be less than 140 square metres;
- (b) that the minimum rear yard setback shall not be less than 10 metres except the minimum rear yard along Lake Erie shall be not less than 15 metres from the 100 year floodline of 177.2 metres referenced to in the Geodetic Survey of Canada Datum.”

9. That Section 14.3 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“14.3 ZONE REGULATIONS**

Minimum Lot Frontage	50m, except 6m for street townhouse lots and 9m for street townhouse corner lots
Minimum Lot Area	4000 sq.m, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot
Minimum Front Yard	6m to garage 4m to other parts of dwelling
Minimum Side Yard	1.5m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.
Minimum Rear Yard	6m
Maximum Building Height	i) 3 storeys ii) 12m
Minimum Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots
Maximum Number of Units in a row	8
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall
Maximum Density	35 units/ha
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse – 60%
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m
Distance from building to internal driveways and parking areas	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking

	area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress"

10. **That** Section 16A.5 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“16A.5 SUPPLEMENTARY REGULATIONS FOR LOTS IN THE POINT ABINO AREA**

For lots zoned Waterfront Rural Residential and within the Point Abino Area, the following regulations shall apply:

- (a) Development will be subject to site plan control
- (b) Development or site alteration shall be subject to review by the Environmental Advisory Committee and may require an Environmental Impact Study”

11. **That** Section 22.2 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“22.2 PERMITTED USES**

(a) COMMERCIAL USES:

- Bake Shops
- Banks and Financial Institutions
- Brewer's Retail outlets
- Building supply sales
- Car wash
- Catering establishments
- Clinic
- Dairy
- Day nursery
- Dry cleaning outlets
- Dry cleaning plants
- Eating Establishments
- Equipment Rentals and Servicing
- Farm supply and service establishments
- Farm product market
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor stores
- Motels
- Motor Vehicle Repair Shops

- Nursing Home
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Professional and business offices
- Public Libraries
- Parking garages
- Public transportation depots including bus stations and rail stations
- Retail stores
- Service shops
- Spa Services
- Supermarket
- Taverns
- Taxi establishments
- Vehicle sales and rental establishments
- Veterinarian Clinic in wholly enclosed buildings
- Video Outlet Sales and Rental Establishments

(b) Dwelling units.

(c) Uses, buildings and structures accessory to any permitted”

12. **That** Section 26D.3 of By-law No. 129-90, as amended, is repealed and replaced with the following:

#### **“26D.3 ZONE REGULATIONS**

Minimum Lot Frontage	0m
Minimum Lot Area	0 sq. m.
Minimum Front Yard	0m
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5m
Minimum Exterior Side Yard	0m
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m
Maximum Building Height	i) 3 storeys ii) 12m
Minimum Building Height	2 storeys
Required Parking	Commercial uses within the CMU4 Zone shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the provisions of Subsection 18.2(d) shall apply.”

13. That "Map 1", "Map 5", "Map 6", "Map 7", "Map 8", "Map 9", "Map 10", "Map 12", "Map 16", "Map 18", "Map 19", "Map 20", "Map 21", "Map 22", "Map 26", "Map 27", "Map 29", "Map 30", "Map 31", "Map 32", "Map 36", "Map D-5", "Map D-6", and "Map D-7" of Schedule "A" to Zoning By-law 129-90 as amended, are repealed in their entirety and replaced with , Map 1", "Map 5", "Map 6", "Map 7", "Map 8", "Map 9", "Map 10", "Map 12", "Map 16", "Map 18", "Map 19", "Map 20", "Map 21", "Map 22", "Map 26", "Map 27", "Map 29", "Map 30", "Map 31", "Map 32", "Map 36", "Map D-5", "Map D-6", and "Map D-7" attached hereto as Appendix 5".
14. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 14<sup>th</sup> day of November, 2016.**

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Mayor

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Clerk

I, Laura Bubanko , the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 123-2016 of the said Town. Given under my hand and the seal of the said Corporation, this  
day of \_\_\_\_\_, 20\_\_\_\_

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**APPENDIX “1”**  
**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90**

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# APPENDIX “1”

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**SECTION 1: APPLICATION AND INTERPRETATION**

**1.1 TITLE OF BY-LAW**

This by-law shall be known as the "Zoning By-law of the Corporation of the Town of Fort Erie".

**1.2 SCOPE OF THE BY-LAW**

**(a) LANDS SUBJECT TO BY-LAW**

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Fort Erie.

**(b) CONFORMITY WITH BY-LAW**

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

**(c) EXISTING USES CONTINUED**

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

**(d) BUILDING PERMIT ISSUED**

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

- (i) when the building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced, and provided such building permit has not been revoked under Section 8 of The Building Code Act, 1992, as amended.

**(e) COMPLIANCE WITH OTHER RESTRICTIONS**

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-

law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply.

Nothing in this by-law shall be construed to exempt any person from complying with the requirements of any by-law of the municipality or the Regional Municipality of Niagara including any regulation under the provisions of the Conservation Authorities Act, R.S.O. 1990 or any regulation or any other applicable Act of the Province of Ontario or Canada, including the Niagara Parks Act, R.S.O. 1990 and any amendments thereto in any successor legislation.

**(f) GENERAL PROHIBITION**

All uses of land and the erection or use of any building or structure for a purpose not included within the provisions of the “Permitted Uses” section of each zone established in this By-law are prohibited in said zone, save and except for those uses of land and the erection or use of any building for a purpose permitted in accordance with any applicable provisions of this By-law.

**1.3 INTERPRETATION OF THE BY-LAW**

**(a) DEFINED AREAS**

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

**(b) ZONE BOUNDARIES**

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

- (i) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centre line of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or any electrical, gas or oil transmission line shall be the centre line of such right-of-way.
- (iii) A boundary indicated as following a shoreline shall be the greater of the flooding hazard, erosion hazard or dynamic beach hazard associated with Lake Erie.

- (iv) A boundary indicated as following a wetland shall be the edge of the wetland.
- (v) A boundary indicated as following a watercourse shall be the greater of the stable top of bank or the 100 year floodline of a watercourse.
- (vi) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- (vii) A boundary indicated as following a closed road, lane or railway shall imply that the property formerly in the said road, lane or railway shall be included within the zone of the adjoining property on either side of the said closed road, land or railway. In the event that the said road, lane or railway was a zone between two or more different zone, the new boundary shall be the former centre line of the said closed road, lane or railway.
- (viii) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in clauses (i), (ii),(iii), (vi) or (v) of this Subsection, and the distance from such street line or other feature is not indicated, and clause (vi) or (vii) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance therefrom shall be determined according to the scale shown on Schedule "A".
- (ix) A boundary indicated as following the limits of the Municipality shall follow such limits.
- (x) Where a "Hazard (H) Zone" line is shown in reference to a watercourse on Schedule "A" zoning map it is intended to follow the greater of the stable top of bank or the 1-in-100 year flood line of a watercourse as determined by the Niagara Peninsula Conservation Authority.
- (xi) Where a "Hazard (H) Zone" line is shown in reference to Lake Erie on Schedule "A" zoning map it is intended to follow the greater of the flooding hazard, erosion hazard or dynamic beach hazard associated with Lake Erie. as determined by the Niagara Peninsula Conservation Authority.
- (xii) Where an "Environmental Protection EP Zone" line is shown in reference to a wetland or area of natural and scientific interest on Schedule "A" zoning map it is intended to follow the boundaries as determined by the Ministry of Natural Resources.

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90

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- (xiii) Where an "Environmental Protection EP Zone" line is shown in reference to other environmental lands on Schedule "A" zoning map it is intended to follow the boundaries determined in the field as a result of an approved Environmental Impact Study.
- (xiv) Where an "Environmental Conservation Overlay" line is shown in reference to environmental lands on Schedule "A" zoning map it is intended to follow the boundaries determined by the Council approved recommendation of the Environmental Advisory Committee or by resolution of Council.

(c) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 5 hereof shall apply.

(d) SINGULAR AND PLURAL WORDS AND GENDERS

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

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

(e) "SHALL" IS MANDATORY

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

(f) "USE" AND "OCCUPY"

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

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

(g) References herein to any statute or any provision thereof includes such statute, regulation, or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and successor statute or regulation thereto.

**SECTION 5 - DEFINITIONS**

- 5.1 **“ABANDONED”** means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.
- 5.2 **“ACCESSORY APARTMENT DWELLING”** see section 5.99 (a) **“Dwelling, Accessory Apartment”**
- 5.3 **“ACCESSORY BUILDING OR STRUCTURE”** means a building or structure that is incidental and exclusively devoted to the main use and/or home occupation, and located on the same lot therewith.
- 5.4 **“ACCESSORY USE”** means a use customarily incidental and exclusively devoted to the main use and located on the same lot therewith.
- 5.5 **“ADULT ENTERTAINMENT ESTABLISHMENT”** means any premises or part thereof in which goods, entertainment, or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in pursuance of a business in the premises or part thereof, and includes a body rub parlour.
- 5.6 **“AGRICULTURAL”** means general farming and without limiting the generality of the foregoing, shall include the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, greenhouses, medical marihuana grow and production facilities, dairying, animal husbandry, raising of poultry, raising of lamas and alpacas, vermiculture, aquaculture, equestrian centres, riding stables, the wholesaling of products used in agriculture but not including farm machinery, a farm product outlet as defined in this by-law, the sale and processing of produce grown on the farm from which the sale is made; and an accessory residential use or farm help house in accordance with the provisions of this By-law..
- 5.7 **“AGRICULTURALLY RELATED USE”** means farm–related commercial and farm-related industrial uses that are small in scale, directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets.
- 5.8 **“ALTER”** means:
1. when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;

2. when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
3. when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

(i) “**ALTERED**” and “**ALTERATION**” shall have corresponding meanings.

**5.9 “AMPLIFICATION”** means to increase in scope or volume through the magnification of electronic impulses or other means.

**5.10 “AMUSEMENT MACHINE”** means a mechanical or electrical machine or device intended for use as a game, entertainment or amusement offered for use of the public by any person for profit or gain and includes 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, but does not include any machine used only for the purpose of vending merchandise or services or playing recorded music.

**5.11 “AMUSEMENT MACHINE ESTABLISHMENT”** means any premises or part thereof containing three or more amusement machines.

**5.12 “ANIMAL HOSPITAL” or “SHELTER”** means a building or part thereof, with or without related structures, wherein domestic household pets including, but not so as to limit the generality of the foregoing, dogs, cats, caged birds and specialty fish, but excluding any animals kept primarily for the purpose of providing food or skins, are given temporary shelter and accommodation or are treated or kept for treatment by a registered veterinarian, and includes the office of a registered veterinarian, but does not include any establishment engaged primarily in the retail sale of animals or in breeding animals for gain or profit, or a veterinarian's clinic as defined herein.

**5.13 “ANIMAL UNITS”** – means the number of livestock that would produce 68-77 kg of nitrogen in their manure in one year.

**5.14 “APARTMENT DWELLING”** see section 5.75 (a) “DWELLING APARTMENT”

**5.15 “ASSEMBLY HALL”** means a building or part of a building in which facilities are provided for meetings of a civic, educational, political, religious, social or recreational nature and which facilities are capable of accommodating in excess of 100 persons

**5.16 “ASSISTED LIVING HOUSE”** means a building or part thereof which accommodates four or more residents who are aged, or physically or mentally infirm and who



require guidance in the activities of daily living, and where 24 hours a day, at least the operator or one adult responsible to the operator, is on duty on the premises and able to furnish such guidance but does not mean a group home as defined herein.

**5.17 “ATTACHED”** means that the roof, wall and foundation of a building or structure is shared in common with another building or structure. Where the roof of one part of the structure is below the roof of another, the roof of one part of the structure may be shared in common with the wall of another.

**5.18 “ATTIC”** means that portion of a building situated wholly or partly within the roof, which is not used as a habitable room and is not a one-half storey as defined herein.

**5.19 “AUDITORIUM”** means a building or structure where facilities are provided for athletic, civic, education, recreational, political, religious or social events including, but not so as to limit the generality of the foregoing, an arena, a community centre, a bowling alley, a recreation centre, an assembly hall, a gymnasium, a stadium, a cinema, a theatre or a playhouse.

**5.20 “AUTOMOTIVE RACE EVENT”** means a racing event for automotive vehicles such as cars and trucks.

**5.21 “AUTOMOBILE SERVICE STATION”** means an establishment for the sale of gasoline, lubricating oils and associated automotive fluids and accessories and also may include an accessory service and repair facility for the undertaking of minor repairs and maintenance of vehicles that are essential to their operation, but does not include a body shop or automobile washing establishment.

**5.22 “AUTOMOTIVE USE”** means an automobile service station, a gasoline bar, a motor vehicle repair shop, a motor vehicle body shop or a vehicle sales or rental establishment as defined herein.

**5.23 “BAKERY”** means a food processing establishment where food products for which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared.

**5.24 “BAKE SHOP”** means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

**5.25 “BALCONY”** means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.

**5.26 “BANK”** means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, Chartered Banks and other like financial institutions.

- 5.27 “BANQUET HALL”** means a building or part of a building used for the purpose of entertaining a large group of people where food and beverages (either alcoholic or otherwise) are generally provided.
- 5.28 “BASEMENT”** means that portion of a building between two floor levels with a minimum height of 1.9 m which is partly underground but which has at least one-half its height from floor to ceiling above the average level of the adjoining grade.
- 5.29 “BED & BREAKFAST ESTABLISHMENT”** means a single detached dwelling or portion thereof, wherein not more than three (3) rooms are rented to persons for a single night or for less than one (1) week at a time by the owner / lessee / proprietor of the dwelling but does not include any type of institutional dwelling, hotel, motel or a tourist establishment.
- 5.30 “BEDROOM”** means a room located within a dwelling unit and used primarily for sleeping.
- 5.31 “BERM”** means a landscaped mound of earth.
- 5.32 “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.
- 5.33 “BLOCK”** means either all the land fronting on one side of a street between the nearest streets that meet, intersect or cross that side, or where the street ends at the municipal boundary or at a natural or artificial barrier, block means all the land fronting on the one side between the nearest street that meets, intersects or crosses that side and such boundary or barrier.
- 5.34 “BMX RACE TRACK”** means a track for the off road racing of BMX bicycles.
- 5.35 “BODY RUB PARLOUR”** means any premises or part thereof where a body rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation that does not include any premises or part thereof where the body rubs performed are for the purposes of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.
- 5.36 “BODY SHOP”** (See “VEHICLE BODY SHOP”)
- 5.37 “BONA FIDE FARM OPERATION”** means a farm operation that provides full time employment for one or more persons.

- 5.38 “BUFFER AREA”** means a strip of land, which is restricted to ecological enhancement, and restoration of the natural environment.
- 5.39 “BUILDING”** means any structure consisting of walls and a roof which is used or intended to be used for shelter, accommodation, or enclosure of persons, animals or chattels, and includes any structure defined as a building in The Building Code Act, 1992, as amended, but does not include any vehicles as defined herein.
- 5.40 “BUILDING BY-LAW”** means any by-law of the Corporation passed pursuant to The Building Code Act, 1992, S.O. 1992.
- 5.41 “BUILDING HEIGHT”** - (See “HEIGHT”)
- 5.42 “BUILDING INSPECTOR”** means a person duly appointed by Council and charged with the duty of enforcing the provisions of The Building Code Act, 1992, S.O. 1992 and the provisions of the Building By-law.
- 5.43 “BUILDING LINE, ESTABLISHED”** means the existing setback of an existing main building on a lot, measured between the street line of the said lot and the nearest part of such building, excluding any stoops, sun decks, porches, verandas, sun rooms, balconies, exterior steps or architectural adornments.
- 5.44 “BUILDING LOT”** means a lot for the exclusive use of the principle use, and accessory uses thereto, permitted by the Zoning By-law and having a minimum frontage of 12 m onto an improved street.
- 5.45 “BUILDING, MAIN”** means a building in which the principal use is conducted on the building lot on which it is located. In the case of the Residential Zone the dwelling is the main building.
- 5.46 “BUILDING PERMIT”** means a permit required by the Building By-law and/or The Building Code Act, 1992.
- 5.47 “BUILDING SUPPLY SALES”** means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.
- 5.48 “BUSINESS OFFICE”** means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.

- 5.49 “BY-LAW ENFORCEMENT OFFICER”** means a person appointed by Council and charged with the duty of enforcing the provisions of this By-law.
- 5.50 “CAMP”** means a place where people are temporarily accommodated in tents, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a trailer park.
- 5.51 “CANDY KITCHEN”** means a building or part thereof, other than a restaurant, used for producing, mixing, compounding, cooling or otherwise preparing confectionary products including, but not so as to limit the generality of the foregoing, chocolate, candy, bon-bons and pastilles, where such prepared confectionary products are offered for retail sale.
- 5.52 “CANOPY”** means a protective roof like covering of fabric or like material, mounted on a frame over an entrance doorway.
- 5.53 “CANTILEVER”** means any projection beyond the foundation of a building whether or not such projection is essential to the support of the main wall and includes corner sills, belt courses and cornices.
- 5.54 “CARPORT”** means a building or structure attached to a dwelling, at least forty percent (40%) of the area of the perimeter walls of which are open and unobstructed by any wall, door, post or pier;
- (i) which is used for the temporary parking or storage of passenger motor vehicles, recreational vehicle, or commercial vehicles of less than one (1) tonne maximum capacity, and
  - (ii) wherein neither servicing or repairing is carried on for profit.
- 5.55 “CAR WASH”** means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.
- 5.56 “CATERER’S ESTABLISHMENT”** means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take-out, but does not include a restaurant.
- 5.57 “CELLAR”** means that portion of a building between two floor levels with a minimum height of 1.9 m which is partly or completely underground, and which has more than one-half of its height from floor to ceiling below grade.

- 5.58 “CEMETERY”** means land that is set apart or used as a place for the interment of human remains, excluding crematoriums.
- 5.59 “CENTRAL BUSINESS DISTRICT” or “CBD”** means the areas designated “Central Business Districts” on Schedule “A” attached hereto.
- 5.60 “CHIEF BUILDING OFFICIAL”** means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of The Building Code Act, 1992, S.O. 1992, and the provisions of the Building By-law.
- 5.61 “CHURCH”** means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, convent or monastery, office of a clergyman, cemetery, Sunday school, parish hall or a parsonage as uses accessory thereto, including a day nursery.
- 5.62 “CLINIC”** means a building or part thereof used by medical doctors, dentists or drugless practitioners for the purpose of consultation, diagnosis or treatment.
- 5.63 “COMMERCIAL”**, when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work.
- 5.64 “COMMERCIAL MOTOR VEHICLE”** means a motor vehicle weighing in excess of 3,600 kg used for business, employment or commercial purposes and shall include a tractor trailer or trailer for hauling purposes on the highway, earth moving equipment, backhoes and farm tractors.
- 5.65 “COMMERCIAL REFUELLING STATION”** means an establishment where vehicle fuels and lubricants are offered for retail sale primarily for commercial vehicles such as transport trucks, but does not include a gasoline bar.
- 5.66 “COMMITTEE OF ADJUSTMENT”** means the Committee of Adjustment of the Town of Fort Erie delegated authority to authorize minor variances and for the giving of consents in accordance with the provisions of Sections 45 and 53 of The Planning Act, R.S.O. 1990.
- 5.67 “COMMUNICATION FACILITIES”** means a building or structure where communication-related activities such as newspaper production, television or radio broadcasting, wireless transmission or internet facilities occur.
- 5.68 “COMMUNITY CENTRE”** means the use of buildings or structures for the purposes of active and passive recreation, social gathering and other events

including a day care facility and may have accessory commercial and office space to a maximum of 10% floor space”.

**5.69 “CONSERVATION OF PLANT AND WILDLIFE”** means land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant-life and includes a forest reserve.

**5.70 “CONSTRUCTION TRADES ESTABLISHMENT”** means the wholesale sale of construction trade products and includes uses such as building supply yards, equipment and materials storage, tradesmen's shops, contractor's yards and accessory office uses.

**5.71 “CONVENIENCE RETAIL STORE”** means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods including but not limited to groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines, newspapers, and video sale and rental.

**5.72 “CO-OPERATIVE CENTRE”** means a building that provides space for the following types of accessory activities: day-care facilities, office facilities directly related to the running of the Co-operative or the Co-operative Centre, meeting rooms, recreational facilities and other accessory uses for the Co-operative. The Co-operative Centre would be available to residents of the Co-operative as well as the community. **(BOARD ORDER Z920023).**

**5.73 “CORPORATION”** means the Corporation of the Town of Fort Erie.

**5.74 “COTTAGE”** means a detached building used as an occasional resort for recreation, rest or relaxation, but not occupied continuously or used as a principal residence.

**5.75 “COUNCIL”** means the Council of the Corporation of the Town of Fort Erie.

**5.76 “COURT”** means an open, uncovered and unoccupied space, appurtenant to a building and abutted on two or more sides by buildings.

**5.77 “COURT, DEPTH OF”** means the greatest horizontal dimension of a court.

**5.78 “COURT, OUTER”** means a court which extends to or opens upon a yard, street or public lane.

**5.79 “COURT, WIDTH”** means the least horizontal dimension between the opposite sides measured at right angles to the longest sides of a court.

- 5.80 “CUSTOM BROKERS”** means an establishment primarily engaged in arranging transportation of freight between shippers and carriers, offering a combination of services spanning transportation modes.
- 5.81 “CUSTOM WORKSHOP”** means a building or part of a building used by a trade, craft or guild for the manufacture of custom made quantities of made-to-measure clothes, or articles and includes upholstering, but does not include metal spinning, woodworking or furniture manufacturing or any factory production or any shop or factory otherwise classified or defined in this By-law.
- 5.82 “DAIRY”** means and includes a creamery, cheese or butter factory, condensed or powdered milk factory, ice cream factory, milk pasteurization and bottling plant, milk or cream shipping or receiving station, and any other similar use and may include an accessory retail outlet to sell those products produced on the premises, providing the floor area devoted to retailing does not exceed 10% of the gross floor area of the principal structure.
- 5.83 “DANGEROUS TRADES”** means a use which is likely to create danger to health or danger from fire or explosion.
- 5.84 “DAY NURSERY”** means a premises licensed by the Province of Ontario, that receives more than five children, who are not of common parentage, primarily for the purpose of providing temporary care or guidance (or both) for a continuous period not exceeding 24 hours
- 5.85 “DAYLIGHTING TRIANGLE”** when used in this By-law means the same thing as a “SIGHT TRIANGLE” as defined in Subsection 5.231 of this By-law.
- 5.86 “DECK”** means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- 5.87 “DEPARTMENT STORE”** means a store organized into a number of individual departments selling a great variety of merchandise including men’s and women’s clothing and home furnishings.
- 5.88 “DETACHED”** means “not attached”.
- 5.89 “DEVELOPMENT”** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.
- 5.90 “DEVELOPMENT AGREEMENT”** - (See “SITE PLAN AGREEMENT”)

- 5.91 “DINING ROOM”** means that part of a restaurant, refreshment room or other building, other than a dwelling, which is used for the consumption of food or beverages by persons seated at booths, counters, tables, or a combination thereof.
- 5.92 “DRAG RACING”** means the racing of motor vehicles in pairs from a standing start over a measured distance from a starting line to a finish line on a straight track.
- 5.93 “DRESSMAKING SHOP”** - (See “TAILOR OR DRESSMAKING SHOP”)
- 5.94 “DRIVER EXPERIENCE FACILITIES”** means a building or parts thereof containing classrooms and garages for driver training.
- 5.95 “DRIVEWAY”** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- 5.96 “DRY CLEANING OUTLET”** means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of any articles or goods which have been subjected to any such process.
- 5.97 “DRY CLEANING PLANT”** means a building or part thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and may include a dry cleaning outlet but does not include a laundry or laundromat.
- 5.98 “DUNE STABILIZATION”** means the action of planting on sand dunes with grasses or other native plants for the purpose of maintaining the structure of the dune.
- 5.99 “DWELLING”** means a building containing one or more dwelling units.
- (a) **“DWELLING, ACCESSORY APARTMENT”** means a self-contained apartment created through converting of or adding onto an existing single detached, semi-detached or townhouse dwelling. (BY-LAW 118-2013).
- (b) **“DWELLING, APARTMENT “** means a dwelling containing 4 or more dwelling units accessible from a corridor system connecting with a common entrance from outside the dwelling, where the occupants of such units have the common right to use halls, stairs, elevators and yards, the said dwellings being located on a single lot with or without other dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, 1998 as amended, or any successor legislation.



- (b) **“DWELLING, BLOCK TOWNHOUSE”** means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common wall, the said dwelling being located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, 1998, as amended, or any successor legislation.
- (c) **“DWELLING, BOARDING HOUSE”** means a single dwelling that contains a dwelling unit occupied and used by the owner of such dwelling as his principal residence together with not less than two and not more than four accessory guest rooms.
- (d) **“DWELLING, CONVERTED”** means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than 2 dwelling units.
- (e) **“DWELLING, DUPLEX”** means a dwelling other than a converted dwelling, which is divided horizontally into two dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.
- (f) **“DWELLING, FOURPLEX”** means a dwelling which is divided both horizontally and vertically into 4 dwelling units, each of which has an independent entrance from a yard or a common vestibule.
- (g) **“DWELLING, MAISONETTE”** means a back-to-back townhouse dwelling.
- (h) **“DWELLING, SEASONAL”** means a dwelling unit constructed as a secondary place of residence for seasonal use only.
- (i) **“DWELLING, SECOND UNIT”** means a separate building on a lot containing a dwelling unit which is subordinate and secondary to the principal dwelling unit located on the same lot.”
- (j) **“DWELLING, SEMI-DETACHED”** means a pair of dwelling units which are attached together in whole or in part, either above grade or below grade and divided vertically from each other by a common wall and each of which has a private, independent entrance directly from a yard and said pair of dwelling units shall be free standing, separate and detached from other main buildings or structures. Where such attachment is above grade a minimum of 35% of the vertical wall area shall be attached, and where below grade, a minimum of 10% or 4 sq. m, whichever is the greater of the vertical wall area shall be attached.

- (k) **“DWELLING, SINGLE DETACHED”** means a dwelling unit which is freestanding, separate and detached from other main buildings or main structures.
- (l) **“DWELLING, SPLIT-LEVEL”** means a dwelling unit in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-law, a split-level dwelling shall be considered as a one-storey dwelling.
- (m) **“DWELLING, STREET TOWNHOUSE”** means a group of not less than 3 but not more than 8 dwelling units which are attached together horizontally in whole or in part above grade and divided vertically from each other by a common wall between each two adjacent dwelling units and each of which fronts onto a travelled public road and has a private independent entrance directly from a yard.
- (n) **“DWELLING, TRIPLEX”** means a dwelling other than a converted dwelling, which is divided into three dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.

**5.100 “DWELLING UNIT”** means a suite of habitable rooms which:

- (i) is located in a building;
- (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and
- (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

**5.101 “DWELLING UNIT AREA”** means the aggregate floor area of habitable rooms in a dwelling unit excluding basements, cellars, attics, garages, or carports, balconies, sunrooms, verandas, porches and the thickness of all exterior walls.

**5.102 “DYNAMIC BEACH HAZARD”** means areas if inherently unstable accumulations of shoreline sediments along Lake Erie and the Niagara River as identified by provincial standards as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard plus a dynamic beach allowance.

- 5.103** “**EATING ESTABLISHMENT**” means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as an eat-in restaurant, take-out restaurant, drive-in restaurant, drive-thru restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand, but does not include a boarding or lodging house.
- 5.104** “**EMISSION**” means any corrosive gases, dust, dirt, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gases or radiation issuing from a building, structure or lot.
- 5.105** “**EQUESTRIAN CENTRE**” means the use of land, buildings, or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.
- 5.106** “**EQUINE RELATED MANUFACTURING FACILITIES**” means a building, or part thereof, used for the manufacturing of equine related products including but not limited to tack, carts, buggies, sulkies, and carriage manufacturing.
- 5.107** (a) “**ERECT**” means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction or relocation including, but not so as to limit the generality of the foregoing, excavating, filling or draining.
- (b) “**ERECTED**” and “**ERECTION**” shall have corresponding meanings.
- 5.108** “**EROSION HAZARD**” means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.
- 5.109** “**EVENT PARKING**” means a temporary parking area which operates between May 1<sup>st</sup> and October 31<sup>st</sup> in any given year.
- 5.110** “**EXISTING**” means “lawfully existing prior to the date of passing of this By-law”.
- 5.111** “**EXTERIOR FACADE**” means the shape, colour and type of material of the facing of any exterior wall of a building or structure.
- 5.112** “**FACTORY OUTLET**” means a building, or part thereof, accessory to, and clearly secondary to, a manufacturing plant, food processing establishment, warehouse, petty trade or merchandise service shop, wherein products manufactured, produced, processed or stored on the premises are kept for

display and offered for wholesale or retail sale, or wherein orders are taken for the delivery of such products, and such area shall not exceed 10% of the gross floor area of the principal structure.

- 5.113** “**FARM**” means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.
- 5.114** “**FARM HELP HOUSE, PERMANENT**” means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed full time in agriculture by the owner of the lot.
- 5.115** “**FARM HELP HOUSE, SEASONAL**” means a trailer located accessory to a principal farm dwelling and used only for the accommodation of one or more persons employed on the farm between April 1st and November 30th of each calendar year.
- 5.116** (a) “**FARM PRODUCT MARKET**” means a building or structure where farm products are offered for retail sale.
- (b) “**FARM PRODUCT OUTLET**” means a building or structure accessory to a farm where farm products produced on the farm are offered for retail sale on the same lot as the farm.
- 5.117** “**FARM SUPPLY AND SERVICE ESTABLISHMENT**” means the use of land and/or buildings or structures for the provision of goods, materials or services that are necessary to support an agricultural use as permitted in this by-law and without limiting the generality of the foregoing may include such goods and services as machinery sales and service, welding, contracting trades related to agriculture, custom equipment operations, veterinary services and processing and storage of seed, feed, fertilizer and agricultural chemicals.
- 5.118** “**FARM WINERY**” means a farm on which buildings and structures are used for the making of wines from Niagara Fruit, a minimum of 50% of which is grown exclusively on site.
- 5.119** “**FENCE**” means a vertical physical barrier constructed to provide a visual screening or to prevent unauthorized access and includes the posts and/or supporting structure.
- 5.120** “**FINANCIAL INSTITUTION**” means a building or premises used by a bank, credit union, trust company, finance company, mortgage company or investment company.

- 5.121** “**FINISHED GRADE**” means the average elevation of the finished surface of the ground of a building or structure, exclusive of any artificial embankment abutting such building or structure.
- 5.122** “**FITNESS CENTRE**” Means a premises in which facilities and activities are provided to obtain physical fitness and shall include weightlifting machinery and equipment and may include exercise classes and associated facilities such as a sauna, retail store, office space and related lounge facilities.
- 5.123** “**FLOOD**” means a temporary inundation of lands adjacent to the normal low flow channel of a watercourse.
- 5.124** “**FLOODING HAZARD**” means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:
- a) Along the shore of Lake Erie the flooding hazard limit is based on the 100 year flood level plus an allowance for wave uprush and other water related hazards.
  - b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
    - i) the 1 and 100 year flood; and
    - ii) a flood which is greater than which was actually experienced in a particular watershed or portion thereof as a result of natural ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources.
  - c) except where the use of the 1 and 100 year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of the flooding supports the lowering of the standard).
- 5.125** “**FLOOD, 100-YEAR**” means a flood which has a one percent probability of occurring or being exceeded in any given year. The flood is likely to occur or be exceeded on an average of once every one hundred years. It is the flood used for regulatory purposes in the municipality of Fort Erie.
- 5.126** “**FLOODPLAIN**” means the land adjacent to a waterbody which will be inundated in the event of a flood.
- 5.127** “**FLOOR AREA**” means the area of a floor or floors in a building exclusive of basements, cellars, attics, garages, carports, sun rooms, verandas, or porches including the thickness of all exterior walls.

- 5.128** “**FLOOR AREA, GROSS**” means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage.
- 5.129** “**FLOOR AREA, GROUND**” means the floor area of the first storey of a building, excluding the floor area of any private garage.
- 5.130** “**FLOOR AREA, NET**” means that portion of the gross floor area of a building which is used exclusively for a non-residential use defined herein or specifically named elsewhere in this By-law, but excluding:
- (i) any part of such building used for any other non-residential uses which are defined herein or specifically named elsewhere in this By-law;
  - (ii) any part of such building used as a dwelling unit, a public concourse, or a common hallway or stairway not used exclusively by the said non-residential use;
- any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool, or otherwise control the environment of, such building or a portion thereof; and
- (i) the thickness of any exterior walls of such building.
- 5.131** “**FLORIST**” means a retail store where flowers and plants are sold or offered for sale to the public and such uses may include the incidental raising and arranging of flowers and plants for sale in the store.
- 5.132** “**FOOD PROCESSING ESTABLISHMENT**” means a building or part of a building, other than a restaurant or a refreshment room in which agricultural products are prepared, processed, preserved or stored for human consumption, and includes a dairy, a bakery, a cannery, a catering establishment or a soft drink manufacturing establishment.
- 5.133** “**FORESTRY USE**” means the general raising and harvesting of wood and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.
- 5.134** “**FRONTAGE**” - (See “**LOT FRONTAGE**”)
- 5.135** “**FRONT LOT LINE**” - (See “**LOT LINE FRONT**”)
- 5.136** “**FRONT YARD**” - (See “**YARD**”)
- 5.137** “**FUEL STORAGE TANK**” means a tank used or intended to be used for the bulk storage of combustible or inflammable liquids or gases including, but not so as to limit the generality of the foregoing, petroleum or petroleum products.

- 5.138** “**GAME**” means any combination of Black Jack tables, Rapid Black Jack tables, Wheels of Fortune and other games as may be authorized by the Provincial Director of Gaming Services in accordance with the provisions of the Gaming Control Act S.O. 1992.
- 5.139** “**GAMING FACILITY**” means a place which is used to conduct any gaming activities that are licensed and/or regulated by the Province of Ontario including a casino.
- 5.140** “**GAMING POSITION**” means each seat at a gaming table, slot machine, video lottery terminal and any other games as may be authorized by the Province.
- 5.141** “**GAMING PREMISES**” means a place which is used to conduct Monte Carlo gaming events pursuant to the Gaming Control Act S.O. 1992 (BY-LAW 235-93).
- 5.142** “**GARAGE**” means an enclosed or partially enclosed building or structure for the storage of one or more vehicles having a minimum internal dimension of 6.0m depth x 3.0m width x 2.4m height, but does not include a carport.
- 5.143** “**GARAGE, MUTUAL**” means a private garage which:
- (i) contains sufficient space for the parking of not less than two permitted vehicles;
  - (ii) is situated astride a common side lot line between two adjacent lots; and
  - (iii) is accessory to a main use on each of such lots.
- 5.144** “**GARAGE, PUBLIC PARKING**” means a building, other than a private or neighbourhood garage, which is used for the sheltering of motor vehicles.
- 5.145** “**GARAGE, SEMI-DETACHED**” means a garage vertically divided by a common wall into two separate garages each of which has an independent entrance.
- 5.146** “**GARAGE SALE**” means a sale conducted on a residential property by an occupant of such residential property, of household goods belonging to the occupant, and includes a yard sale and the like.
- 5.147** “**GARDEN CENTRE**” means land and building or either of them used for the growing and sale of any type of plants, trees and shrubs, and the sale of garden supplies, including tools, ceramics and related materials essential to landscaping, gardening and greenhouse operations as well as the sale of agricultural produce.
- 5.148** “**GASOLINE BAR**” means an establishment where vehicle fuels and lubricants are offered for retail sale, but does not include a commercial refuelling station.

- 5.149 “GO-KART TRACK”** means a paved track for the racing of a low motor vehicle with four wheels and an open framework.
- 5.150 “GOLF COURSE”** means a public or private area operated for the purpose of playing golf and includes a driving range, a miniature golf course or similar uses operated for commercial purposes.
- 5.151 “GRADE”** when used with reference to a street, road or highway, means the elevation of the street, road or highway established by the Town or other designated authority.
- 5.152 “GRANDSTAND”** means a large permanent structure for seating spectators. The grandstand is multi-tiered and is covered with a roof.
- 5.153 “GREENHOUSE”** means a building or structure having a permanent foundation constructed chiefly of glass or plastic and which is used for cultivation of plants and vegetables and the propagation of plants.
- 5.154 “GREENHOUSE PRODUCT OUTLET”** means a building or structure accessory to a greenhouse when greenhouse products are offered for retail sale on the same lot as the greenhouse.
- 5.155 “GROUP HOME”** means a dwelling unit in a residential dwelling in which three to eight persons (excluding staff or receiving family) reside under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Provincial statute and is in compliance with Town by-laws.
- 5.156 “GUEST ROOM”** means a room or suite of rooms wherein temporary accommodation, with or without meals, is provided for gain or profit to one or more persons.
- 5.157 “HABITABLE ROOM”** means a room which:
- (i) is located within a dwelling unit;
  - (ii) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities;
  - (iii) can be used at all times throughout the year, and;
  - (iv) has a minimum height of 2.0 m;
- but does not include any room defined as a Non-Habitable Room.
- 5.158 “HEALTH CARE FACILITY”** means any building or part of a building that is used exclusively by physicians, dentists and drugless practitioners registered under the Drugless Practitioners Act, R.S.O., 1990 or any of them, their staff



and their patients or clients for the purpose of consultation, diagnosis and office treatment in connection with the practice of medicine, the practice of dentistry or practice as a drugless practitioner.

**5.159** “**HEIGHT OF BUILDING**” means the vertical distance between finished grade along the front elevation and:

the highest point of the roof surface for a gable, hip, gambrel or mansard roof

the highest point of a parapet wall of a flat roof

the highest point of the roof surface for any other type of roof.

**5.160** “**HEREAFTER**” means after the date of the passing of any applicable provision of the By-law.

**5.161** “**HEREIN**” means “in this By-law” and shall not be limited to any particular section of the By-law.

**5.162** “**HEREOF**” and “**HERETO**” means “of this By-law” and “to this By-law” respectively.

**5.163** “**HOME FOR THE AGED**” means a home for senior citizens sponsored and administered by a public agency or service club, or any other non-profit organization, which obtains its financing from Federal, Provincial, Municipal Governments or agencies and may include accessory uses such as club and lounge facilities, usually associated with senior citizen development.

**5.164** “**HOME OCCUPATION**” means an occupation, trade, business, profession, or craft, carried on as a secondary and incidental use within any dwelling unit and/or accessory structure, which is carried out by the residents of the dwelling in which the home occupation is located and up to one (1) employee, and is subject to the limitations of Section 6.8 of this By-law.

**5.165** “**HOOP HOUSES**” means a temporary building used for the winter protection of nursery stock, which is:

(i) placed on the surface of the ground and has no permanent foundation;

(ii) not heated; and

(ii) the sides and/or roof of which is in place for less than six months of the year.

For the purposes of this By-law, a hoop house shall not be included in the calculation of maximum coverage.

**5.166** “**HOSPICE**” means a facility that provides palliative care and attends to the emotional and spiritual needs of terminally ill patients.

- 5.167     **“HOSPITAL”** means a hospital as defined in **the Public Hospitals Act, R.S.O. 1990** and a private hospital as defined in **the Private Hospitals Act, R.S.O. 1990**.
- 5.168     **“HOTEL”** means any establishment so defined in **the Hotel Registration of Guests Act, R.S.O. 1990**, as amended from time to time, or any successors thereto, and includes a motel or motor hotel.
- 5.169     **“IMPROVED STREET”** - (See “STREET IMPROVED”)
- 5.170     **“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 related accessory uses.
- 5.171     **“IN-HOME PET BOARDING”** means a home occupation, in which the care and temporary overnight accommodation of not more than three (3) domestic household pets, in return for remuneration, is permitted but shall not include any outdoor facilities or a “Kennel” or “Pet Day Care Establishment” as defined herein.
- 5.172     **“INFILL LOT”** means a lot abutted on at least two sides by lots containing dwellings that have existed for a minimum of 8 years.
- 5.173     **“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 includes churches, places of worship, public or private schools, day nursery, public or private hospital, children’s home, nursing home, home for the aged or infirm, monastery, convent, and training school.
- 5.174     **“INTERIOR SIDE LOT LINE”** - (See “LOT LINE INTERIOR SIDE”)
- 5.175     **“INTERIOR SIDE YARD”** - (See “YARD”)
- 5.176     **“KENNEL”** means a structure, building or fenced run or any part thereof, or areas of land in which domesticated animals are bred, raised, trained, sold or kept for sale or boarded in return for remuneration, but does not include a “Pet Day Care Establishment” as defined in this by-law.
- 5.177     **“LANDSCAPED AREA”** means an open area of land which is:
- (i)   unoccupied by any building;
  - (ii)   situated at ground level on a lot; and
  - (iii)   used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision

of other landscaping features including, but not limited to, planting strips, facilities for outdoor recreation, play areas, surfaced walks and patios;

- (iv) but does not include any part of a driveway or parking area, regardless of surface composition, or any retaining wall, roof-top terrace, balcony, swimming pool or space enclosed within a building.

- 5.178** “**LANE**” means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, or legally granted or conveyed as a right-of-way for use in common by adjacent landowners.
- 5.179** “**LAUNDROMAT**” means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment, available for use by the public for a fee.
- 5.180** “**LAUNDRY**” means a building or a part thereof where the washing, drying and ironing of articles or goods of fabric is carried on but does not include a dry cleaning plant or Laundromat.
- 5.181** “**LEGAL**” or “**LAWFUL**”, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure permitted by law, which complies with any and all restrictions and regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions and regulations.
- 5.182** “**LEGALLY**” or “**LAWFULLY**” have corresponding meanings.
- 5.183** “**LEGAL SIGN**” - (See “**SIGN**”)
- 5.184** “**LIBRARY, PUBLIC**” means a library, branch library or distributing station under The Public Libraries Act, R.S.O. 1990.
- 5.185** “**LIQUOR STORE**” means a building or part thereof in which spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter are offered for retail sale for consumption elsewhere in accordance with the Liquor Licence Act R.S.O. 1990.
- 5.186** “**LIVESTOCK FACILITIES**” means barns, buildings or structures where animals are housed and shall also include beef feedlots and the associated manure storage facilities. “**LIVESTOCK UNIT**” means the equivalent values for various types of animals and poultry based upon production and production cycles.

- 5.187** “**LIVESTOCK HOUSING CAPACITY**” means the total maximum number of livestock that can be accommodated in a livestock facility at any one time.
- 5.188** “**LIVESTOCK OPERATIONS**” means land or buildings where the economic activity and/or land use is the raising of livestock constituting over two animal units.
- 5.189** “**LOADING SPACE**” means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading and unloading merchandise or materials pertinent to such permitted use.
- 5.190** “**LOCAL SHOPPING CENTRE**” means one or more buildings or part thereof containing two or more separate permitted commercial uses with a maximum floor area of 7500 m<sup>2</sup>, which is designed and maintained as a single integrated site, whether or not such shopping centre is situated upon one lot or two or more lots.
- 5.191** “**LOT**” means a parcel of land:
- (i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this Section does not include a Registered Plan of Subdivision or part of a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50(4) of the Planning Act, R.S.O. 1990;
  - (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law; or
  - (iii) the description of which is the same as in a deed for a parcel of land which has been severed pursuant to Section 53 of the Planning Act, R.S.O. 1990; or, the description of a remnant parcel which results from the adjacent parcel having received the necessary severance, but for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Town, the Regional Municipality of Niagara, Her Majesty the Queen in the Right of Ontario, or Her Majesty the Queen in the Right of Canada.
- 5.192** “**LOT, AREA**” means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered with water or marsh.
- 5.193** “**LOT, CORNER**” means a lot having 2 or more street lines intersecting at an angle of not more than 135 degrees, provided that where the street lines of a lot

are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

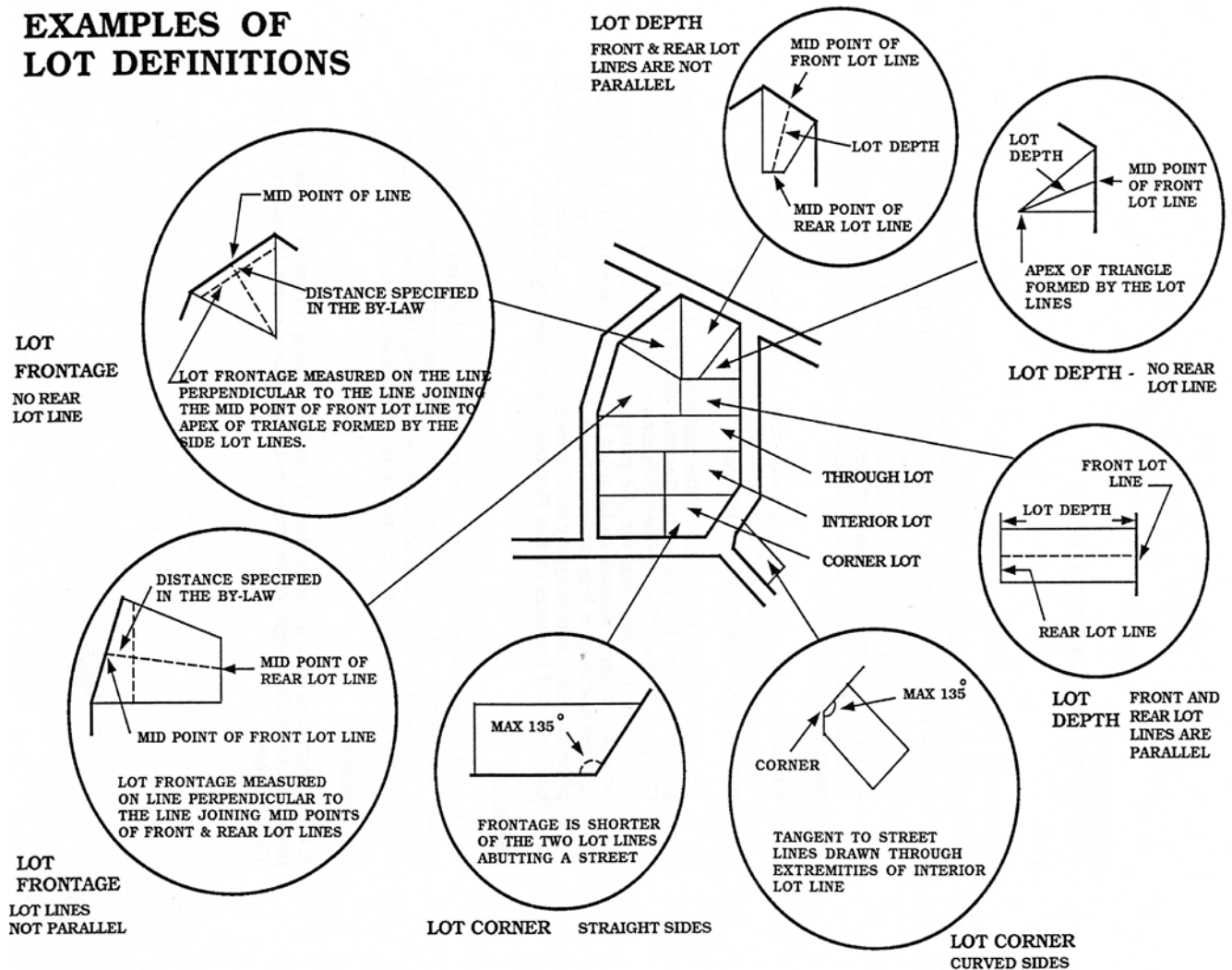
- 5.194** “**LOT COVERAGE**” means that percentage of the lot area covered by all buildings and structures above ground level; but does not include that portion of the lot area which is occupied by a building, structure or a portion thereof and which building, structure or portion thereof is completely below ground level, and for the purpose of this Section, the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.
- 5.195** “**LOT DEPTH**” means:
- (i) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
  - (ii) the horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
  - (iii) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.
- 5.196** “**LOT FRONTAGE**” means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5 m back on a line perpendicular to a line joining mid points of front and rear lot lines.
- 5.197** “**LOT, INTERIOR**” means a lot other than a corner lot which is accessible from an improved street.
- 5.198** “**LOT LINE**” means any boundary line of a lot.
- 5.199** “**LOT LINE, EXTERIOR SIDE**” means a side lot line that is also a street line.
- 5.200** “**LOT LINE, FLANKING**” means the lot line that intersects the front lot line and divides the lot from a street.
- 5.201** “**LOT LINE, FRONT**” means the lot line that divides the lot from a public or private street , but;

- (i) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but
- (ii) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line;
- (iii) in the case of a through lot, the front lot line shall be deemed to be the street line where the principal access to adjoining lots is provided. If the through lot is a corner lot, the front lot line shall be deemed to be the street line where the principal access of the majority of lots on the street is provided.

**5.202 "LOT LINE, INTERIOR SIDE"** means a side lot line other than an exterior side lot line.

**5.203 "LOT LINE, REAR"** means in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line.

**5.204 "LOT LINE, SIDE"** means the lot line that extends from the front lot line to the rear lot line or other side lot line.

EXAMPLES OF  
LOT DEFINITIONS

- 5.205** "LOT, REGISTERED" means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision.
- 5.206** "LOT, THROUGH" means any interior lot having two or more street lines.
- 5.207** "MAIN BUILDING" means the building in which is carried on the main use for which the building lot is used and in a residential zone the dwelling is the main building.
- 5.208** "MAIN USE" means the principal use of the lot on which the building or structure is located.
- 5.209** "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 part thereof, including, but without limiting the generality of the foregoing, the following processes:

- (i) adapting for sale;
- (ii) altering;
- (iii) assembling;
- (iv) cleaning;
- (v) fabricating;
- (vi) finishing;
- (vii) packing;
- (viii) polishing;
- (ix) processing
- (x) ornamenting;
- (xi) refinishing;
- (xii) repairing;
- (xiii) restoring;
- (xiv) washing.

- 5.210** “**MARINA**” means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats or boat accessories are stored, serviced, repaired, launched or kept for sale and where a full range of marine services may be provided including fuelling, and sewage pumpout facilities, showers, foodstuffs, laundry facilities, and restaurants.
- 5.211** “**MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES**” means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted under the federal government's Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time, or any successors thereto.
- 5.212** “**MINIMUM DISTANCE SEPARATION FORMULA**” means the formula which, is used to calculate an appropriate distance between an existing or proposed livestock building and other uses on surrounding properties as set out in the Agricultural Code of Practice as amended or replaced from time to time.
- 5.213** “**MOBILE HOME**” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use.
- 5.214** “**MODEL HOME**” means a single detached dwelling, semi-detached dwelling, street townhouse dwelling, or a block townhouse dwelling, 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 units within a draft approved plan of subdivision proposed for registration.

- 5.215 “MONTE CARLO GAMING EVENTS”** means a gaming event at which any combination of games may be played in accordance with the provisions of the **Gaming Control Act S.O. 1992**.
- 5.216 “MOTEL”** means a separate building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing, shall include a motor court and motor hotel.
- 5.217 “MOTORSPORTS EMERGENCY COMMAND CENTRE”** means a building or part thereof that is for the exclusive use of emergency services providers to respond to emergencies that may arise during a Motorsports Speedway event.
- 5.218 “MOTORSPORTS GARAGES AND SHOPS”** means buildings or parts thereof for the private use of race teams wherein Vehicles are stored, repaired and maintained.
- 5.219 “MOTORSPORTS MUSEUM”** means a building or place where Vehicles, memorabilia and automotive parts are kept and displayed.
- 5.220 “MOTORSPORTS OFFICES”** means a building or part thereof in which corporate and professional offices are permitted that are directly related to the Motorsports Speedway Complex.
- 5.221 “MOTORSPORTS SPEEDWAY CENTRE OF EXCELLANCE”** means accredited post-secondary educational and professional facilities related to the research and development of automotive and motorsports technology and other accessory uses.
- 5.222 “MOTORSPORTS SPEEDWAY COMPLEX”** means a paved oval and paved road course circuit for motor Vehicle racing including a 65,000 seat Grandstand and associated parking and accessory uses related thereto.
- 5.223 “MOTORSPORTS SPEEDWAY INNOVATION COMPLEX”** means a repair, manufacturing, processing, testing and assembly complex for automotive prototypes and other accessory uses.
- 5.224 “MOTOR VEHICLE BODY SHOP”**, means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and in conjunction with which there may be towing services and motor vehicle rentals for customers while the motor vehicle is under repair.

- 5.225** “**MOTOR VEHICLE REPAIR SHOP**”, means an establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include a motor vehicle body shop, an impounding yard, an automobile service station or gasoline bar.
- 5.226** “**MUNICIPAL**”, when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation, the Regional Municipality of Niagara or any department, board, commission or agency thereof.
- 5.227** “**MUNICIPAL DRAIN**” means a watercourse or sewer which carries storm surface water and drainage and includes a municipal drain pursuant to the Drainage Act, R.S.O. 1990.
- 5.228** “**MUSIC INSTRUCTION**” means a type of formal instruction in playing a musical instrument or vocal training.
- 5.229** “**NANO-BEWERY**” means an establishment where a maximum of 3,000 hectolitres of malt liquor are produced annually having a maximum floor area of 409 square metres.
- 5.230** “**NON-COMPLYING**” means a permitted use, building or structure existing at the date of the passing of this By-law which does not comply with a zone requirement of the zone within which they are located.
- 5.231** “**NON-CONFORMING**”, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure which does not conform to one or more of the provisions of this By-law.
- 5.232** “**NON-HABITABLE ROOM**” means any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sun room, a veranda, a porch, a balcony, a private garage, an unfinished attic, a cellar, a basement, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- 5.233** “**NURSERY**” means a use in which a variety of plants, including flowers, trees, shrubs and vegetables, are raised for transplanting and/or for sale.

- 5.234** “**NURSERY SCHOOL**” means a day nursery within the meaning of the Day Nurseries Act, R.S.O. 1990.
- 5.235** “**NURSING HOME**” means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment are provided for gain or profit or as a charitable public service, and is licensed by the Province under the Long-Term Care Homes Act, 2007, S.O.2007.
- 5.236** “**OBNOXIOUS USE**” means a use with which is associated the emission of odour, smoke, dust, noise, gas, fumes, cinders, refuse matter or waterborne waste or which is associated with fly ash and foundry sand, or which is declared to be a noxious trade under The Public Health Act, R.S.O. 1990.
- 5.237** “**OPEN STORAGE**” means the storage of goods or materials in a yard, which goods are used by or produced by a permitted use and shall include the parking of more than one commercial vehicle or vehicle trailer for a period of more than 24 hours on any one lot.
- 5.238** “**OPERATING MACHINERY**” means an apparatus having one or more moving parts which are driven by other than muscular power, including air conditioners, electric motors, compressors and heat exchangers, and meets the following criteria:
- (i) is incidental to the main use or accessory use of the property; and
  - (ii) is connected to the main building by way of brackets, electric power lines, air ducts and similar connectors.
- 5.239** “**OUTDOOR PATIO**” means an outdoor area adjacent to or in any way associated with an eating establishment or tavern to be used or designed as an area for the sale and service of any alcoholic or other beverage or any food outdoors by that eating establishment or tavern.
- 5.240** “**OUTDOOR RECREATION**” means the use of land for playgrounds, picnic areas, , lawn bowling greens, tennis courts, and other similar uses.
- 5.241** “**OUTSIDE STORAGE**” means the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 5.242** “**OWNER**” means any person whose interest in a parcel of land is registered on title in the appropriate Land Registry Office.
- 5.243** “**OWNERSHIP**” has a corresponding meaning.

- 5.244** “**PARK**” means an area of land consisting primarily of landscaped open space, including, but not limited to, a recreational playground, a golf course, a play area, a bowling green, a tennis or badminton court, a playfield and a conservation area, with or without accessory recreational buildings or structures thereupon.
- 5.245** “**PARK, PRIVATE**” means a park other than a public park.
- 5.246** “**PARK, PUBLIC**” (See “PUBLIC PARK”)
- 5.247** “**PARKING AISLE**” means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.
- 5.248** “**PARKING AREA**” means an area which contains, and the main use of which is vehicular parking, whether or not such parking area is located within a structure.
- 5.249** “**PARKING GARAGE**” means a structure designed specifically for vehicle parking and where there are a number of floors or levels on which parking takes place.
- 5.250** “**PARKING SPACE**” means an area designed in accordance with Schedule “D” to this By-law, for the temporary parking or storage of motor vehicles. Such parking space must be capable of being used for the parking of motor vehicles and shall have access from and to a public highway for the purpose of parking or removing the vehicle without the necessity of moving any other vehicle.
- 5.251** “**PARKING SPACE, ACCESSIBLE**” means a parking space having minimum dimensions as required by the Corporation’s Accessible Parking By-law No. 2011-130, as amended or replaced from time to time.
- 5.252** “**PARKING SPACE, TANDEM**” means an area not less than 31.78 square metres measuring 2.74 metres by 11.6 metres exclusive of driveways or aiseways for the temporary parking and storage of two motor vehicles both of which utilize the same right-of-way to a public street.
- 5.253** “**PATIO**” means a roofless unenclosed area accessory to a dwelling, constructed at finished grade.
- 5.254** “**PERMITTED**” means “permitted by this By-law”.
- 5.255** “**PERSON**” means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.

- 5.256 “PERSONAL SERVICE SHOP”** means a building or part thereof wherein a personal service is performed, including, but not limited to, a barber shop, a beauty salon, pet grooming service, shoe repair shop, dry cleaning outlet, laundromat, tailor or dressmaking shop, and photographic studio, but does not include a massage or body-rub parlour or any adult entertainment establishment.
- 5.257 “PET DAY CARE ESTABLISHMENT”** means a building, structure or outdoor run, or any part thereof, in which the care and temporary accommodation of not more than ten (10) domestic household pets, in return for remuneration, is permitted but shall not include the overnight boarding of pets.
- 5.258 “PHARMACY”** means a retail outlet that dispenses drugs by prescription, and may include the sale of non-prescription drugs and retail goods in conjunction with the dispensing of prescription drugs.
- 5.259 “PLACE OF ENTERTAINMENT”** means a motion picture or other theatre, arena, auditorium, public hall, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 5.260 “PLACE OF WORSHIP”** means a church, chapel, temple, mosque, parish hall, and synagogue including offices for the administration of the religious institution, and convents, seminaries, monasteries, rectories, parsonages, and parish houses.
- 5.261 “PLANTING STRIP”** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (i) a continuous row of trees;
  - (ii) a continuous hedgerow of evergreens or shrubs;
  - (iii) a landscaped berm;
  - (iv) a wall; or
  - (iii) an opaque fence.
- 5.262 “POINT OF INTERSECTION”** means the point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the productions of the two lot lines abutting the two streets intersect.
- 5.263 “PORCH”** means a structure attached to a dwelling having a roof, but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings, used as an outdoor living area.
- 5.264 “PRINCIPAL”** means the primary use of land or of a building.”

- 5.265** “**PRINTING ESTABLISHMENT**” means an establishment used for blueprinting, engraving, stereotyping, electro-typing, printing, or typesetting, and shall include a duplicating shop.
- 5.266** “**PRIVATE**” means “not public”.
- 5.267** “**PRIVATE CLUB**” means a building or part of a building used as a meeting place for members of an organization or an athletic, social or recreation club and includes a fraternal organization.
- 5.268** “**PRIVATE SCHOOL**” means a private school as defined in **the Education Act, R.S.O. 1990**.
- 5.269** “**PROFESSIONAL OFFICE**” means a building or part thereof in which a legal, medical, dental or other professional service is performed or consultation is given, including, but not limited to, the offices of a lawyer, architect, surveyor, engineer or an accountant, but does not include a personal service shop, spa service, business office, veterinarian's clinic, animal hospital or shelter, a body-rub parlour or any adult entertainment establishment.
- 5.270** “**PUBLIC**” when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- 5.271** “**PUBLIC AGENCY**” means:
- (i) the Government of Canada, the Government of Ontario or any municipal corporation;
  - (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
  - (iii) any public utility;
  - (iv) any railway company authorized under **The Railway Act, R.S.O., 1950**;
  - (v) the Niagara Parks Commission;
  - (vi) the Canadian Niagara Power Inc. or;
  - (vii) the Buffalo and Fort Erie Public Bridge Authority (“Peace Bridge Authority”).

- 5.272** “**PUBLIC PARK or PUBLIC OPEN SPACE**” means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, building and other structures that are consistent with the general purposes of public parkland and open space.
- 5.273** “**PUBLIC SCHOOL**” means a school under the jurisdiction of a Board as defined in **the Education Act, R.S.O., 1990**.
- 5.274** “**PUBLIC STORAGE**” means a building or buildings containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.
- 5.275** “**PUBLIC UTILITY**” means:
- (i) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cellular telephone, cable television, transportation, drainage or sewage or waste collection and disposal services to the public; or
  - (ii) a use pertaining to any such agency, corporation, board or commission.
- 5.276** (a) “**QUARRY**” or “**PIT**” means any pit or excavation made for the removal of any soil, earth, clay, marl, sand, stone, gravel or rock for commercial purposes, or to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by a corporation, or an excavation incidental to the construction of any public works.
- (o) “**WAYSIDE PIT or QUARRY**” means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 5.277** “**RACETRACK**” means an establishment licensed or permitted by the Provincial Government to conduct horse racing events and to permit parimutuel wagering.
- 5.278** “**REAR LOT LINE**” - (See “LOT LINE, REAR”)
- 5.279** “**REAR YARD**” - (See “YARD, REAR YARD”)
- 5.280** “**RECREATIONAL USES**”

- (i) means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, and all similar uses, together with necessary and accessory buildings and structures, but
- (ii) does not include a track for the racing of animals, motor vehicles, ski-dooes or motorcycles.

**5.281 “RECREATIONAL VEHICLE”,** (See **“VEHICLE, RECREATIONAL”**)

**5.282 “REDEVELOPMENT”** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.

**5.283 “REFRESHMENT ROOM”** means a building or part thereof in which alcoholic or non-alcoholic beverages and related refreshments other than meals are offered or kept for retail sale to the public for immediate consumption therein.

**5.284 “REGIONAL MUNICIPALITY”** means The Corporation of the Regional Municipality of Niagara.

**5.285 “REGIONAL SHOPPING CENTRE”** means one or more buildings or part thereof containing two or more separate permitted commercial uses with a minimum floor area of 7500 m<sup>2</sup>, which is designed and maintained as a single integrated site, whether or not such shopping centre is situated upon one lot or two or more lots.

**5.286 “RELIGIOUS INSTITUTION”,** means **“PLACE OF WORSHIP”**

**5.287 “RENOVATION”** means the repair and restoration of a building to good condition, but shall not include its replacement.

**5.288 “REQUIRED”** means “required by this By-law”.

**5.289 “RESIDENTIAL EMERGENCY HOSTEL”** means development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. **(BY-LAW 138-92).**

**5.290 “RESIDENTIAL, NON-FARM”** means a dwelling unit not located on the same lot as the subject farm.

**5.291 “RESIDENTIAL RETIREMENT HOME”** shall mean a residence containing individual bedroom units without food preparation facilities. The home shall be used for a long-term residence where nursing care is available on a continuous basis and where central dining facilities are provided. The dining facilities are not



intended for use by the general public and the food prepared therein is not offered for retail sale. The home shall include auxiliary uses such as indoor and outdoor recreational amenities.

- 5.292 “RESTAURANT”** means a building or part thereof where food and beverages are prepared and offered for retail sale to the public for immediate consumption either on or off the premises, and including any outdoor patio adjacent to or connected therewith, but does not include a refreshment room or any building or part thereof where pre-packaged foods or beverages requiring no further preparation before consumption are offered for sale.
- 5.293 “RESTAURANT, DRIVE-IN”** means any restaurant where patrons consume food and drink within vehicles parked on the same lot therewith.
- 5.294 “RESTAURANT, EAT-IN”** means any restaurant which contains a dining room other than a take-out restaurant or a drive-in restaurant.
- 5.295 “RESTAURANT, TAKE-OUT”** means a restaurant other than a drive-in restaurant which does not contain any facilities for the consumption of food therein.
- 5.296 “RETAIL STORE”** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale *or rental* to the public, including, but not limited to , a neighbourhood store, a bake shop, candy kitchen, farm product outlet, custom print shop not exceeding 180 sq. m in net floor area, and a bulk retail outlet other than a retail lumber yard, but does not include an automotive use or a building or part thereof containing any other use defined herein.
- 5.297 “RIDING STABLE”** means land and buildings used to house horses and for their exercise and training and may include a school, boarding stables, tack shop and other related uses.
- 5.298 “ROAD”** - (See “STREET”)
- 5.299 “ROOF”** means the upper covering of a building or structure which is supported by walls or columns.
- 5.300 “ROOMING HOUSE”** means any house or building or portion thereof in which the proprietor resides and occupies at least 10% of the floor space as his residence and supplies for hire or gain, to more than one other person, lodging, with or without meals, in rooms furnished by the proprietor, with necessary furnishings, but shall not include a hotel or apartment house.

- 5.301** “**SALVAGE YARD**” means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.
- 5.302** “**SCHOOL**” means a school under the jurisdiction of a Board as defined in **the Education Act, R.S.O. 1990**, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.
- (a)** “**COMMERCIAL SCHOOL**” means a school operated by one or more persons for gain or profit.
- 5.303** “**SCIENTIFIC OR MEDICAL LABORATORY**” means a building or part thereof wherein scientific or medical experiments, tests or investigations are systematically conducted, and where drugs, chemicals, glassware or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.
- 5.304** “**SECONDARY USE**” means uses secondary to the main use of the property.
- 5.305** “**SENSITIVE LAND USE**” means any building or associated amenity area (indoor or outdoor) where humans may be adversely affected by other adjacent industrial type land uses. These may include but are not limited to day care facilities, hospitals, churches, schools, playgrounds, residential uses etc.
- 5.306** “**SERVICE SHOP**” means a building or part of a building, not otherwise defined or classified herein, and whether conducted in conjunction with a retail store or not, for the servicing or repairing of articles, goods or materials, and in which no product is manufactured.
- 5.307** “**SETBACK**” means the shortest horizontal dimension of a yard between the street line of a lot, the rear lot line, or the side lot lines and the nearest part of any building or structure on such lot, and includes the front yard depth and the exterior side yard width of a lot. Except where the side lot lines are parallel to within 5 degrees of one another, and the front or rear lot line is not perpendicular to the side lot lines, the setback from the front or rear lot line shall be measured along a plane which is parallel to the side lot lines to the nearest point of the building.
- 5.308** “**SEWER SYSTEM, PUBLIC SANITARY**” means a system of underground conduits, operated by the Corporation, by another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

- 5.309** “**SEWER SYSTEM, STORM**” means a system of conduits and ditches which carries storm surface water and storm drainage, but which does not carry sewage or industrial waste.
- 5.310** “**SHOWROOM**” means a building or part thereof where samples are displayed and orders taken for delivery of goods, wares and merchandise, and includes the premises of a wholesale merchant.
- 5.311** “**SIDE LOT LINE**” - (See “LOT LINE SIDE”)
- 5.312** (a) “**SIGN**” means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (b) “**LEGAL SIGN**” means a sign conforming to all legislation, regulations or by-laws of the Province of Ontario, the Niagara Parks Commission, the Region of Niagara and the Town of Fort Erie regulating signs.
- 5.313** “**SIGHT TRIANGLE**” means the triangular shape formed by street lines of a corner lot where such lot is located at the intersection of two or more streets and the line drawn from a point in one street to a point in the other street, each such point being 10.5 metres from the point of intersection of the streets measured along the said street lines provided that where the two streets do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projected tangents to the street lines drawn through the extremities of the interior lot lines. Such triangular shape may also be called a daylighting triangle.
- 5.314** “**SITE PLAN AGREEMENT**” or “**DEVELOPMENT AGREEMENT**” means any agreement entered into by an owner of land and the Corporation pursuant to a Site Plan Control by-law.
- 5.315** “**SITE PLAN CONTROL AREA**” means an area of land designated by a Site Plan Control By-law as a site plan control area pursuant to Section 41 of **the Planning Act, R.S.O. 1990**.
- 5.316** “**SITE PLAN CONTROL BY-LAW**” means any by-law of the Corporation passed pursuant to Section 41 of **the Planning Act, R.S.O. 1990**.
- 5.317** “**SOFT DRINK MANUFACTURING ESTABLISHMENT**” means a building, structure or part thereof wherein syrups for soft drink beverages are manufactured, or where soft drink beverages are mixed, bottled, and distributed, but does not include a refreshment room, a restaurant or a retail store.

- 5.318** “**SPA SERVICES**” means a building or part thereof wherein a spa service is performed, including, but not limited to massage treatments by a registered massage therapist, beauty treatments, and alternative therapies.
- 5.319** “**STOOP**” or “**SUNDECK**” means a roofless, unenclosed structure with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling.
- (a) “**STOREY**” means the portion of a building other than an attic, basement or cellar, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.
- (b) “**FIRST STOREY**” or “**GROUND FLOOR**” means the storey having its floor level closest to finished grade and its ceiling at least 2 m above finished grade.
- (c) “**SECOND STOREY**” or “**SECOND FLOOR**” means the storey directly above the first storey.
- (d) “**STOREY, ONE-HALF**” means the portion of the building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7.54 ft) over a floor area equal to at least fifty per cent (50%) of the areas of the floor next below.
- 5.320** “**STREET ALLOWANCE**” means land under the jurisdiction of the Corporation, The Regional Municipality or the Province of Ontario for the purpose of providing a street.
- 5.321** “**STREET, IMPROVED**” means any street that is under the jurisdiction of and maintained year-round by the Corporation, the Regional Municipality or the Province of Ontario.
- 5.322** “**STREET LINE**” means a lot line dividing a lot from a street and is the limit of the street allowance.
- 5.323** “**STREET, PRIVATE**” means a private lane or right-of-way.
- 5.324** “**STREET, PUBLIC**” means a public highway or public road under the jurisdiction of the Corporation, the Regional Municipality, the Province of Ontario, or the Niagara Parks Commission and includes any highway as defined by the Municipal Act 2001 S.O. 2001.
- 5.325** “**STREET WIDTH**” means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

- 5.326** “**STRUCTURE**” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include a septic system, the permanent way of a railway, patios, decks, steps or porches less than 0.5 metres above grade or any paved surface located directly on the ground.
- 5.327** “**STUDIO**” means the workshop or atelier of an artist or a place for instruction and experimentation in physical fitness activities, martial arts or one of the performing arts including but not limited to acting, singing, dancing, playing musical instruments.
- 5.328** “**SUITE**” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal service occupancies.
- 5.329** “**SUN DECK**” means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- 5.330** “**SUN ROOM**” means a porch or veranda, or part thereof, which is fully enclosed by walls containing windows, the glazed area of each wall being not less than one-third of the area of such wall between the platform and roof of said porch or veranda.
- 5.331** “**SUPERMARKET**” means a building or part of a building wherein food and other merchandise are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis and may include facilities for parcel pick-up.
- 5.332** “**SWIMMING POOL**” means any body of water permanently or temporarily located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.
- 5.333** “**TAILOR OR DRESSMAKING SHOP**” means a building or part thereof which is used primarily for the custom manufacture, alteration or repair of articles of clothing for individual clients, but does not include any establishment primarily engaged in the retail sale of clothing manufactured elsewhere, or the manufacture of clothing for distribution to retail stores.
- 5.334** “**TAVERN**” means a building or place having as its primary purpose the sale and consumption of alcoholic beverages on the premises only, including a lounge, beverage room, and public house licensed under the Liquor Licence Act

R.S.O. 1990, but shall exclude a dining room, restaurant, dining lounge or club where full course meals are served.

- 5.335** “**TAXI ESTABLISHMENT**” means a building or premises where a taxi company receives calls and dispatches vehicles.
- 5.336** “**TEMPORARY USE**” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- 5.337** “**THEATRE**” means a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.
- 5.338** “**TILLABLE ACRES**” means the total area of land including pasture that can be worked or cultivated.
- 5.339** “**TOURIST CAMP**” means the use of land for the location of tourist trailers or tents for the purposes of temporary accommodation.
- 5.340** “**TOWN**” means the Corporation of the Town of Fort Erie.
- 5.341** “**TRADESPERSONS SHOP**” means a place in which is provided to the public a non-personal service or trade including a plumber’s shop, painter’s shop, carpenter’s shop, machine shop, electrician’s shop, contractor’s shop, or other like shop which provides an installation service, but does not include a personal service shop, spa services, contractor’s yard, vehicle sales and rental establishment, body-rub parlour or adult entertainment establishment.
- 5.342** “**TRAILER**” means a trailer as defined in the Highway Traffic Act R.S.O. 1990, and shall further be deemed to mean and include recreational and non-recreational vehicles defined as follows:

(1) **Recreational Vehicles:**

- (a) “**Permanently Mounted Camper**” – means a vehicular, portable structure designed as a temporary dwelling for travel, recreational or vacation use, mounted directly to the chassis of a vehicle.
- (b) “**Pick-up Camper**” – means a vehicular, portable structure designed as a temporary dwelling for travel, recreational or vacation use to be transported in the box of a pick-up truck.
- (c) “**Tent Trailer**” – means a vehicular, portable structure designed as a temporary dwelling for travel, recreational or vacation use with or without a canvas top.
- (d) “**Travel Trailer**” – means a vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreational or

vacation use, permanently identified “Travel Trailer” by the manufacturers of the trailer, factory equipped for the road with a body width not exceeding 2.5 m and a body length not exceeding 9 m, of which the gross weight will not exceed 2,100 kg.

- (e) **“Utility Trailer”** - means a vehicular, portable structure designed for the hauling of goods, materials, road vehicles or boats, atv’s snowmobiles jet skis and the like, having a width not exceeding 2.5 m, a height not exceeding 1.25 m and a length not exceeding 7.2 m, and in no case used for commercial purposes.

(2) **Non-Recreational Vehicles:**

- (a) **“Industrial and Commercial Trailer”** - means a unit having the basic construction of a mobile home or travel trailer that has been designed or modified for other than recreation usage, such as a mobile library, portable offices, construction or residential offices, bunk offices, display unit or mobile clinic.

- (b) **“Mobile Home”** means a factory-built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system, to a lot or site, and which is suitable for year-round occupancy in a similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures and connection to utilities.

**5.343 “TRAILER PARK AND CAMP”** means an area of land predominantly used for seasonal occupancy of recreational vehicles including tents, and includes all accessory building used incidentally to the operation of a trailer park such as park administration offices, recreation facilities, service and utility buildings, laundry facilities and storage lockers.

**5.344 “TRANSPORT TRUCK TERMINAL”** means a place where trucks, trailers, or containers are loaded or unloaded, stored or parked for remuneration or from which trucks or containers are dispatched as common carriers or where goods are stored temporarily for further shipment or where buses or other fleet vehicles are stored or parked.

**5.345 “TRANSPORTATION DEPOT”** means a place used for the dispatch, storage or maintenance of vehicles, but does not include a motor vehicle repair shop or a vehicle sales and rental establishment.

**5.346 “U-BREW-YOUR-OWN ESTABLISHMENT”** means a premises where the public can prepare their own beer and/or wine in a controlled setting.

- 5.347** “**UNDERTAKING ESTABLISHMENT**” means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.
- 5.348** “**USE**”
- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
  - (ii) when used as a verb, to put to such purpose.
- (a)** “**VEHICLE**” means a passenger automobile or other motor vehicles, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a recreational vehicle and a commercial vehicle as defined
- (b)** “**VEHICLE, COMMERCIAL**” - (See “COMMERCIAL MOTOR VEHICLE”).
- (c)** “**VEHICLE, RECREATIONAL**” means a recreational vehicle as defined in Section 5.338 (1) and also includes a boat, all-terrain vehicle, seadoo, snowmobile, motorcycle, or other similar device.
- 5.349** “**VEHICLE BODY SHOP**” (See “MOTOR VEHICLE BODY SHOP”).
- 5.350** “**VEHICLE SALES OR RENTAL ESTABLISHMENT**” means an establishment having  
as its main use the sale, rental or leasing of vehicles, with or without an accessory  
vehicle repair shop or an accessory gasoline bar.
- 5.351** “**VETERINARIAN'S CLINIC**” means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- 5.352** “**VIDEO OUTLET SALES AND RENTAL SHOP**” means a business for the sale or rental of video programs and related accessories.
- 5.353** “**WALL, BUILDING**” means any part of a building or structure which is designed to support a roof over a fully or partly enclosed space and shall include pillars and columns.
- 5.354** “**WALL, COMMON**” means a wall that divides a building or structure into two or more areas for the purposes of separate use.



- 5.355** “**WALL, MAIN**” means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partly enclosed space or a roof. For setback purposes any required yard shall be measured from the exterior face of the foundation above grade. Where no foundation above grade exists the setback shall be measured from the main wall.
- 5.356** “**WAREHOUSE**” means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel storage tank except as an accessory use.
- 5.357** “**WATERCOURSE**” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.
- 5.358** “**WATER SUPPLY**” means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Regional Municipality of Niagara and/or the Ontario Water Resources Commission for public use.
- 5.359** “**WATER SYSTEM, PUBLIC**” means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality, or the Ministry of the Environment.
- 5.360** “**WETLANDS**” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.
- 5.361** “**WHOLESALE**” means the sale of goods in large quantities to retailers and other  
wholesalers rather than to consumers directly.
- 5.362** “**WIND ENERGY SYSTEM, SMALL**” means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity of not more than 100kw and which is intended to primarily reduce on-site consumption of power utility.
- 5.363** “**WRECKING YARD**” - (See “SALVAGE YARD”)

**5.364** "YARD" means an area of land which:

- (i) is appurtenant to and located on the same lot as a building or structure;  
and
  - (ii) is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon in this By-law.
- (a) "**EXTERIOR SIDE YARD**" or "**FLANKING YARD**" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
- (b) "**FRONT YARD**" means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.
- (c) "**FRONT YARD DEPTH**" means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building or structure on such lot.
- (d) "**INTERIOR SIDE YARD**" means a side yard other than an exterior side yard.
- (e) "**REAR YARD**" means a yard extending across the full width of a lot between the rear lot line of such lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building or structure on such lot.
- (f) "**REAR YARD DEPTH**" means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building or structure on such lot.
- (g) "**REQUIRED YARD**" means that part of a yard which:
  - (i) is located adjacent to a lot line;
  - (ii) has the minimum yard depth or yard width required by this by-law;  
and
  - (iii) does not contain any buildings, structures or uncovered surface parking areas except where specifically permitted elsewhere in this By-law.

- (h) **"SIDE YARD"** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building or structure on such lot.
  - (i) **"SIDE YARD WIDTH"** means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building or structure on such lot.
- 5.365** **"YOUTH HOSTEL"** means a building or part thereof, other than a boarding house dwelling, wherein temporary accommodation, with or without meals, is provided for the travelling public in rooms without cooking facilities under the auspices of the Canadian Hostel Association or any affiliated non-profit community organization.
- 5.366** **"ZONE"** means a designated area of land use shown on Schedule "A attached to this Zoning By-law.

**SECTION 6 - GENERAL PROVISIONS****6.1 ACCESSORY USES****(a) GENERAL**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any building used for sleeping or eating accommodations, human habitation except as in this By-law is specifically permitted.

- (b) Except as otherwise provided herein, in a Residential Zone any accessory building or structure which is not part of the main building shall be erected in the rear yard or interior side yard, and shall not be located closer to any rear lot line or side lot line than 1.0m or closer to any street than the required yard therefrom for dwellings, except that a detached garage or carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line. Eaves and gutters may project a maximum of 0.25m into the required yard except as otherwise provided herein.

**(c) MAXIMUM HEIGHT**

Except as otherwise provided herein, a building or structure accessory to a residential use shall not exceed 4.5m in height nor contain more than one storey, except that such accessory buildings or structures covered by a flat roof shall not exceed 3.7m in height nor contain more than one storey.

**(d) LOT COVERAGE**

The total lot coverage of all accessory buildings on a lot shall not exceed 10% of the lot area.

**(e) UNDERGROUND PARKING**

The yard requirements of this By-law shall not apply to underground parking structures.

**(f) DELETED****(g) SATELLITE DISH ANTENNA**

Satellite dish antenna shall be subject to the accessory building provisions of this By-law except:

- (i) satellite dish antenna shall only be permitted in the rear yard in any zone or any rear yard or interior side yard in a Commercial Zone or Industrial Zone beyond the minimum requirements for any such yard.
- (ii) satellite dish antenna shall be permitted on the roof of a principle structure in any commercial zone or industrial zone.

h) MAIN USE

No accessory structure shall be constructed prior to the construction of the main building or use.

## 6.2 COURTS AND YARDS

(a) WIDTH OF COURTS

The least horizontal dimension of any court shall not be less than the height of the highest building abutting such court.

(b) BUILDING ADDITIONS

Where the erection of one or more additional storeys is proposed on a building and where the existing court or yard areas appurtenant to such building would not conform to the requirements of this By-law subsequent to such erection, no such erection shall be permitted except where:

- (i) the addition is located so as to comply with the requirements of this By-law with respect to courts and yards at the level of the base of such addition; and
- (ii) the addition complies in all other respects with the provisions of this By-law.

## 6.3 DWELLING UNITS

(a) LOCATION WITHIN NON-RESIDENTIAL BUILDING

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard provisions of this By-law which apply to the said non-residential building, provided that any wall containing a window of a habitable room, where such room does not have any other window or windows in any other walls having a total glazed area of at least 10% of the floor area of the said room, shall be located not less than 2.5 m from any side lot line.

(b) LOCATION ABOVE PRIVATE GARAGE

No dwelling unit shall be located in its entirety above a private garage except where such private garage is located within a basement or a cellar of a dwelling.

#### 6.4 EXTERNAL DESIGN

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:

- (a) building paper, tar paper or equivalent weather protection paper; or
- (b) asphalt roll-type siding.

All plans and specifications for all buildings and structures shall be approved in accordance with **The Ontario Building Code Act, 1992.**

#### 6.5 FRONTAGE ON PUBLIC STREETS AND PRIVATE STREETS

- (a) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts entirely upon an improved public street, or entirely upon an improved private street only in accordance with Sections 6.5(b) and (c).
- (b) For the purpose of this subsection an "improved public street" means a street which has been constructed according to Municipal standards and is maintained by the Town so as to permit its use year round by normal vehicular traffic. An "improved private street" means a private lane or right-of-way which has been constructed to the satisfaction of the municipality to permit its use year-round by normal vehicular traffic.
- (c) Nothing in this By-law shall prevent the erection of, restoration of, or addition to a dwelling or accessory building or structure upon a "lot of record" which is accessed via a private street, subject to the provisions of the zone in which the lot is located.
  - (i) For the purposes of this subsection, a "lot of record" means a lot as defined in Section 5.188 of this Zoning By-law, and which "lot of record" has been created prior to passage of this Zoning By-law.
  - (ii) For the purposes of this By-law, the front lot line shall be deemed to be the lot line which divides the lot from the private street and all other lot lines shall correspond thereto. In the case of a corner lot, the lot line with the shortest frontage on a private street shall be deemed to be the front lot line, and the longest frontage shall be deemed to be the exterior side lot line.

**6.6 GROUP HOMES**

- (a) Only group homes licensed by the Ministry of Community and Social Services in the following categories shall be permitted:
- Satellite Residence for Seniors
  - Accommodation Services for the Developmentally Handicapped
  - Children's Residences
  - Homes for Special Care
  - Supportive Housing Programs, Adult Community Mental Health Programs
  - Homes for Physically Disabled Adults provided the province licences, funds, or approves a group home program for physically disabled adults
  - Approved Homes
- (b) A group home shall have a maximum of eight residents excluding staff or receiving family in a single detached dwelling, semi-detached dwelling, street townhouse dwelling, block townhouse dwelling or apartment dwelling.

**6.7 HEIGHT EXCEPTIONS**

Nothing in this By-law shall apply to restrict the height of the following structure in any zone within which the structures are permitted.

- (a) an antenna;
- (b) a barn;
- (c) a belfry;
- (d) a chimney;
- (e) a church spire;
- (f) a clock tower;
- (g) an elevator or stairway penthouse;
- (h) a flag pole;
- (i) a hydro-electric transmission tower;
- (j) an ornamental structure;
- (k) a radio antenna;
- (l) a silo;
- (m) a steeple;
- (n) a structure containing heating, cooling, or other mechanized equipment pertaining to a building;
- (o) a tower;
- (p) a water tower;
- (q) a windmill

provided that no such structure, other than a public use occupies in excess of 5%

of the lot area of the lot where such structure is located, or where such structure is located on the roof of the building, shall exceed 10% of the building area. Building area is the greatest horizontal area of a building within the outside surface of exterior walls.

## **6.8 HOME OCCUPATIONS**

No home occupation shall be permitted in any zone unless such home occupation complies with the following provisions:

### **(a) DWELLING UNIT**

- (i) Except as provided in Subsection 6.8(i), the home occupation shall be permitted in any dwelling, within any zone that includes a dwelling as a permitted use.
- (ii) Home occupations shall be clearly incidental and secondary to the main residential use and shall not change the residential character of the dwelling.
- (iii) The total floor area occupied by one or more home occupations shall not exceed 25% of the aggregate area of the dwelling and accessory structures or 40 square metres, whichever is less, except this restriction shall not apply to "day nurseries" or "bed and breakfast establishments" as defined herein.
- (iv) Any number of home occupations may be permitted within a dwelling unit provided the cumulative maximum gross floor area does not exceed the requirements of Section 6.8 (a) (iii).
- (v) Home occupations shall be operated by the occupant(s) of the dwelling and may employ a maximum of one (1) employee that does not reside in the dwelling.
- (vi) The home occupation shall not create electronic interference, dust, noise, odour, smoke or anything of an offensive or objectionable nature, which is detectable to normal sensory perception outside the building containing the use.

### **(b) ACCESSORY STRUCTURES**

- (i) Home occupations may be permitted within accessory structures provided that they are conducted wholly within the enclosed structure and the aggregate area occupied by the home occupation within the dwelling and accessory structures combined does not exceed the requirements



of Section 6.8 (a) (iii).

(c) ADVERTISING AND SIGNAGE

- (i) Only one (1) non-illuminated sign having a maximum gross area of 0.3 square metres shall be permitted on the property to advertise the home occupation. The sign shall not be located within a daylighting triangle and shall not be closer than 1 metre to a property line.
- (ii) There shall be no external display or advertising other than a sign that meets the requirements of Section 6.8 (c) (i), to indicate to persons outside that any part of the dwelling and/or accessory structure is being used for a purpose other than residential.

(d) OUTSIDE DISPLAY AND SALE OF GOODS AND MATERIALS

- (i) There shall be no outside display or sale of goods and materials.
- (ii) Notwithstanding Section 6.8 (d) (i), the retail sale of plant material grown on site shall be permitted as a home occupation within any yard, subject to the following:
  - Structures used for the sale of plant material grown on site shall be temporary. For the purposes of this subsection, "temporary" shall mean the structure is removed from the yard and stored within an enclosed structure or off-site each day;
  - The total area of the site used for the outside sale and display of plant material grown on site shall not exceed 6 square metres; and
  - The outside sale and display of plant material grown on site shall not be permitted closer than 3 metres to any property line.

(e) PARKING

- (i) One (1) off-street parking space shall be provided on the lot occupied by the home occupation in addition to the minimum parking required for the dwelling unit.
- (ii) Where a non-resident employee, partner or associate is affiliated with the home occupation, two (2) off-street parking spaces shall be provided on the lot occupied by the dwelling in addition to the minimum parking required for the dwelling.

- (iii) All required parking for home occupations shall be provided on a parking area.
- (iv) Where a home occupation is located within a dwelling which does not have an individual driveway providing access to said dwelling or is within an apartment dwelling, the home occupation shall be limited to one (1) office only, no non-resident employee, partner or associate or client shall be permitted, and, notwithstanding Section 6.8 (a) (iii), the floor area of the home occupation shall not exceed 10 square metres.

(f) PERMITTED AND PROHIBITED USES

- (i) No manufacturing activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a home occupation except for the fabrication of handmade goods or crafts.
- (ii) Facilities associated with a personal service shop conducted as a home occupation shall be limited to accommodate a maximum of two customers at any given time.
- (iii) Retail sales shall be limited to items that are prepared within the area associated with the home occupation or which are accessory to the home occupation and shall not occupy more than 10 square metres.
- (iv) A repair service shall be limited to the repair of personal effects and small household appliances such as electronic equipment, bicycles, apparel, furniture, toys and sporting goods. The repair of household appliances and equipment that have oil and grease-filled transmissions such as lawn care equipment, other power equipment, major appliances and vehicles is prohibited.
- (v) The home occupation shall not involve the use of the lot or dwelling as a base for persons who are non-resident employees, partners or associates of the home occupation but work off-site, nor shall the lot or dwelling be used for the assembly of persons who require transportation to a work site.
- (vi) The home occupation shall not involve the shipping or receiving of goods or materials by commercial motor vehicles other than automobiles or delivery vans used by courier services.
- (vii) In the conduct of a home occupation, no mechanical equipment, except that ordinarily used for household tasks or recreational hobbies, shall be used. No mechanical equipment associated with the

home occupation shall be operated in any yard.

(viii) The following uses are prohibited as home occupations:

- Adult entertainment establishments
- Amusement machine establishment
- Animal hospital
- Automotive use
- Construction trades establishment
- Dry cleaning outlet
- Dry cleaning plant
- Funeral home or parlour
- Industrial uses
- Hairdresser or barber with three or more chairs
- Laundry or laundromats
- Kennels
- Pet day care establishment
- Restaurants
- Taverns
- Veterinary clinic
- Wholesale

(ix) Notwithstanding anything else in this by-law to the contrary, "in-home pet boarding" shall be permitted as a home occupation.

(g) STORAGE

- (i) No part of any lot in which a home occupation is situated shall be used as an open storage area.
- (ii) Storage for the home occupation may be provided within accessory structures provided that the aggregate area of the storage area within the accessory structure and home occupation do not exceed the maximum area specified in Section 6.8 (a) (iii).

(h) SITE PLAN CONTROL

- (i) Where new development for a home occupation is proposed, the Town may impose site plan control in accordance with By-law 143-03, as amended or replaced, at the discretion of the Director of Community and Development Services.

(i) BED & BREAKFAST ESTABLISHMENTS

A Bed & Breakfast Establishment is permitted as a home occupation subject to the following additional requirements:

- (i) The Bed & Breakfast Establishment may be operated in a single detached dwelling only which does not contain an accessory apartment dwelling or another home occupation and the owner/leasee/proprietor is a permanent resident.
- (ii) In addition to the required parking for the residential dwelling, one (1) parking space shall be provided on site for each guest room proposed for the Bed & Breakfast Establishment and such parking shall be allowed to be provided on site in a tandem parking space. Notwithstanding any requirements of this subsection, Bed & Breakfast Establishments located along the Niagara Boulevard shall also comply with the requirements of the Niagara Parks Commission.
- (iii) One (1) sign having a maximum area of 0.3 square metres shall be permitted on the property to advertise the Bed & Breakfast Establishment. The sign shall not be located within a daylighting triangle and shall not be closer than 1 metre to a property line.
- (iv) No meals shall be served to guests other than breakfast.
- (v) Not more than three (3) guest rooms shall be available for hire.
- (vi) Bed & Breakfast Establishments shall also be permitted as a home occupation in an existing single detached dwelling located in a "General Commercial C2 Zone", "Central Business District Commercial C2A Zone", "Highway Commercial C3 Zone", "Core Mixed Use 2 CMU2 Zone" "Recreational Commercial C5 Zone" and a "Rural Commercial C7 Zone".

## **6.9 DELETED BY BY-LAW 123-03**

## **6.10 LANES AS YARDS**

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law.

## **6.11 LIGHTING**

### **(a) LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and

streets and in such a manner as to not confuse persons driving vehicles on such streets.

## 6.12 LOADING SPACE REGULATIONS

### (a) LOADING SPACE REQUIREMENTS

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, other than a farm, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of the following requirements:

Type of use	Total Gross Floor Area of Building and Structure	Minimum Number of Loading Spaces
Commercial	Less than 929 sq. m Over 929 sq. m	None 1 loading space
Industrial	Less than 1,400 sq. m Over 1,400 sq. m	None 1 loading space

### (b) CALCULATION OF LOADING SPACE REQUIREMENTS

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

### (c) DIMENSIONS OF LOADING SPACES

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

### (d) LOCATION OF LOADING SPACES

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

### (e) YARDS WHERE PERMITTED

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

- (i) no part of any loading space shall be located between the street line

and the main wall of the building; and

- (ii) no part of any loading space shall be located closer than 1 m to any interior side lot line or rear lot line.
- (iii) no part of any loading space shall be located closer than 4.5m to any residential zone nor any property containing a residential dwelling.

(f) ACCESS TO LOADING SPACES

Access to loading spaces shall be by means of an unobstructed driveway at least 3.5 m in width in Commercial Zones and at least 6.0 m wide in Industrial Zones, and contained within the lot on which the loading spaces are located and leading to either an improved street or lane not less than 7.5 m in width.

(g) ADDITION TO EXISTING USE

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

(h) LOADING SPACE SURFACE

The driveways, loading and unloading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles, the details of which are being regulated through Site Plan Control.

### 6.13 LOT REQUIREMENTS

(a) DWELLINGS

Only one dwelling shall be permitted on a single lot except in the case of lawful semi-detached dwellings, street townhouse dwellings, block townhouse dwellings and apartment dwellings.

(b) OTHER USES

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

except a fence.

#### **6.14 LOT AREA/FRONTAGE REDUCTION**

(a) PROHIBITION

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

(b) LOTS REDUCED BY PUBLIC ACQUISITIONS

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot to be reduced, or any building or structure

existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place, provided that:

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

#### **6.15 LOTS WITH MORE THAN ONE USE OR ZONE**

(a) MORE THAN ONE USE:

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-law which are applicable to such use in the Zone in which the said lot is located as if such use existed

independently of any other use.

- (ii) Where standards or provisions pertaining to 2 or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

**(b) MORE THAN ONE ZONE**

Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each such portion of the said lot shall be considered separately and shall be used in accordance with the regulations of this By-law which are applicable to the zone wherein such portion of the said lot is located.

- (ii) Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any building used for sleeping or eating accommodations human habitation except as in this By-law is specifically permitted.
- (iii) Except as otherwise provided in Paragraphs (i) and (ii) of this Clause, where a lot is divided into two or more zones, and one of those zones is an Environmental Protection EP Zone, the regulations of this By-law shall not apply to required setbacks from the Environmental Protection EP Zone or to restrict building coverage to be calculated based on such portion exclusive of the Environmental Protection EP Zone.
- (iv) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where the use of a lot divided into 2 or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot.

**6.16 MUNICIPAL SERVICES**

No person shall, within any Residential Zone, except as provided for in the Rural Residential (RR) Zone or Waterfront Rural Residential (WRR) Zone, erect, alter or use any building or structure unless such lot is serviced by a public water supply and sanitary sewer system.

**6.17 NEW DEVELOPMENT IN OR ADJACENT TO AN AGRICULTURAL (A) ZONE, RURAL (RU) ZONE OR RURAL RESIDENTIAL (RR) ZONE**



- A. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted by this By-law, shall be erected or altered after the date of passage of this By-law, unless it complies with the Minimum Distance Separation (MDS 1) calculated using Schedule “C” to this By-law or the most up-to-date software authorized for use by the Ontario Ministry of Agriculture and Food.
- B. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculated using Schedule “C” to this By-law or the most up-to-date software authorized for use by the Ontario Ministry of Agriculture and Food.

#### **6.18 NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS**

##### **(a) 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 but said use has been discontinued for a period of twelve consecutive months or longer, the said building or structure may only be used again for a use that conforms to this By-law.

##### **(b) REPAIR TO A SAFE CONDITION**

Nothing in this By-law shall prevent the repair to a safe condition of an existing building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

##### **(c) CHANGE OF USE**

A use of a lot, building or structure which under the provisions hereof is not permissible within the zone in which such lot, building or structure is located shall not be changed except to a use which is so permissible within such zone.

##### **(d) EXTENSIONS PERMITTED**

Notwithstanding the provisions of this By-law where a building erected prior

to the date of passing of the By-law has less than any or all of the yard requirements established herein, such buildings may be enlarged, and as enlarged, may be used for any of the purposes permitted in which the lot is located and the walls of the building as it presently exists, shall be deemed to have established the minimum front yard, side yard, flanking yard, and rear yard requirements provided however that all other applicable provisions of this By-law shall be complied with, and that no extensions or additions will be permitted in a Hazard Zone.

(e) **LOT AREA AND/OR FRONTAGE LESS THAN REQUIRED**

Where a 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) is a consolidation of adjacent lots described in deeds registered on or prior to the date of passing of this by-law, or
- (iii) 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
- (iv) is a whole lot located within a registered plan of subdivision; and

such parcel complies with relevant regulations made under The Environmental Protection Act, R.S.O. 1990 and all relevant requirements of the Ontario Building Code, and has a minimum lot frontage of 12m;

then the said lot shall be deemed to conform to the requirements of this By-law with respect to lot area and lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure thereupon, in accordance with all other provisions hereof.

**6.19 OUTSIDE DISPLAY AND SALE OF GOODS AND MATERIALS**

No outside display and sale of goods and materials, including vehicles, shall be permitted on any lot in any zone, except in accordance with the following provisions:

- (i) Outside display and sale shall be accessory to a permitted or existing commercial use carried on in an enclosed building or portion thereof on the same lot.

- (ii) No parking spaces required by this By-law shall be used for outside display and sale purposes.
- (iii) Notwithstanding any other provision of this By-law to the contrary, any area used for outside display and sale shall be located not closer than 3 m to any lot line.

**6.20 PARKING AREA REGULATIONS**

- (A) Every building or structure erected, enlarged or used in accordance with the provisions of this By-law, shall:
  - (i) be provided with the required number of parking spaces specified hereunder;
  - (ii) except that this provision shall not apply within the "Central Business District Commercial (C2A) Zone" as designated on Schedule "A" attached hereto or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to Section 39 of **The Planning Act, S.O. 1990**;
  - (ii) **DELETED BY BY-LAW 130-11**

TYPE OF USE	MINIMUM PARKING REQUIREMENT
<b>RESIDENTIAL USES</b>	
Residential (other than listed herein)	1 parking space per dwelling unit
Apartment and Block Townhouse Dwellings	1.5 parking spaces per dwelling unit
Assisted Living House and Homes for the Aged	0.5 parking space per resident

<b>COMMERCIAL USES</b>	
Hotels and Motels	1 parking space per guest room, plus parking for any on-site restaurant or tavern provided in accordance with regulations in this By-law
Bingo Hall	1 parking space per 1.5 sq. m. Of floor area devoted to public use
Tavern	1 parking space for every 3.0 sq. m. of gross floor area
Eating Establishment – Take-out or Drive-In	1 parking space for every 30 sq. m. devoted to public use
Eating Establishment – Eat-in	1 parking space per 4 persons seating capacity
Offices and Public Buildings	1 parking space for every 28 sq.m. of gross floor area
Bowling Alley	3 parking spaces for every bowling lane
Curling Rink	4 parking spaces for every curling sheet
Retail Store, Shop or Workshop (excluding furniture stores and factory outlets)	1 parking space for every 30 sq.m. of gross floor area
Furniture Store, Factory Outlet, Warehouse Showroom	1 Parking space for every 100 sq.m. of gross floor area
Shopping Centre	1 parking space for every 20 sq.m. of gross floor area
Automobile Service Station	1 parking space for every 50 sq.m. of gross floor area
Other Commercial Uses	1 parking space for every 30 sq.m. of gross floor area
Marina	1 parking space for every 2 slips
Customs Broker	1 parking space for every 20 sq.m. of gross floor area with a minimum of 3 parking spaces
Gaming Premises	4 parking spaces per game table <b>(By-law 235-1993)</b>
Supermarket	1 parking space for every 20 sq. m. of gross floor area
Farm Winery	1 per employee, plus 1 per every 20 sq.m of gross floor area
Gaming Facility	1.25 parking spaces per gaming position

<b>PUBLIC AND INSTITUTIONAL USES</b>	
Hospitals and Nursing Homes	1 parking space for every 2 beds
Assembly Hall, Community Centre, Theatre, Auditorium, Place of Worship	The greater of: a) 1 parking space per 5 fixed seats or fraction thereof; or b) 1 parking space for every 5 persons maximum design capacity; or

<b>PUBLIC AND INSTITUTIONAL USES</b>	
	c) 1 parking space per 15 sq. m of gross floor area.
School, Elementary	1.5 parking spaces per classroom and 1 space for every 9 sq. m of floor area for any gymnasium or auditorium.
School, Secondary	The greater of: a) 1 parking space per 5 classroom seats; or b) 1 parking space per 15 sq. m of floor area in the gymnasium; or c) 1 parking space per 15 sq. m of floor area in the auditorium.
Undertaking Establishment	1 parking space per 5 persons seating capacity in a chapel or auditorium or a minimum of 10 parking spaces per visitation room.
Day Care Centre	4 parking spaces for every 100 sq. m. of gross floor area
<b>INDUSTRIAL USES</b>	
Industrial Establishment	1 parking space for every 100 sq. m. of gross floor area or every 2 employees, whichever is the greater.

**(B) CALCULATION OF PARKING REQUIREMENTS**

- (i) Where a part of a parking space is required in accordance with this By-law for the use listed in Subsection 6.20 (A) of this Subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirement for the said use.
- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Subsection 6.20 (A) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking

space requirement for shopping centre shall apply.

- (iii) Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire and gain, display or sale.
- (iv) Where the number of parking spaces required in accordance with Clause (c) of this Subsection is based upon the seating or other capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by **The Ontario Building Code**, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser, except that where seating is provided in the form of fixed benches or pews, 0.6 m of each such bench or pew shall be considered as equally one seat.
- (v) Shared use of the same off-street parking spaces to meet the requirements of a gaming premises and other uses may be permitted, where the normal peak hours of operation of such uses are such as to assure the feasibility of such joint use of parking, and where the total quantity of spaces provided is at least equal to the total of the projected parking demand for uses in operation at any given time. **(BY-LAW 235-93)**.

(C) PARKING AREA SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles, the details of which being regulated through Site Plan Control provided that:

- (i) in the case of a dwelling containing 4 or more dwelling units, such parking area and driveway shall be paved with an asphaltic or concrete surface or such other hard surface as may be acceptable to the Town, and be bounded by poured concrete curbs.
- (ii) in the case of Prestige Industrial and Commercial Zones, all parking areas and loading areas and their approaches shall have a cement or asphaltic binder or other permanent type of surfacing and bounded by poured concrete curbs.
- (iii) in the case of Dry Industrial and Industrial zones all parking areas and loading areas and their approaches shall be in accordance with Section 6.12 (h).

(D) INGRESS AND EGRESS

- (i) Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m, where only one-way traffic is permitted and have a minimum width of 7.5 m but not more than 12m in perpendicular width where two-way traffic is permitted. In C2A, CMU2 and CMU4 Zones an access drive width of 3 metres to a rear parking lot that has 5 or less spaces, a 4.5 metre access drive width where 10 or less parking spaces are required and 6.0 metres where more than 10 spaces are required.
- (ii) The maximum width of any joint ingress and egress driveway ramp in a Commercial or Residential Zone measured along the street line shall be 9.0 m.
- (iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m.
- (iv) Except in Residential zones, the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 m.
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) Every lot shall be limited to the following number of driveways:
  - 1. up to the first 30.0 m of frontage - not more than 2 driveways; and
  - 2. for each additional 30.0 m of frontage - not more than 1 additional driveway.
- (vii) Notwithstanding the requirements of items (i) through (vi) above, the ingress and egress requirements of the Regional Municipality of Niagara, The Ministry of Transportation Ontario, and The Niagara Parks Commission shall apply along all Regional Roads, Provincial Highways, and the Niagara River Parkway.
- (viii) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads and Provincial Highways, all such gates and

barriers should be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.

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

(E) ILLUMINATION

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

(F) MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use as set out in paragraph (A) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

(G) ADDITIONS TO BUILDINGS

The parking area requirements referred to herein shall not apply to any building lawfully in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased and the building or structure is used for a purpose which does not require more parking spaces, according to Subsection 6.20 (A), than were required by its use at the date of passing of this By-law. If an addition or a change of use is made to a building or structure as it existed at the date of passing of this By-law, then additional parking spaces shall be provided to the number required for such addition or change in use, provided that this paragraph shall not apply to require the establishment of a parking space and areas for single detached dwellings which existed at the date of the passing of this By-law.

(H) OTHER PARKING REGULATIONS

- (i) Nothing in this By-law shall prevent the erection of a shelter for the use solely by parking attendants in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 m in height and has a floor area of not more than 5 sq. m.
- (ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area except where specifically



permitted in this By-law.

- (ii) No commercial motor vehicle of greater than one tonne maximum capacity and/or no bus used as a commercial motor vehicle designed for carrying 10 or more passengers and used for the transportation of persons, shall be parked or stored in a Residential Zone.
- (iii) Notwithstanding any other provision in this by-law to the contrary, event parking is permitted in any Commercial or Core Mixed Use Zone.

(I) PARKING AREA LOCATION ON LOT

Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows:

ZONE	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
R1, R2, R3, A, RU, RR, WR, WRR	All yards provided that no part of any area, other than a driveway, is located closer than 0.9 m to any street line and provided further that a parking area, other than a driveway, for a residential use containing 3 or more dwelling units is located in the rear yard only.
RM1, RM2	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.
C1, C2, C2A, C3, C4, C5, C6, C7, CMU1, CMU2, CMU3, CMU4, I, OS, P	All yards provided that no part of any parking area, other than a point of ingress/egress, is located closer than 3.0 m to any street line or to any residential zone, except a parking area may be located 0 m from a rear access laneway in C2A, CMU2 and CMU4 Zone.
IN, DI, PI	All yards, provided that no part of any parking area, other than a point of ingress/egress, is located closer than 4.5 m to any street line or to any residential zone.

(J) DIMENSIONS OF PARKING SPACES

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

- (i) except as otherwise provided in this Clause, where the side of a parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3 m; and
- (ii) except as otherwise provided in this Clause, where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1 m in width and located on the same lot therewith, the minimum width of such parking space shall be 2.4 m.

**(K) PARKING STRUCTURES**

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

**(L) UNDERGROUND PARKING AREAS**

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

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

**(M) ACCESSIBLE PARKING SPACES (By-law 130-11)**

Parking spaces designated under Section 6.20 (M) shall include Van Accessible (Type A) and Standard (Type B) Parking Spaces.

- (i) Type A parking spaces shall:
  - a) Where provided outdoors, have a minimum height clearance of 2.75 m
  - b) Where provided indoors, have a minimum height

clearance of 2.59 m

- c) Be at least 3.4 m wide
- d) Be at least 6.0 m long
- e) Have an adjacent access isle at least 1.5 m wide by 6 m long

(ii) Type B parking spaces shall:

- a) Be at least 2.4 m wide
- b) Be at least 6.0 m long
- c) Have an adjacent access isle at least 1.5 m wide by 6 m long

(iii) Accessible Parking Spaces shall be provided in accordance with the requirements specified hereunder;

Facility Type	Total Number of Spaces	Required Accessible Spaces		TOTAL ACCESSIBLE SPACES
		Type A	Type B	
Municipal Facility, School, university, college or public transportation organization	0-12	1	0	1
	13-100	2%	2%	4% (where an odd number of parking spaces is provided, the additional space shall be Type B)
	101-200			1+3% divided equally between Type A and Type B, except where an odd number of parking spaces is provided, the additional

## SECTION 6 – GENERAL PROVISIONS

## TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90

Facility Type	Total Number	Required Accessible Spaces		TOTAL
	201-1000			space shall be Type B  2+2% divided equally between Type A and Type B, except where an odd number of parking spaces is provided, the additional space shall be Type B
	1000+			11+1% divided equally between Type A and Type B, except where an odd number of parking spaces is provided, the additional space shall be Type B
Health Care Facility	5-10	1	0	1
	11-30	1	1	2
	31-50	2	1	3
	51-99	2	2	4
	100+	2 + 2% (capped at 12)	2% (capped at 10)	
Other Facilities	1-10	0	0	0
	11-30	1	0	1
	31-50	1	1	2
	51-99	2	1	3
	100+	2% (capped at 10)	1% (capped at 5)	

- (iv) Accessible parking spaces shall have an accessible parking permit sign in accordance with Section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities as amended or replaced) made under the Highway Traffic Act.

## 6.21 LANDSCAPING AND PLANTING STRIPS

### (a) REQUIREMENTS FOR USES ABUTTING RESIDENTIAL ZONES

Where a lot is used for a non-residential purpose or a residential development consisting of 3 or more dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

### (b) WIDTH

Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.

### (c) DRIVEWAYS OR WALKS

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m of the edge of such driveway or within 1.5 m of the edge of such walk.

### (d) LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

### (e) PLANTING

Planting strips shall be planted with vegetation, the details of which being regulated through Site Plan Control.

- (i) Where a fence, wall, row of trees or hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 m above the elevation of the ground at the nearest lot line, except that within the sight triangle the maximum height of any such landscaping materials shall not be greater than .7 metres.

- (ii) The owner of any lot whereupon a planting strip is required hereby shall be solely responsible for providing and maintaining such planting strip in accordance with the provisions hereof.

(f) **PLANTING STRIPS REQUIRED ADJACENT TO QUEEN ELIZABETH WAY**

Notwithstanding any other requirements of this by-law, a planting strip having a minimum width of 9.0m shall be provided adjacent to the Queen Elizabeth Way or any service road or other municipal road running parallel and adjacent to the Queen Elizabeth Way, and such planting strip shall be used for no other purposes than an open landscaped area and/or a noise attenuation feature.

(g) **MINIMUM LANDSCAPED OPEN SPACE AREA IN A RESIDENTIAL ZONE**

The minimum landscaped open space area in the front yard of any dwelling in any residential zone shall be 30%.

## 6.22 PROHIBITED USES

- (a) Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:
  - (i) blood boiling
  - (ii) bone boiling
  - (iii) refining coal oil
  - (iv) extracting oil from fish or animal matter
  - (v) storing hides
  - (vi) abattoir, commercial slaughterhouse, stockyard, or establishments for the sale or shipping of livestock
  - (vii) a piggery wherein pigs are fed treated garbage or other treated refuse
  - (viii) tallow melting
  - (ix) soap boiling
  - (x) tripe boiling
  - (xi) tanning hides or skins
  - (xii) manufacturing gas, acids or chemicals
  - (xiii) manufacturing glue
  - (xiv) commercial manufacturing of fertilizers from dead animals or from human or animal waste
  - (xv) a track for the racing of motor vehicles or motorcycles or go-carts or motorized snow vehicles
  - (xvi) DELETED

- (xvii) the use of any trailer for human habitation
  - (xviii) keeping, storing, manufacturing, refining or transporting dangerous inflammable or explosive substances including, but not so as to limit the generality of the foregoing, dynamite, dualin or naphtha, but not including gasoline, diesel fuel, heating and lubricating oil, propane, acetylene, lime, fireworks or firearms.
  - (xix) a junk yard, salvage yard, automobile wrecking yard, or the collection, storage, use or sale of junk, salvage, partially or completely dismantled motor vehicle or trailers or parts of motor vehicles or trailers, including used tires.
  - (xx) locating or storing on any land for any purpose whatsoever any disused railroad car, streetcar body, truck body, cargo container or tractor or trailerbody, whether or not the same is situated on a foundation, except as permitted in Section 6.36.
  - (xxi) keeping or raising of any bull, ox, cow, sheep, horse, goat, pig, llama, alpaca or other cattle, or any poultry, or any reptile or any wild animal including any tamed or domesticated wild animal, on any residential lot or in any building or structure on such lot, or on any lot or in any building or structure in a Residential zone.
  - (xxii) Adult Entertainment establishments
  - (xxiii) Toxic waste disposal and/or transfer sites
  - (xxiv) Drop forge plants
  - (xxv) The use of any vehicle or structure on a lot for the sale of food or merchandise, except as provided for in Subsection 6.36 (d).
  - (xxvi) The use of any vehicle or vehicle body on a lot, for storage purposes, except as provided for in Subsection 6.36.
- (b) In addition to the uses prohibited in Clause (a) of this subsection, any use which from its nature or the materials used therein or emissions issuing therefrom is declared under The Health Protection and Promotion Act, R.R.O. 1990, as amended from time to time, or any other regulations adopted thereunder to be a noxious trade, business or manufacture is prohibited.
- (c) In addition to the uses prohibited in clause (a) of this subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Use" subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of Section 6 hereof.

**6.23 OBNOXIOUS USES**

Notwithstanding anything contained herein, no land shall be used and no building

or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection for any purpose that creates or is likely to become a nuisance or offensive, or both:

- (a) by the creation of noise or vibration; or
- (b) by reason of the emission of gas, fumes, smoke, dust, or objectionable odour; or
- (c) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material; or
- (d) by any combination of these things described in clauses (a), (b) and (c) of this subsection.

#### **6.24 PUBLIC SERVICES**

This By-law shall not be deemed to:

- (a) Prevent the use of any land for the erection of buildings or structures, or the installation of any sewage and water works or other facilities essential to the operation of a Public Agency, provided that any such use, building or structure shall be in substantial compliance with relevant provisions of this By-law and shall not adversely affect the character or amenity of the neighbourhood in which same is located; however, offices, maintenance/repair yards and institutional uses for public agencies and public utilities are not permitted in any Agricultural or Rural zone.
- (b) Prevent the use of land for a street, a public railway or public park.
- (c) Prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

#### **6.25 RAILWAY RIGHT-OF-WAY**

Notwithstanding other provisions within this By-law to the contrary, no residential dwelling shall be constructed any closer than 30m to any functioning railway right-of-way.

#### **6.26 REDUCTION OF REQUIREMENTS**

No person shall change the purpose for which any lot, building or structure is used or erect any new building or structure or addition to any existing building or structure or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law, except:



- (a) in the cases of any addition to an existing building or structure, that is used in accordance with the provisions of this By-law, the front yard, interior side yard, exterior side yard and/or rear yard, as lawfully established prior to the date of passage of this By-law and which does not conform to the setback regulations of the particular zone in which the building or structure is located, shall be considered the required yard.

#### **6.27 REMOVAL OF GRAVEL**

Nothing in this By-law shall prevent an owner from removing gravel, sand or earth from his land for his own use on the property from which the material is removed.

#### **6.28 REPLACEMENT OF BUILDINGS OTHER THAN RESIDENTIAL BUILDINGS**

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

- (a) such destroyed or demolished building was in conformance with this By-law at the date of its complete destruction or its demolition; or
- (b) for buildings not in conformance with this By-law, the ground floor area and gross floor area of such buildings as replaced does not exceed that existing at the date of its complete destruction or its demolition.
- (c) notwithstanding subsections (a) and (b) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply.

#### **6.29 REPLACEMENT OF RESIDENTIAL BUILDINGS**

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

- (a) such destroyed or demolished building was lawfully used at the date of its partial or complete destruction or its demolition;

- (b) such buildings as replaced or reconstructed shall not contain a greater number of dwelling units than could have lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition;
- (c) where the ground floor area of the destroyed or demolished building was less than the minimum ground floor area permitted in the applicable zone under this By-law, such building, as replaced or reconstructed, shall not contain a lesser floor area than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition;
- (d) where any yard existing at the date of the partial or complete destruction or demolition of such building does not comply with the minimum yard required in the applicable zone under this By-law, then such yard shall not be less than the yard existing at the date of the partial or complete destruction or demolition of such building;
- (e) the height of such building, as replaced or reconstructed shall not exceed the maximum height permitted in the applicable zone under this By-law;
- (f) notwithstanding subsections (a), (b), (c), (d) and (e) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply.

### **6.30 RECONSTRUCTION OF AGRICULTURAL BUILDINGS AND STRUCTURES**

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

- (a) such buildings or structures as replaced or reconstructed shall not have in total a greater livestock housing capacity than could have lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition; and
- (b) where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required in the Agricultural zone, such yard shall not be reduced in size by reason of such reconstruction of such building or structure; or

- (c) if such building or structure is to be replaced or reconstructed so that it provides a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition, such building or structure shall not be replaced or reconstructed except in accordance with the provisions of the Agricultural A and Rural RU zone.
- (d) for the purposes of this subsection, "livestock housing capacity" means the number of animal units per year in accordance with Schedule "C" hereof.
- (e) notwithstanding subsections (a), (b), (c), and (d) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply.

### 6.30.1 Deleted by By-law 120-11

## 6.31 SIGHT TRIANGLES/DAYLIGHTING TRIANGLES

Daylighting requirements will be based on the functional road classification of intersecting roadways as follows:

Road Classification of Intersecting Streets	Minimum Daylighting Requirements
Local to Local	4.5 m Triangle or Radius
Collector to Local or Collector	7 m x 7 m Triangle
Arterial to Local, Collector to Arterial	12 m x 12 m Triangle

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being measured along the street line from the point of intersection of the street lines, no sign, fence, landscaping, building or structure shall be greater than .7 m in height above the elevation of the ground at the street line regardless of whether or not any such landscaping materials form part of a required planting strip. Such triangular space may hereinafter be called a daylighting triangle.

Where the 2 street lines do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Notwithstanding these requirements, the sight/daylighting triangle provisions of any legislation or regulation of the Region of Niagara, the Niagara Parks Commission and the Province of Ontario shall apply along all Regional Roads, Parks Commission Roads and Provincial Roads.

**6.32 SIGNS**

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the by-laws, regulations and legislation of the Province of Ontario, the Niagara Parks Commission, the Region of Niagara and the Town of Fort Erie regulating signs.

**6.33 SPECIAL EXCEPTIONS**

The special exceptions noted in each Zone Section shall have effect in respect of the subject use and the provisions of the respective zone shall be amended insofar as required to give effect to the special provisions. All other provisions of the respective zone shall apply, with the necessary changes being made to the subject use.

**6.35 SWIMMING POOLS****(a) PRIVATE OPEN SWIMMING POOLS:**

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - 1. in any part of an interior side yard, exterior side yard or rear yard on a residential lot; or
  - 2. in any yard other than a required yard on a lot containing a permitted hotel or private club and located within any zone other than a Residential Zone.
- (ii) No interior wall surface of any open swimming pool, nor any related building or structure other than a fence, shall be located closer than 1m to any lot line or closer to any street than the setback required.
- (iii) No water circulating or treatment equipment, such as pumps or filters, shall be located closer than 3m to any side lot line or 1m to any rear lot line.

**(b) LOT COVERAGE EXEMPTION**

Notwithstanding any other provision of this By-law to the contrary, no open swimming pools or any related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed within a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, the building (but not the swimming pool) shall comply with any lot coverage requirements set out herein for the zone in which such building is located.

(c) INDOOR SWIMMING POOLS

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Subsection 6.1 hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, where such swimming pool is located within a main building.

(d) PUBLIC SWIMMING POOLS

Any public swimming pool and any related buildings or structures shall comply with the zone requirements set out herein for the zone in which such swimming pool is located.

(e) COMPLIANCE WITH SWIMMING POOL BY-LAWS

All swimming pools shall comply with any by-laws of the Corporation regulating swimming pools.

## 6.36 TEMPORARY USES

### TEMPORARY BUILDINGS DURING CONSTRUCTION

Nothing in this By-law shall prevent the use of any land, or the erection or use of any temporary building or structure for a construction camp, work camp, tool shed, scaffold or other temporary building or structure incidental to and necessary for construction work on the premises for which a building permit has been issued and not expired, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned. The temporary building or structure shall be removed within six weeks of the work being completed or abandoned. Abandoned in this subsection shall mean failure to proceed expeditiously with the construction of the work.

### DESTRUCTION OF DWELLING

Nothing shall prevent the use of a mobile home, motor home or tourist trailer for temporary habitation in the case of complete or partial destruction of a single detached dwelling, or where its demolition is ordered by the Corporation of the

Town of Fort Erie, the Regional Niagara Health Services Department or other authority, for safety, health or sanitation requirements, for a period of time not to exceed 18 months.

#### REAL ESTATE PAVILION

Nothing shall prevent the use of land, or the erection of a real estate sales pavilion or the placement of a mobile home to be used as a real estate sales pavilion on a temporary basis either located within or not more than 300 metres from a developing subdivision and which use shall be removed when all lots have been sold.

#### TEMPORARY SALE OF MERCHANDISE

Nothing shall prevent the use of any lands or the placement of any vehicle or structure within any zone excepting Residential Zones and Environmental Protection Zones as outlined in Section 3 of this By-law, or upon any municipal road allowance as permitted by Town Council, for the temporary sale of food or merchandise by any person(s) for profit or gain as licensed and regulated by the Town.

#### CARNIVALS, FESTIVALS, FAIRS

Temporary events such as carnivals, festivals and fairs, including the ancillary sale of food and merchandise, shall be permitted in any zone excepting Residential Zones and Environmental Protection Zones as outlined in Section 3 of this by-law, subject to approval of the event by Town Council.

#### GARAGE SALES AND YARD SALES

Temporary events such as garage sales and yard sales shall be permitted on any property containing a residential use, subject to the following provisions:

- a) the event takes place only between the hours of 8:00 am and 6:00 pm
- b) no more than four (4) one-day events are permitted on a residential property in each calendar year.

#### CARGO CONTAINERS

Shall only be permitted in any area zoned Industrial IN Zone or Prestige Industrial PI Zone, shall be subject to the regulations of those zones and subject to a maximum of 6 containers for no longer than 2 years.

#### STORAGE OF PRODUCTS IN VEHICLES FOR SHIPPING

Temporary storage of products for shipping shall only be permitted in areas zoned Industrial (IN) Zone, Prestige Industrial (PI) Zone, and Dry Industrial (DI) Zone.

#### TEMPORARY SWIMMING POOLS

A temporary swimming pools shall be permitted in front yard where it is not physically possible to locate the temporary pool in the interior side yard, exterior

side yard or rear yard. Temporary swimming pools shall be permitted in the interior side yard, exterior side yard and rear yard. For the purposes of this section, temporary shall mean not to remain between October 1<sup>st</sup> and April 30<sup>th</sup>.

**TEMPORARY TENTS**

A temporary tent shall be permitted on any property containing a residential use in the rear or exterior side yard, or in the front yard not closer than 15 m to the front lot line for a period of up to 96 hours. A temporary tent shall be permitted in any yard on a commercial property for a period of up to 96 hours provided it is not closer than 3 m to a front property line or to a residential zone. No more than two (2) 96 hour events are permitted on any property in each calendar year.

**6.37 THROUGH LOTS**

Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard in accordance with Section 5.192 (d) of this by-law.

**6.38 TRAVEL TRAILERS, PICK UP CAMPERS, TENT TRAILERS, AND PERMANENTLY MOUNTED CAMPERS****(a) ALL ZONES**

No person shall in any zone, locate or use any travel trailer, pick up camper, tent trailer, and permanently mounted camper on any lot for living, sleeping or eating accommodation.

**(b) EXCEPTIONS**

Notwithstanding the provision of paragraph (a) hereof, a lot may be used for a travel trailer for living, sleeping or eating accommodation:

- (i) where the lot is used as a camping area in a public park, but which tourist trailer or motor home shall not be occupied for any period of time beyond 8 months.
- (ii) where the lot is in an Industrial zone and the travel trailer or motor home is used by a caretaker or watchman employed on the lot and provided not more than one such travel trailer is located on a lot; or
- (iii) where such use is specifically permitted elsewhere in this By-law.

**6.39 STORAGE OF RECREATIONAL VEHICLES**

On a lot containing a residential dwelling, no person shall store a recreational vehicle except in accordance with the following provisions:

- (a) where the lot is used for an apartment dwelling or boarding house, the storage of such vehicles shall be enclosed and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required by Section 6.20.
- (b) where the lot is used for any other residential use, the storage of such vehicles shall be permitted in any yard provided that where storage occurs in a front yard or exterior side yard, a minimum setback of 4.5m from the front lot line and in the case of a corner lot a daylighting triangle of 10.5m shall be required in addition to the front yard setback for sight clearance purposes.
- (c) Notwithstanding the requirements of (a) and (b) above, for lots fronting on the Niagara River Parkway and zoned Rural Residential, such vehicles shall be permitted to be stored only in accordance with the regulations of the Niagara Parks Commission.

#### 6.40 COVERED OR UNCOVERED PORCHES, BALCONIES, DECKS AND PATIOS

Notwithstanding the yard provisions of this By-law to the contrary, porches, balconies, decks and patios may project into required yards in residential zones as follows:

	Height of Platform		
	0 m to 0.5 m Above grade (uncovered)	Between 0.5 m and 1.5 m (uncovered) or 0 m to 1.5 m above grade (covered)	Above 1.5 m above grade
Minimum setback to exterior side lot line	0 m	1.5 m	Required building setback
Minimum setback to interior side lot line	Required building setback		
Minimum setback to rear lot line	0 m	3 m	Required building setback
Minimum setback to front lot line	3 m	3 m	Required building setback

#### 6.41 YARD ENCROACHMENTS PERMITTED



## (a) ORNAMENTAL STRUCTURES

Notwithstanding the yard provisions of this By-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows, bow windows, or other ornamental structures may project into any required yard a maximum distance of 0.5m.

## (b) ACCESSORY STRUCTURES

Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.

Enclosed Structures

Any enclosed porch, balcony, step, patio or barrier-free ramp structure is deemed to be part of the building to which it is attached, and shall meet all required yard setbacks thereof. For the purposes of this section, "enclosed" means having vertical planes which are more than 50% covered with walls including windows but not including removable screens.

## (d) STEPS AND BARRIER FREE RAMP STRUCTURES

Notwithstanding the yard provisions in this by-law to the contrary, steps and barrier free ramp structures may project into the front, rear and interior side lot lines and shall be setback a minimum of 1 m from exterior side lot lines.

## (e) FIRE ESCAPES

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed fire escapes, in which the stairs, steps and floors are latticed in such a manner that the proportions of voids to solids is not less than 2 to 1 and in which guards consist only of hand rails and the structural members necessary to their support, may project into any required yard a maximum distance of 1.5m.

## (f) RAILWAY SPUR

Notwithstanding the yard provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard.

## (g) GATE HOUSE

Notwithstanding the yard provisions of this By-law to the contrary, in a Commercial or Industrial zone, a gate house shall be permitted in any yard.

(h) CANOPIES OVER ENTRANCES

Notwithstanding the yard provisions of this By-law to the contrary, canopies over front and rear entrances may project into a required front yard or required rear yard a maximum distance of 3.0m.

(i) OPERATING MACHINERY

Notwithstanding the yard provisions of this By-law to the contrary, operating machinery shall:

- (i) in any lot used for residential purposes, be permitted to encroach into any side yard adjacent to a street or into any rear yard of any such lot.
- (ii) not be permitted in a front yard of a lot used for residential purposes except that an air conditioning unit or an automatic standby generator may encroach into a front yard to the maximum permitted distance of 2m from the main wall of the main building.
- (iii) where permitted on any residential lot under (i) or (ii) above, the exhaust or intake shall not be directed towards any side yard if such side yard abuts another parcel of land used for residential purposes.
- (iv) where permitted on any residential lot under (i) or (ii) above, shall not be located less than 5m from an existing residential use under separate ownership, except that an air conditioning unit or an automatic standby generator shall not be located less than 2m from an existing residential use under separate ownership.
- (v) be permitted to encroach into any interior side yard, provided that the said operating equipment shall not be located less than 5m from any lot line, except that an air conditioning unit or automatic standby generator shall not be located less than 0.5m from any lot line.

**6.42 WAYSIDE PITS AND QUARRIES**

Wayside pits and quarries shall be permitted only in the Agricultural (A) Zone and the Extractive Industrial (EI) Zone.

**6.43 ACCESSORY APARTMENTS (By-law 124-92)**

- “(a) Any single detached, semi-detached or townhouse dwelling located in any "Residential 1 (R1) Zone", "Residential 2 (R2) Zone", "Residential 2A (R2A) Zone", "Residential 3 (R3) Zone", "Residential Multiple 1 (RM1) Zone", "Agricultural (A) Zone", "Rural (RU) Zone", "Rural Residential (RR) Zone" or "Core Mixed Use

(CMU) 2" may have one accessory apartment within the primary dwelling, subject to the following requirements:

- i) Only one accessory apartment is permitted per lot.
  - ii) Where the parcel proposed for the accessory apartment unit is not serviced by a municipal sewer system and/or municipal water distribution system, the minimum lot size of the parcel shall be not less than 0.4 ha and that the private sewage system for the property shall be capable of supporting the intensified use.
  - iii) The maximum floor area for the accessory apartment shall not exceed 40% of the total floor area of the dwelling. Where a portion of the basement of the dwelling is occupied by the accessory apartment, the floor area of the basement shall be included in the calculation of the total floor area.
  - iv) One parking space for the accessory apartment shall be provided on site.
  - i) The minimum landscaped open space in the front yard of any dwelling containing an accessory apartment shall be 35%.
  - v) The external appearance and character of the building shall be maintained whenever possible.
  - vi) The building age and condition shall be capable of supporting the intensified use.
  - vii) The accessory apartment shall be clearly attached to, and form part of the main building.
  - viii) Accessory apartments located within semi-detached or townhouse dwellings must be located within the existing dwelling and shall not cause the building footprint to be expanded.
  - x) The dwelling shall comply with all of the regulations for the zone in which it is located.
- (b) Any lot located in any "Residential 1 (R1) Zone" may have one second dwelling unit, subject to the following requirements:
- ii) Only one second dwelling unit shall be permitted per lot. Second dwelling units are not be permitted on a lot containing an accessory apartment.
  - iii) The maximum floor area of the second dwelling unit shall not exceed 40% of the total floor area of the principal dwelling.

- iv) One parking space, not tandem for the second dwelling unit must be provided on site.
- v) The minimum setback from the interior side yard or rear yard for an accessory structure containing a second dwelling unit or a stand-alone second dwelling unit shall be 2.0 metres.
- vi) The maximum height of an accessory structure containing a second dwelling unit shall be the height of the principal dwelling located on the lot or 8.0 metres, whichever is less.
- vii) The minimum floor area of a second dwelling unit shall be 37 square metres.
- viii) The minimum landscaped open space in the front yard of any lot containing a second dwelling unit shall be 35%.
- ix) The maximum lot coverage of a building containing a second dwelling unit shall be 10 percent.
- x) The principal dwelling and second dwelling unit shall comply with all the regulations for the zone in which they are located."

#### **6.44 MINOR YARD VIOLATIONS AFTER 10 YEARS (By-law 232-95)**

Notwithstanding any other provisions of this by-law where a main building or an accessory building has been erected on a lot, the required front yard, rear yard and side yard for said lot shall be deemed to be the existing front yard, rear yard and side yard provided:

- (a) such yards in relation to the main building or the accessory building have existed unchanged for a period of at least 10 years, and;
- (b) the buildings on such lot conform to the provision of this by-law in every other respect.

#### **6.45 LOTS COMPOSED OF TWO OR MORE LOTS (By-law 3-2002)**

Nothing in this by-law shall prevent the erection, alteration, extension or enlargement of a building or structure on lands composed of two or more contiguous lots, and such lots may be treated as one lot when calculating lot coverage and yard setback requirements, provided all of the requirements of the appropriate zone are complied with, and the owner of the lands has entered into a site plan agreement with the Town of Fort Erie in accordance with Section 41 of the *Planning Act R.S.O. 1990 c.P. 13* as amended from time to time or any successor thereto together with any regulations made thereunder.

**6.46 REFUSE COLLECTION AREAS**

Any refuse collection area except for deep collection units shall be enclosed within a covered building, or screened from view through the use of solid materials such as board-on-board fencing and/or decorative brick or block, and;

Such refuse collection area except for deep collection units may not be located in any front yard or any other yard abutting a street.

**6.47 AVERAGE SETBACKS**

- a) Notwithstanding any other front yard requirements of this by-law, a dwelling or dwelling addition to be erected in an R1, R2, R2A, R3, RM1, WRR or RR Zone, on a lot where abutting lots on both sides fronting on the same street are occupied by dwellings, may have a minimum front yard depth equal to or greater than the average front yard depth of the dwellings on the two abutting lots.
- b) Notwithstanding any other front yard requirements of this by-law, a dwelling or dwelling addition to be erected in an R1, R2, R2A, R3, RM1, WRR or RR Zone, or on a corner lot where the abutting lot fronting on the same street is occupied by a dwelling, may have a minimum front yard depth equal to or greater than the front yard depth of the dwellings on the abutting lot and/or the dwelling on the opposite side of the road allowance fronting on the same street, but may not be less than 1 m except that the dwelling must comply with the requirements for daylighting triangles in Section 6.31.

**6.48 YARD SETBACKS FOR LOTS ABUTTING LAKE ERIE (By-law 100-05)**

Notwithstanding any other yard requirements of this by-law, any building or any addition thereto in the vicinity of Lake Erie shall be set back a minimum of 30m from the 1-in-100 year flood elevation as determined by the Niagara Peninsula Conservation Authority.

**6.49 FLOODPROOFING AREAS**

New buildings and structures shall only be erected in areas delineated as Floodproofing Areas on Schedule "A" in accordance with the following minimum building opening elevations prescribed in this subsection.

**FLOODPROOFING AREA NO. 1**

New permitted buildings and structures shall be floodproofed with no openings below 176.5m elevation.

FLOODPROOFING AREA NO. 2

New permitted buildings and structures shall be floodproofed with no openings below 177.5m elevation.

**6.50 OUTDOOR PATIOS ASSOCIATED WITH EATING ESTABLISHMENTS AND/OR TAVERNS (By-law 90-04)**

For any outdoor patio associated with any eating establishment and/or tavern in any zone where such use is permitted, the following provisions shall apply:

- (a) No part of any outdoor patio shall be used as a place of entertainment for the purpose of providing entertainment or amusement of any kind and, without restricting the generality of the foregoing, entertainment or amusement includes live or recorded music, dance facilities, theatrical performances, video games, film presentations, video screens or televisions if any part of such patio is located within 60 metres of a Residential Zone.
- (b) No part of any outdoor patio shall be located within 20 metres of a residential zone.
- (c) No part of any outdoor patio on private lands shall be located closer than 2 metres to any property line or street line where the patio abuts any zone other than a residential zone.
- (d) The seating capacity of the outdoor patio shall not exceed 50 percent of the seating capacity of the eating establishment and/or tavern with which the patio is associated.
- (e) No outdoor patio shall be constructed in a way that would remove on-site parking spaces required by this Zoning By-law.
- (f) No outdoor patio shall be located on any municipal road allowance or any other property owned by the Town unless a valid permit therefor has been issued by the Town.
- (g) The outdoor patio must be able to provide easy access to the municipal lot servicing laterals.

**6.51 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, more than one dwelling 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 five (5) dwelling units within the plan of subdivision proposed for registration
- (d) The model home shall comply with all other provisions of this By-law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivision; and
- (e) The model home shall comply with all applicable terms and conditions of the said subdivision agreement.

#### **6.52 "PET DAY CARE ESTABLISHMENTS"**

In addition to the regulations governing the zone in which it is proposed to be located, the following additional provisions shall apply to "Pet Day Care Establishments":

- a) The establishment shall operate only between the hours of 7:00 am and 8:00 pm
- b) An establishment wholly enclosed within a building shall not be located closer than 150m to any Residential Zone
- c) In the case of an establishment which also includes an outdoor run, the outdoor run area shall not be located closer than 150m to any Residential Zone nor any closer than 150m to any residential dwelling unit, exclusive of the Pet Day Care Establishment operator's dwelling unit
- d) Any outdoor run associated with a Pet Day Care Establishment shall be enclosed with solidly constructed fencing so as to fully obstruct the visibility of the neighbouring properties from the pets, and being capable of preventing the escape of pets.
- e) In the Agricultural (A) and Rural (RU) Zones, Pet Day Care Establishments, regardless of whether or not they are located in the same building as a dwelling, shall be considered to be agricultural buildings for the purposes of Section 7.4 and 8.3 of Zoning By-law 129-90.

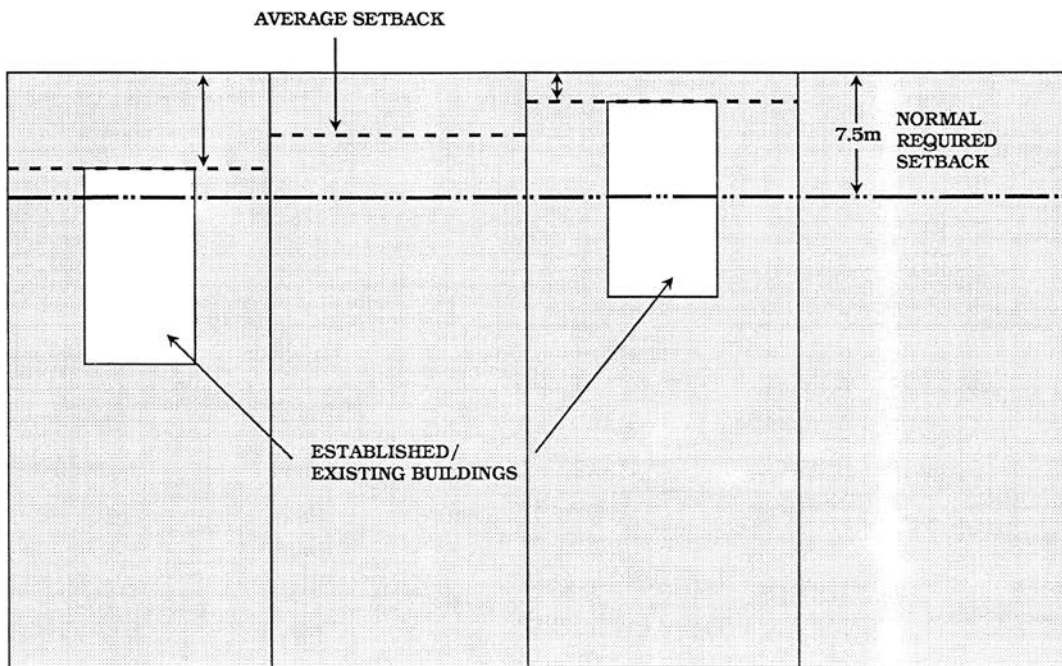
#### **6.53 EXISTING LOTS OF RECORD**

Vacant undersized lots of record outside the urban area boundary will require septic system approval from the Regional Municipality of Niagara.

### ILLUSTRATIONS

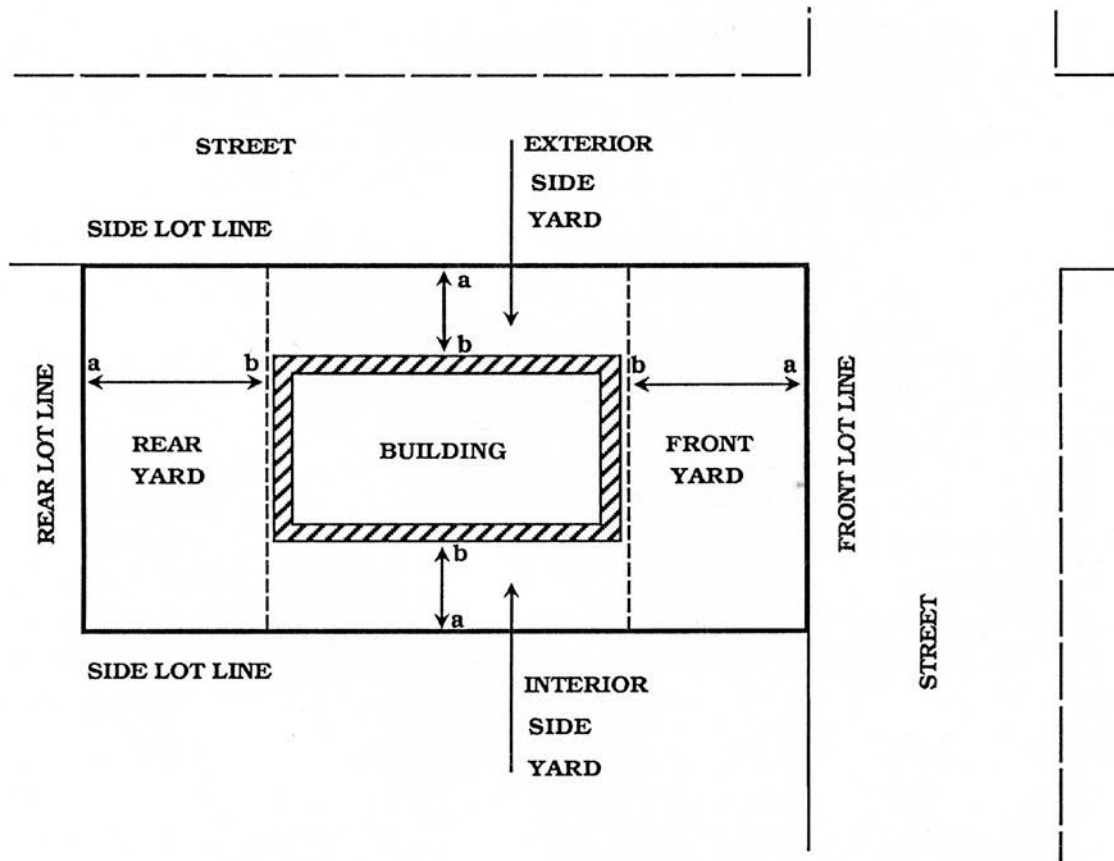
The following illustrations are for clarification and convenience and do not form part of this by-law.

### ESTABLISHED BUILDING LINES / FRONT YARD REDUCTION



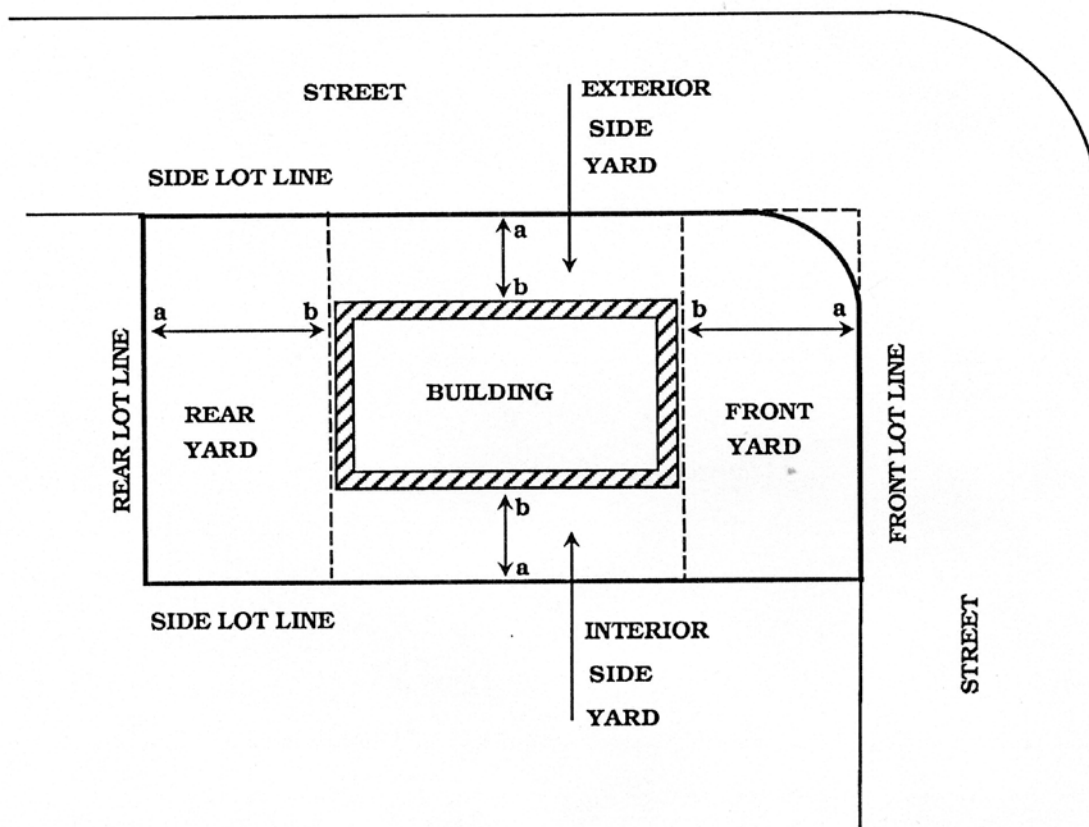


### PARALLEL LOT LINES YARD DEFINITIONS



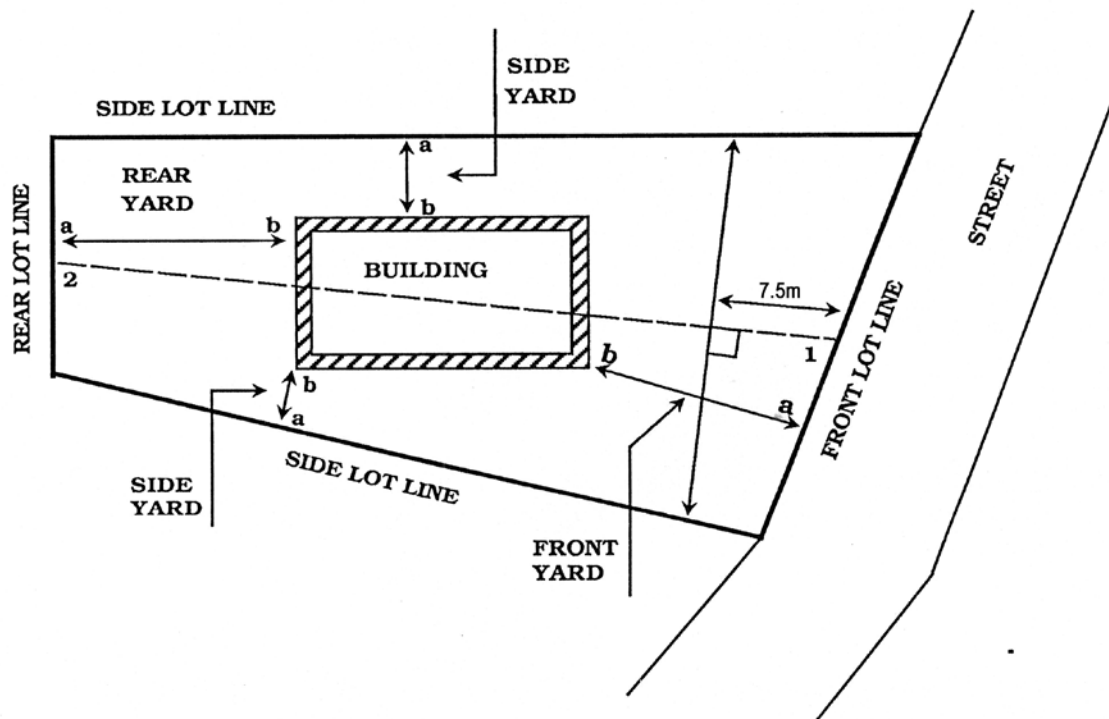
DISTANCE  $ab$  REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE  $ab$  MUST BE THE MINIMUM DISTANCE SPECIFIED IN BY-LAW.

# **CORNER LOT CURVED LOT LINE YARD DEFINITIONS**



DISTANCE  $ab$  REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE  $ab$  MUST BE THE MINIMUM DISTANCE SPECIFIED IN BY-LAW.

# **IRREGULAR LOT** **NO PARALLEL LOT LINES** **YARD DEFINITIONS**



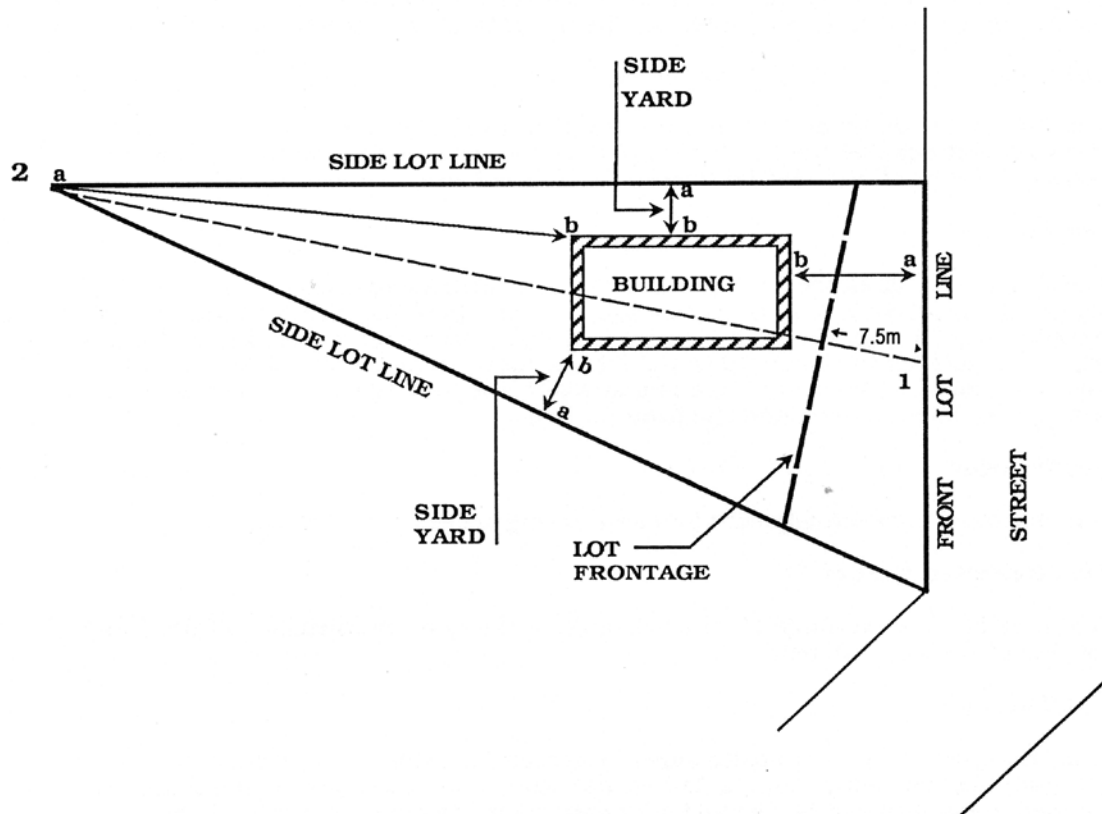
## **LOT FRONTAGE**

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5m FROM THE FRONT LOT LINE.

DISTANCE ab REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE ab MUST BE A MINIMUM DISTANCE SPECIFIED IN BY-LAW.

# **IRREGULAR LOT** **NO REAR LOT LINE** **YARD DEFINITIONS**



## **LOT FRONTAGE**

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5m FROM THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE BY-LAW.

# APPENDIX "5"

City of Niagara Falls

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 1

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- D1 - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
- H - Hazard Zone
- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

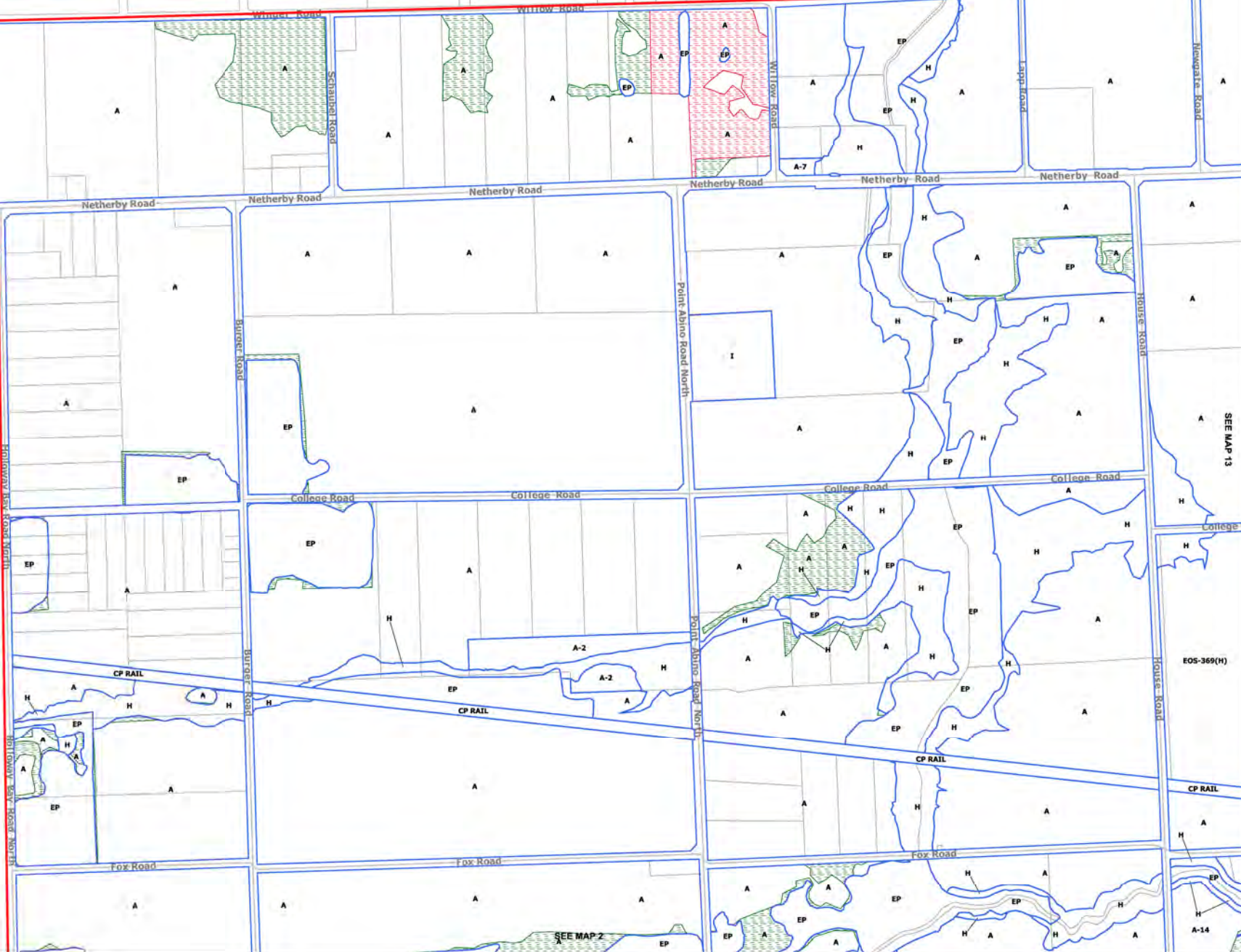
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Municipal Boundary

0 400 m

**FORT ERIE**  
Planning and Development  
Services



Last Revised  
September 2016



SEE MAP 2

SEE MAP 13

EOS-369(H)

A-14



# APPENDIX "5"

City of  
Port Colborne

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 5

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- D1 - Dry Industrial Zone
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- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
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- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

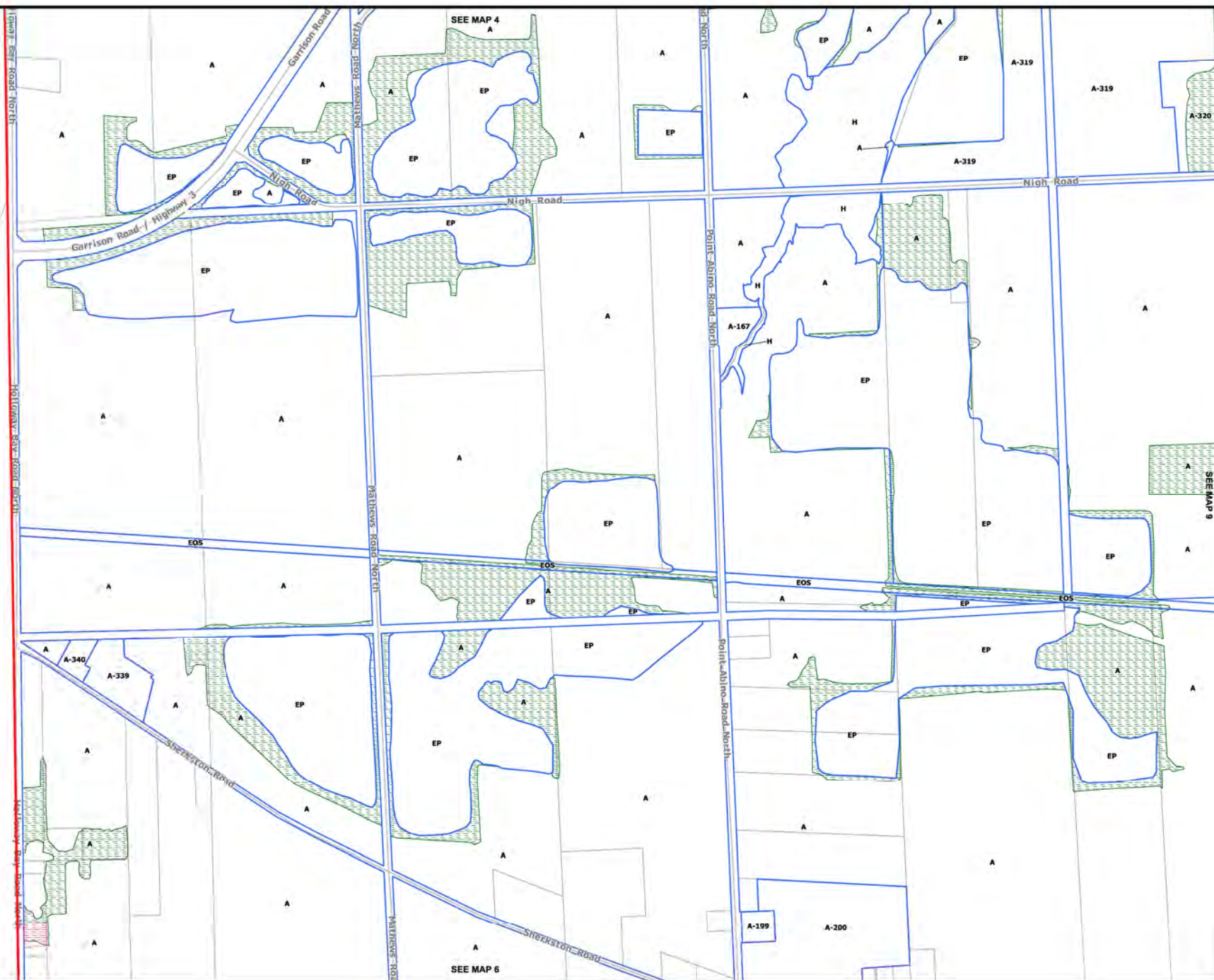
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Municipal Boundary
- Property Boundary

0 400 m

**FORT ERIE**  
Planning and Development  
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September 2016





# APPENDIX "5"

City of  
Port Colborne

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 6

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
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- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
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- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

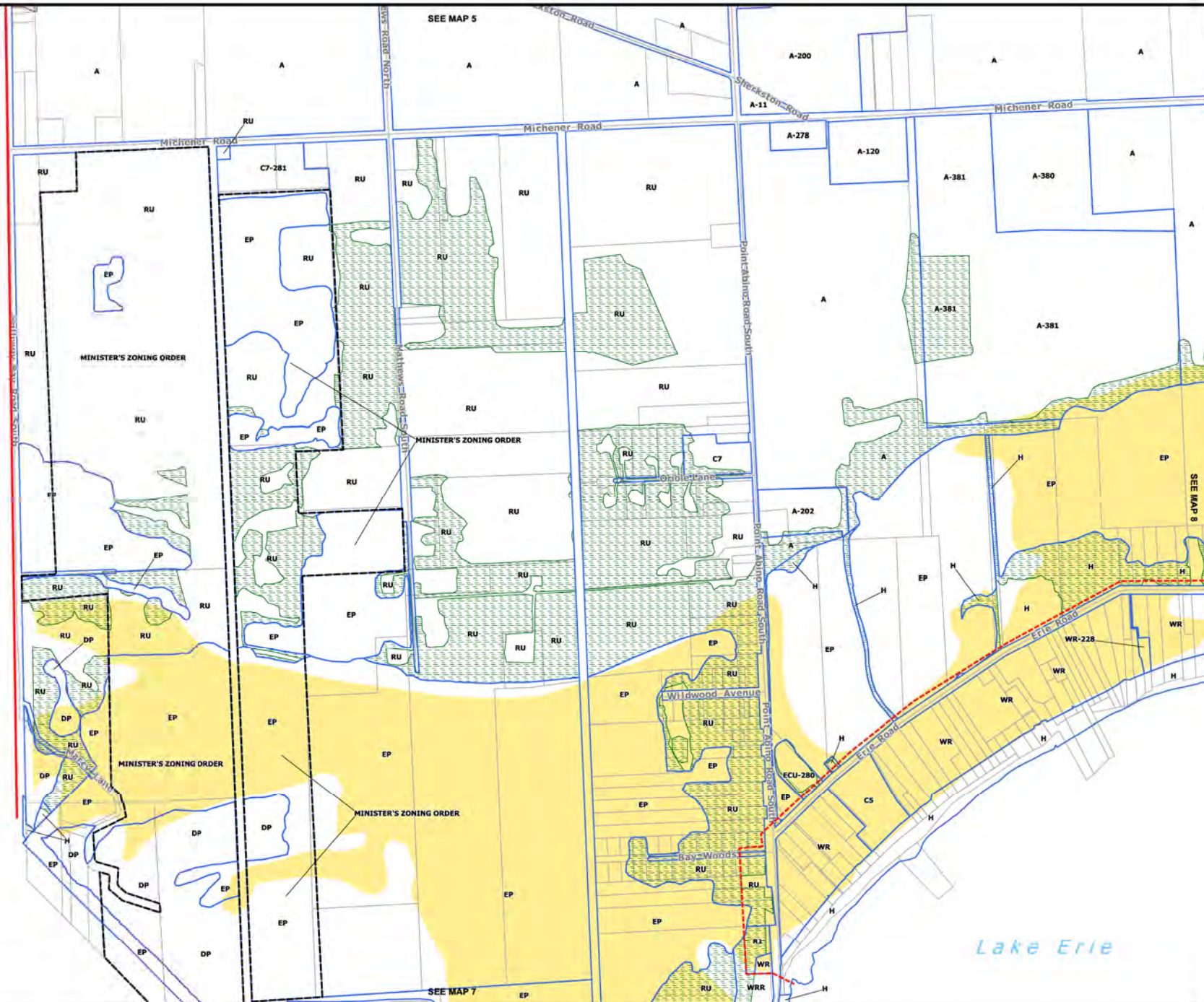
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Areas Affected By Minister's Zoning Order
- Floodproofing Area 1
- Municipal Boundary
- Property Boundary
- Urban Boundary

0 400 m

**FORT ERIE**  
Planning and Development  
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# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 7

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
- H - Hazard Zone
- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Floodproofing Area 1
- Floodproofing Area 2
- Areas Affected by Minister's Zoning Order
- Property Boundary
- Urban Boundary

0 400 m



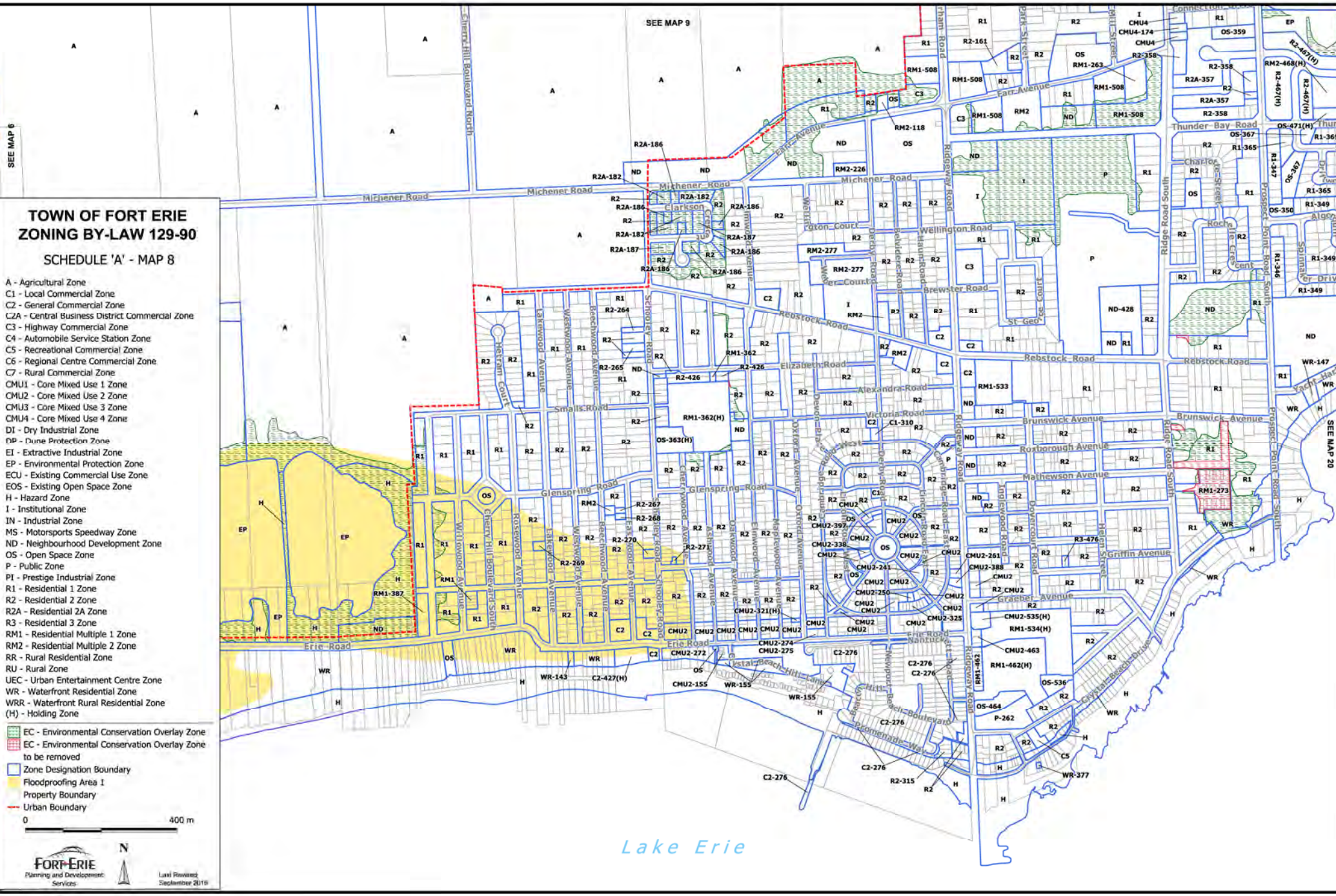
Last Revised:  
September 2016



Lake Erie



# APPENDIX "5"





# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 9

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
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- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- ET - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
- H - Hazard Zone
- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

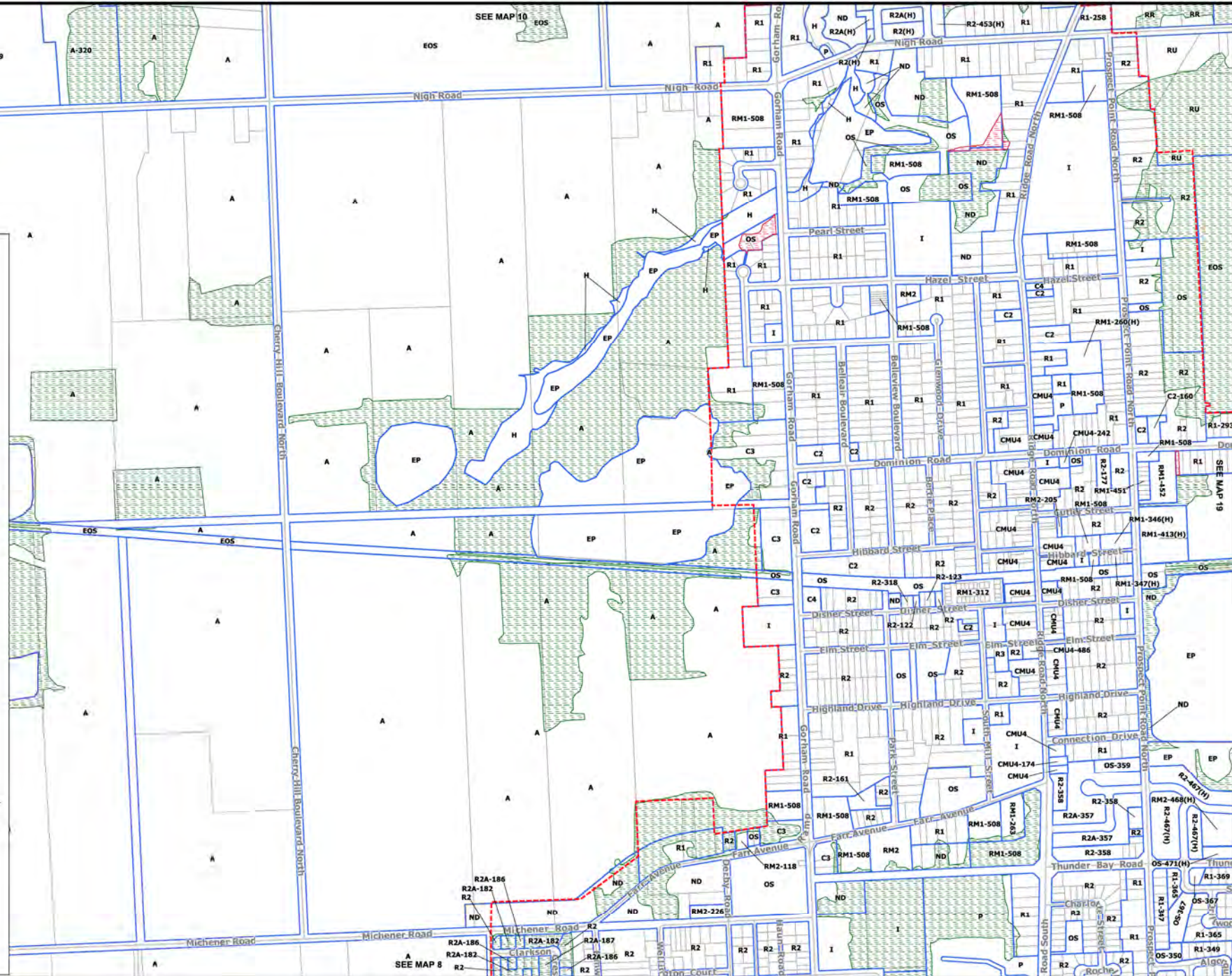
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Urban Boundary

0 400 m

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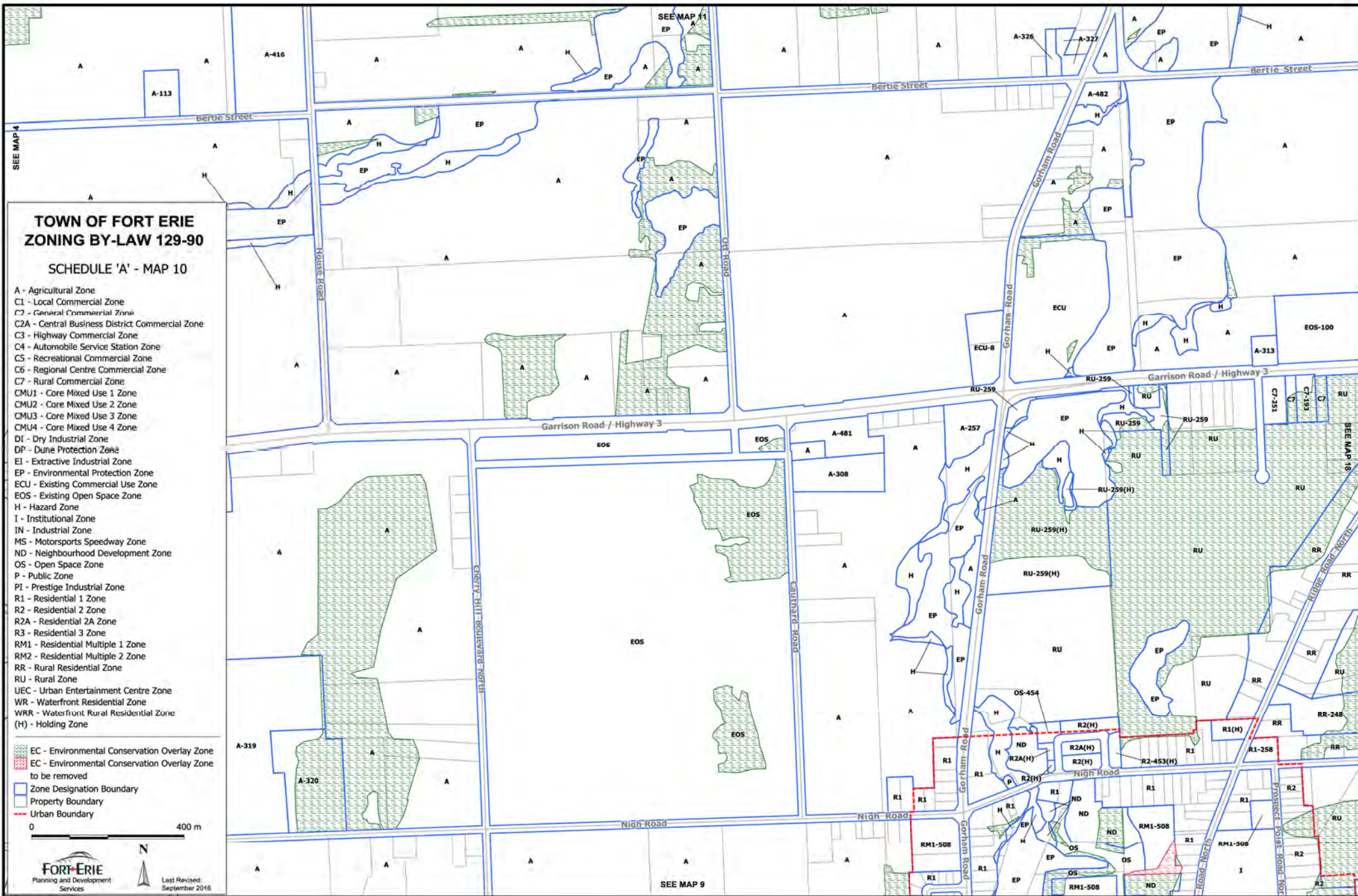


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# APPENDIX "5"





# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 12

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- E1 - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
- H - Hazard Zone
- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

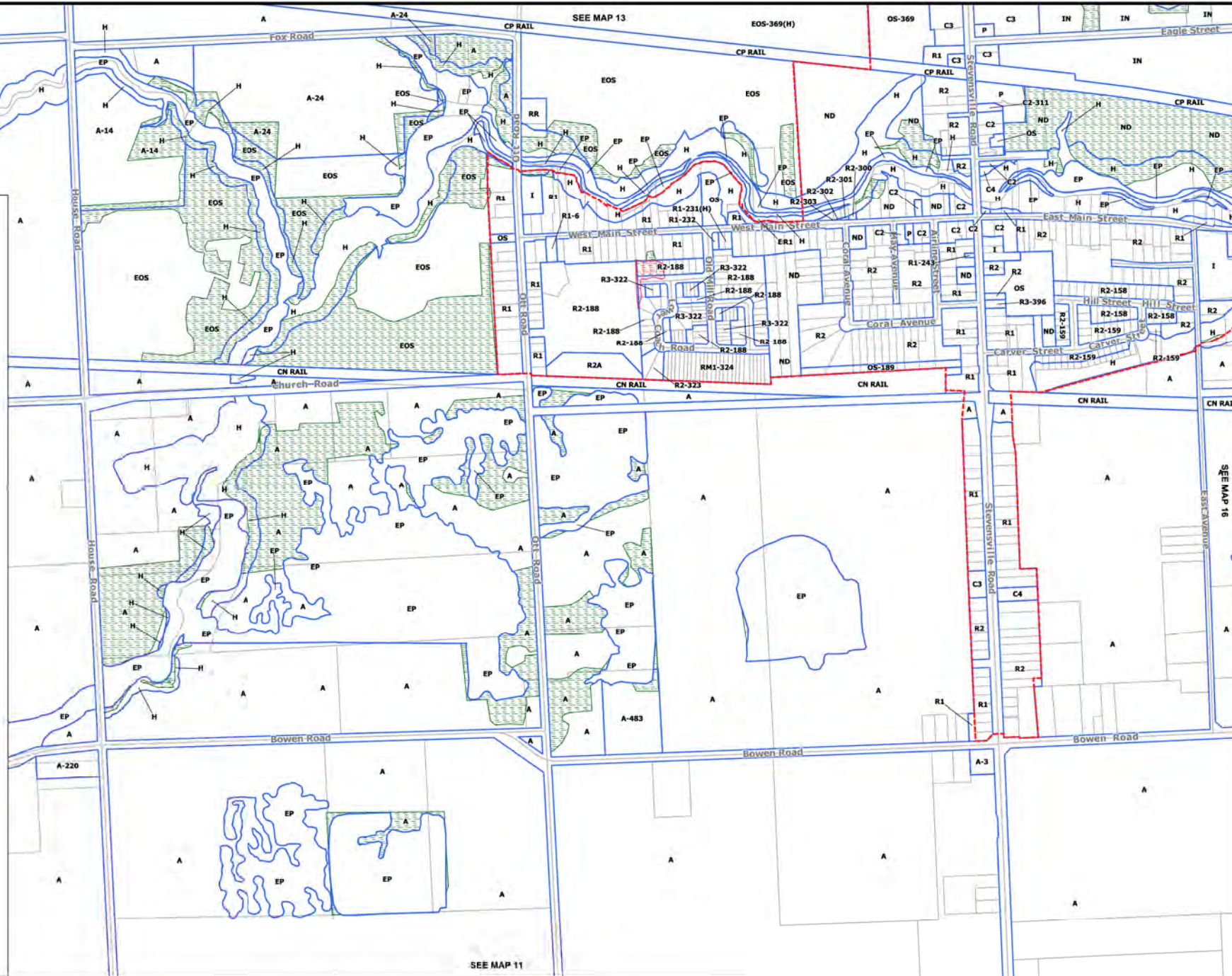
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Urban Boundary

0 400 m

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# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 16

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- D1 - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
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- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

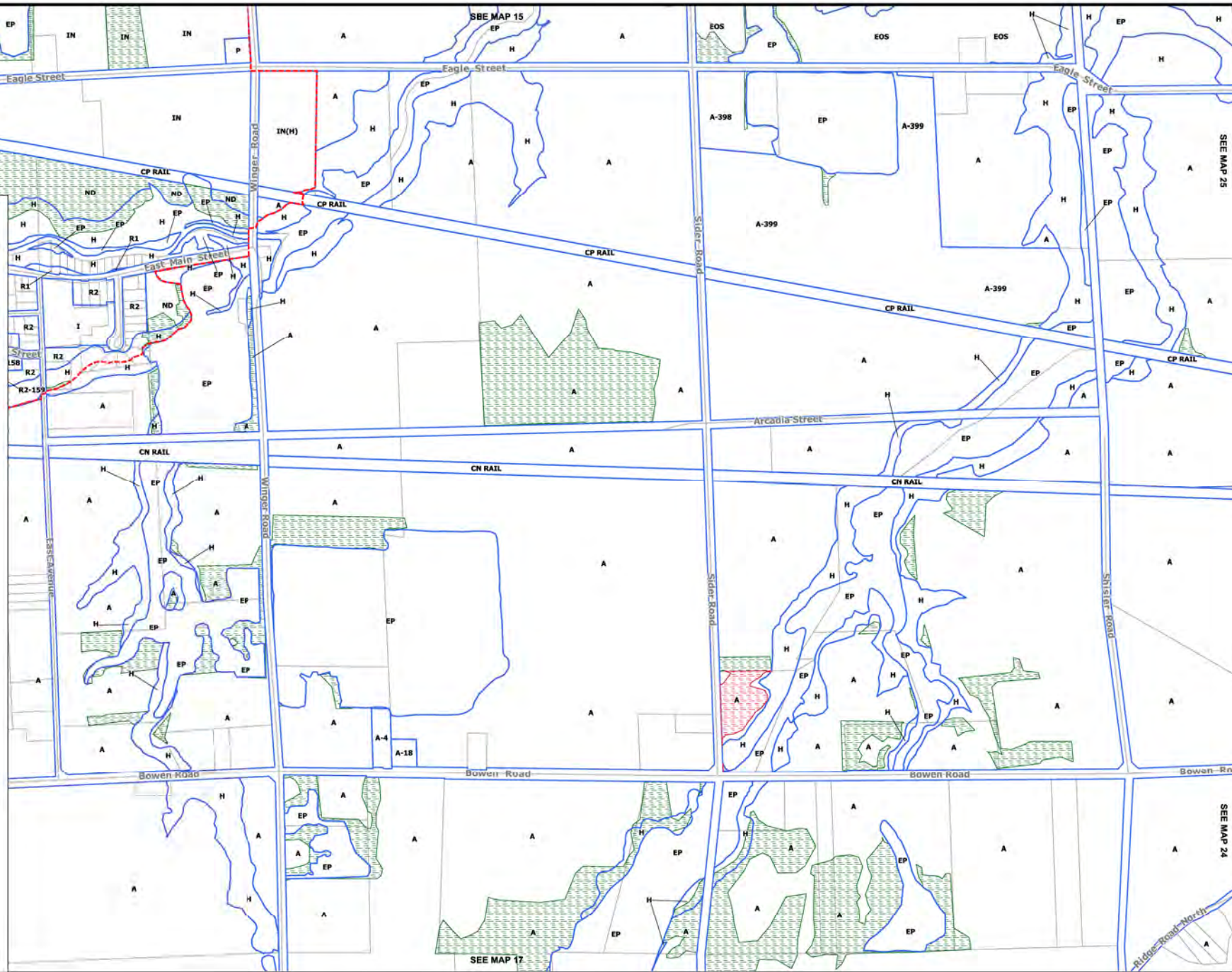
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Urban Boundary

0 400 m

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## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 18

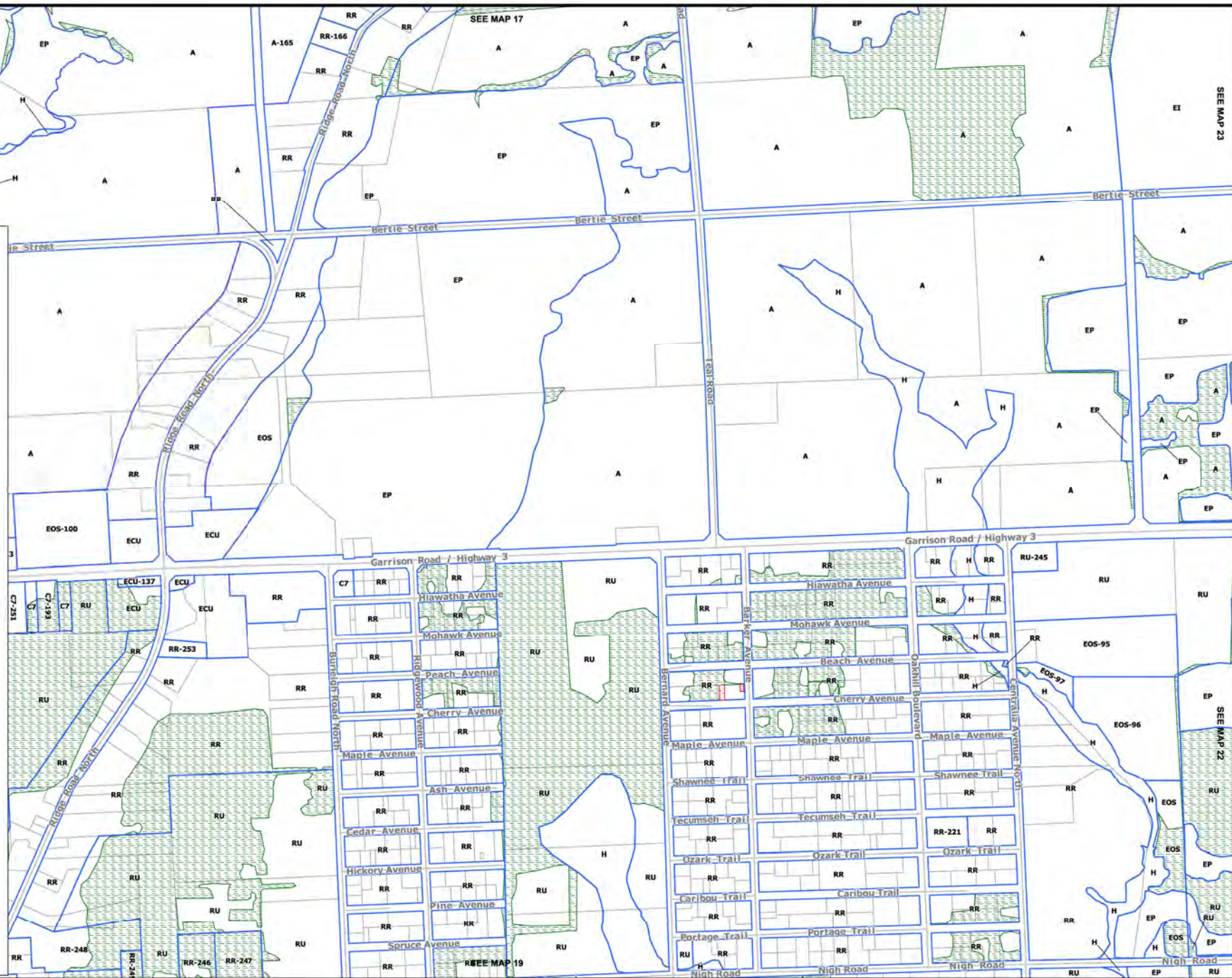
- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- D1 - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
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- I - Institutional Zone
- IN - Industrial Zone
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- PI - Prestige Industrial Zone
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- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary

0 400 m



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## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 19

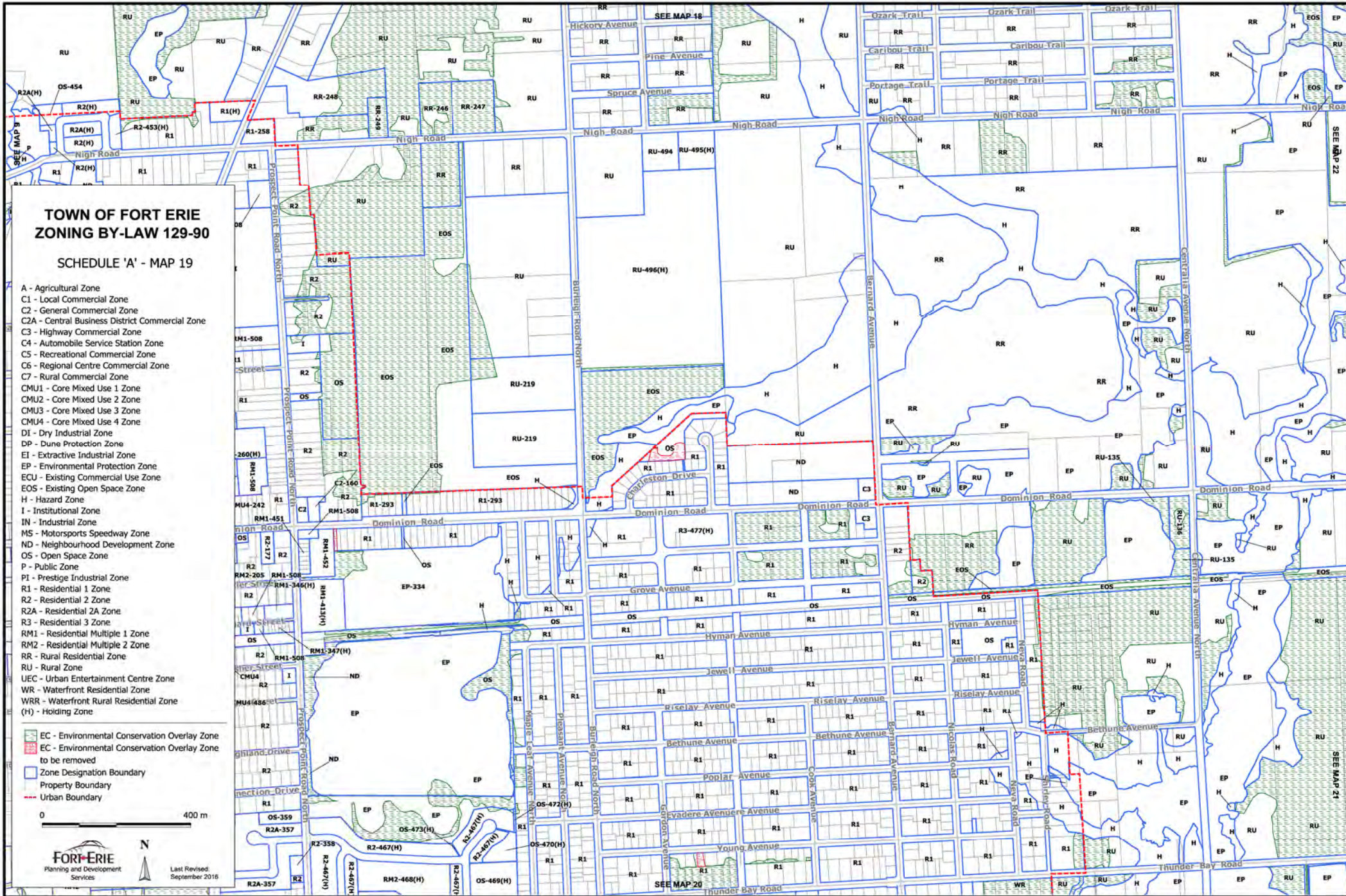
- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
- EP - Environmental Protection Zone
- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
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- I - Institutional Zone
- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Urban Boundary

0 400 m

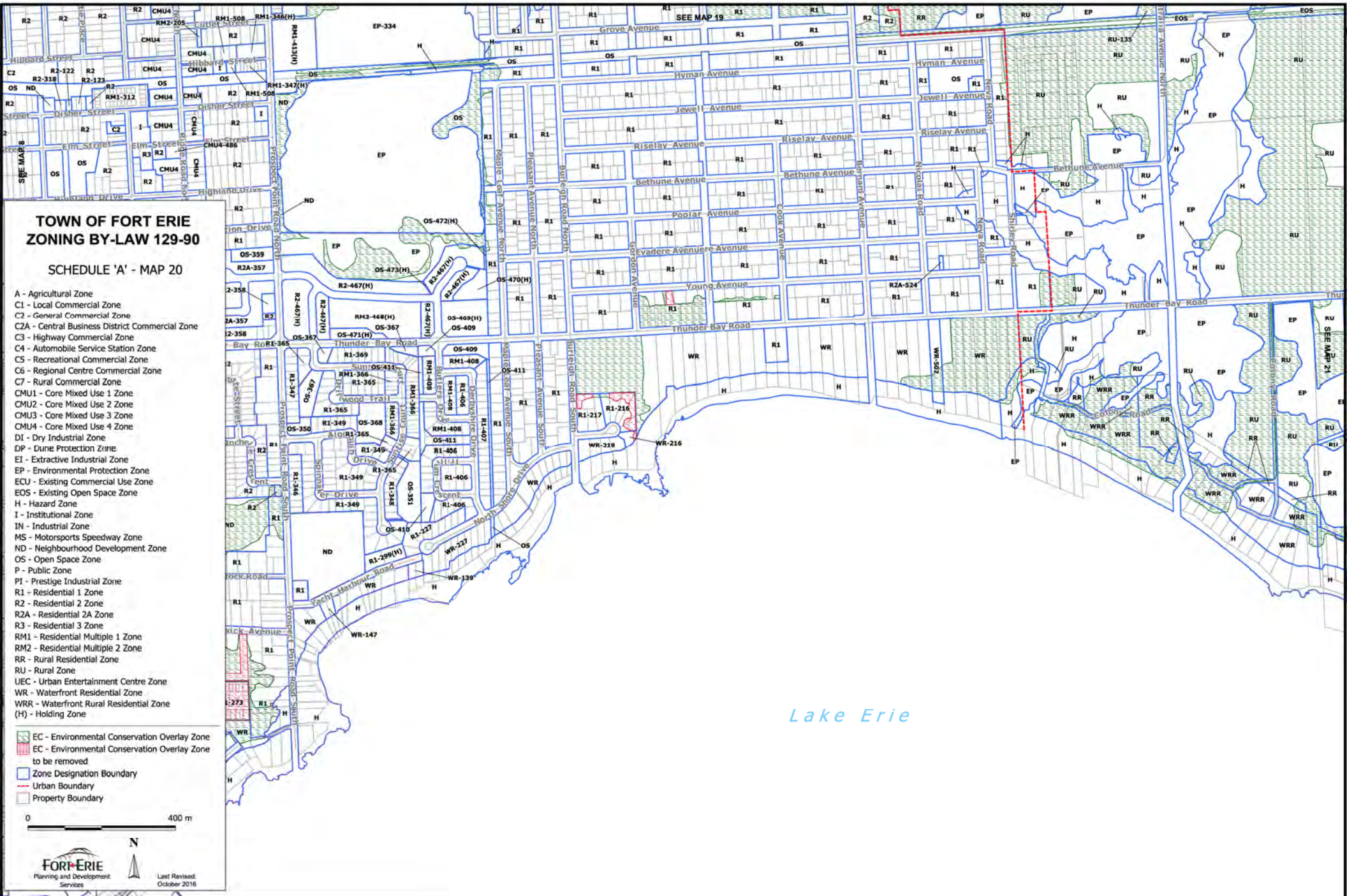
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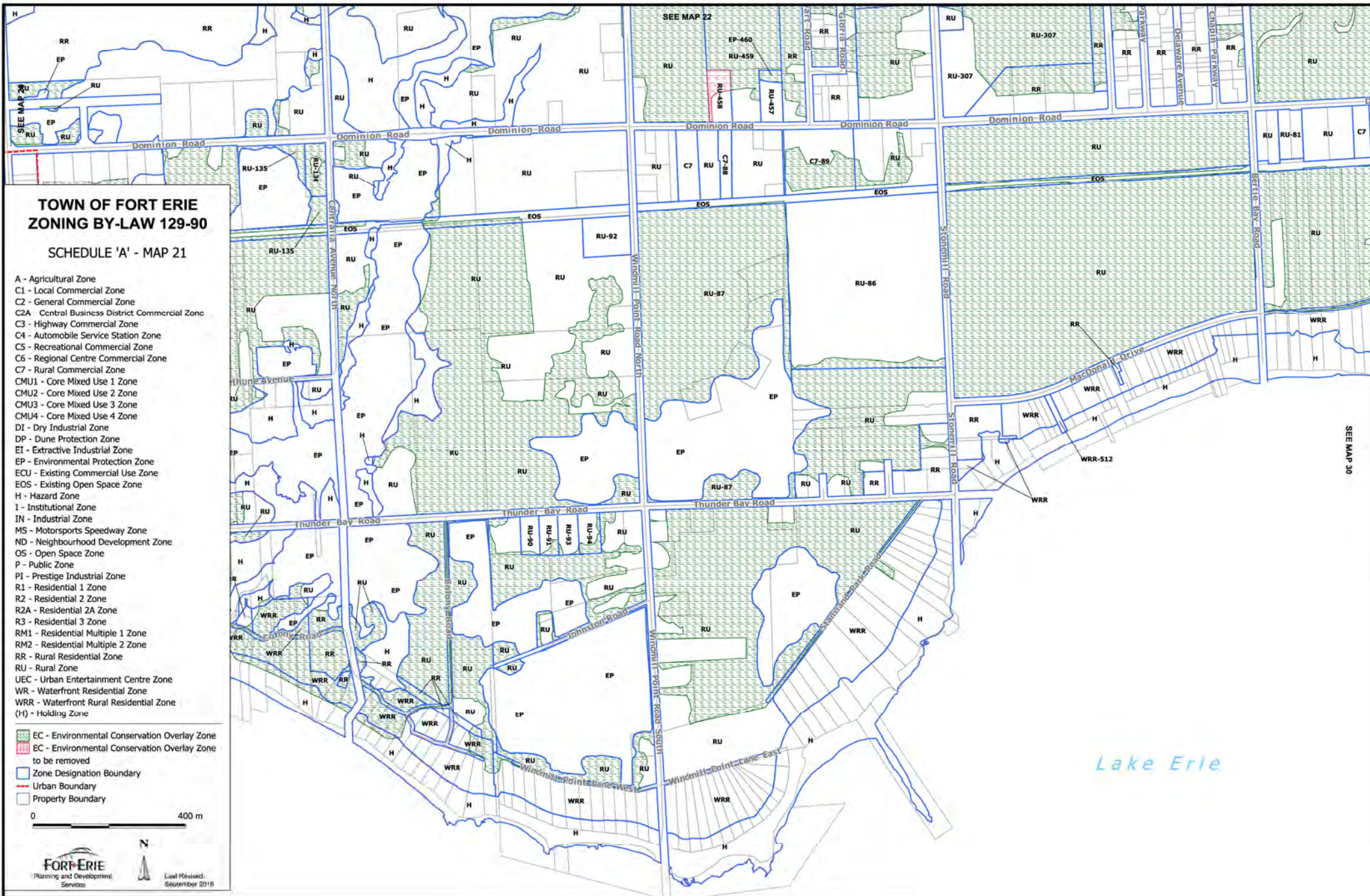


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## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 22

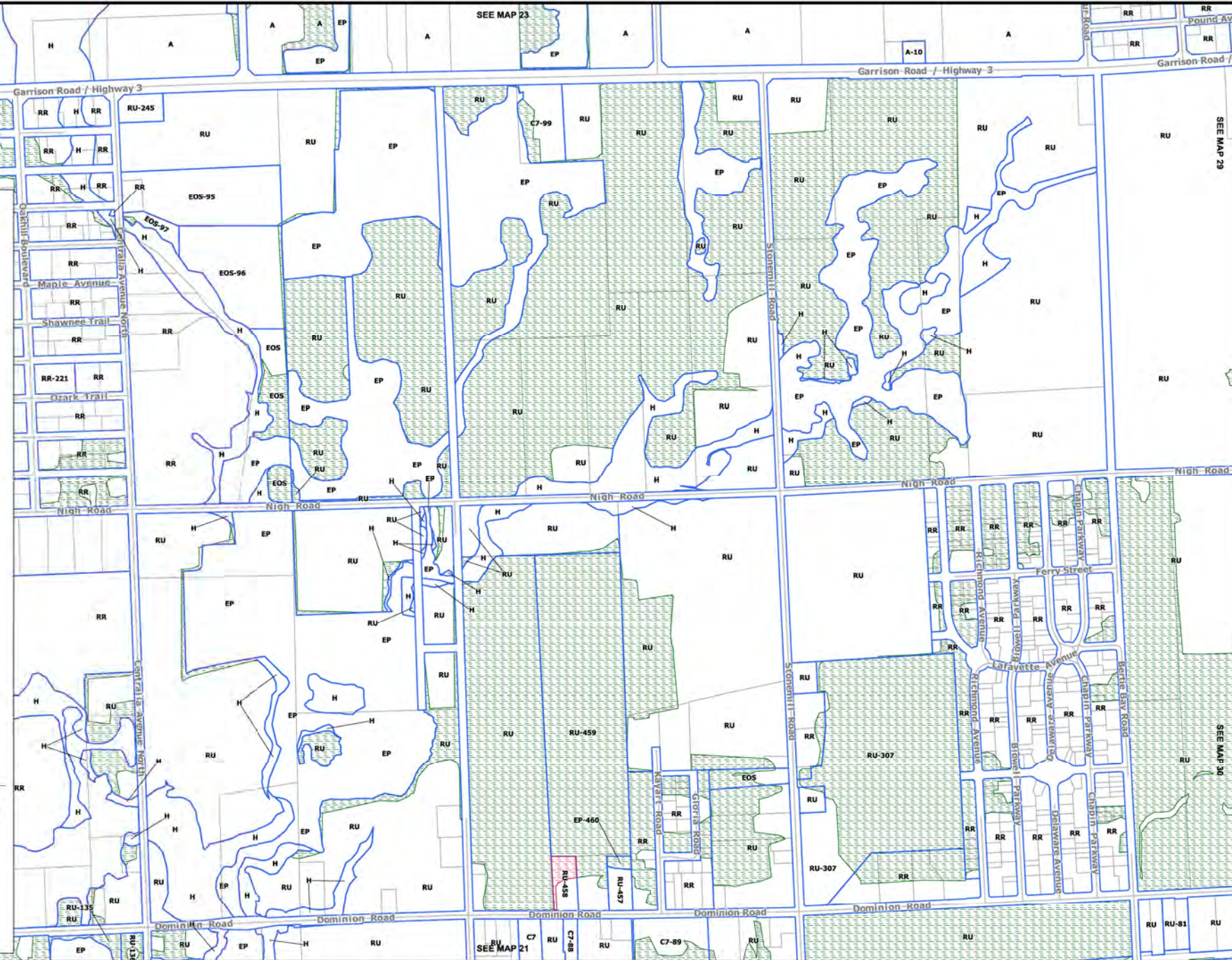
- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
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- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- D1 - Dry Industrial Zone
- DP - Dune Protection Zone
- E1 - Extractive Industrial Zone
- EP - Environmental Protection Zone
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- RM2 - Residential Multiple 2 Zone
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- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary

0 400 m

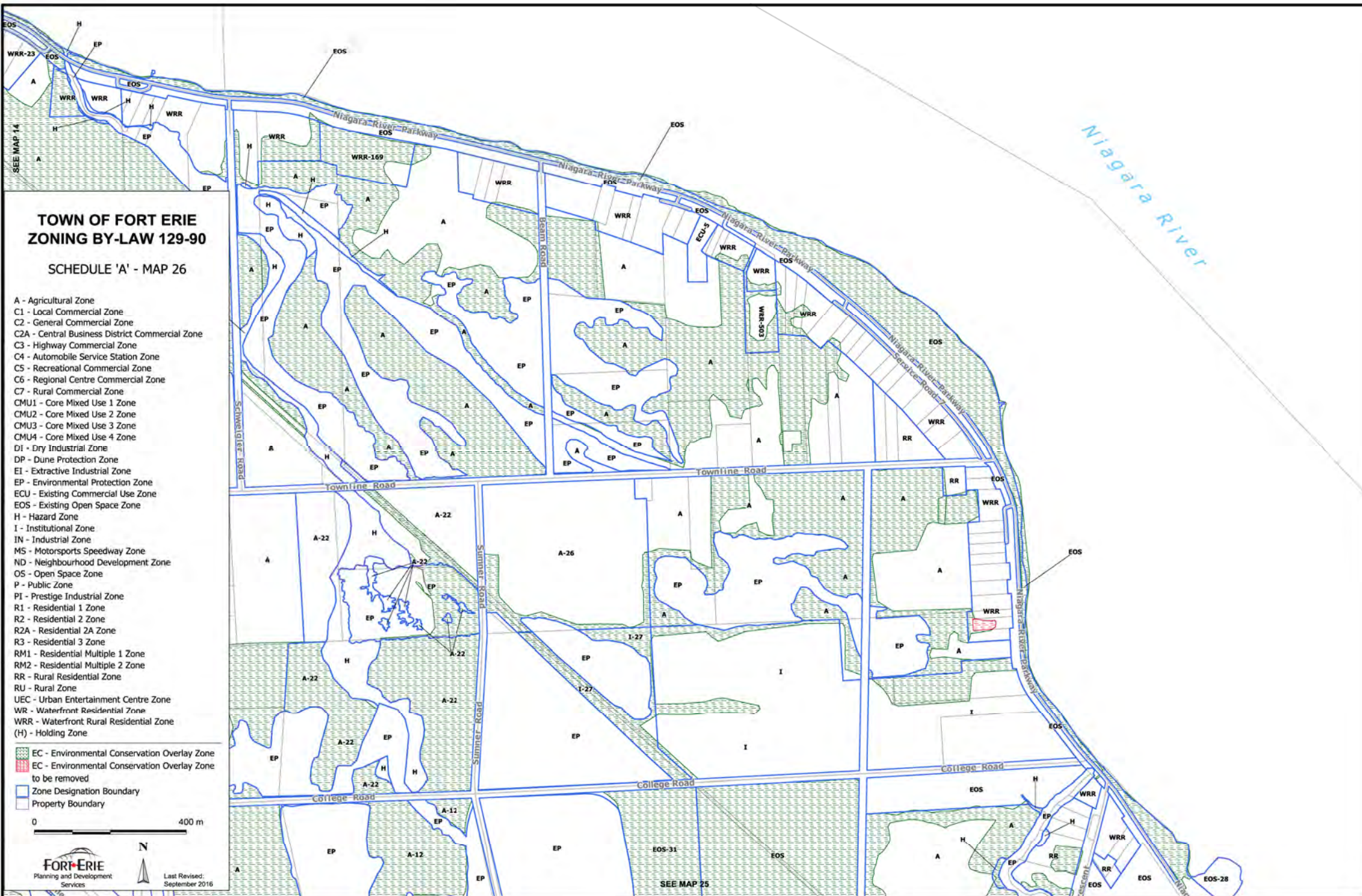
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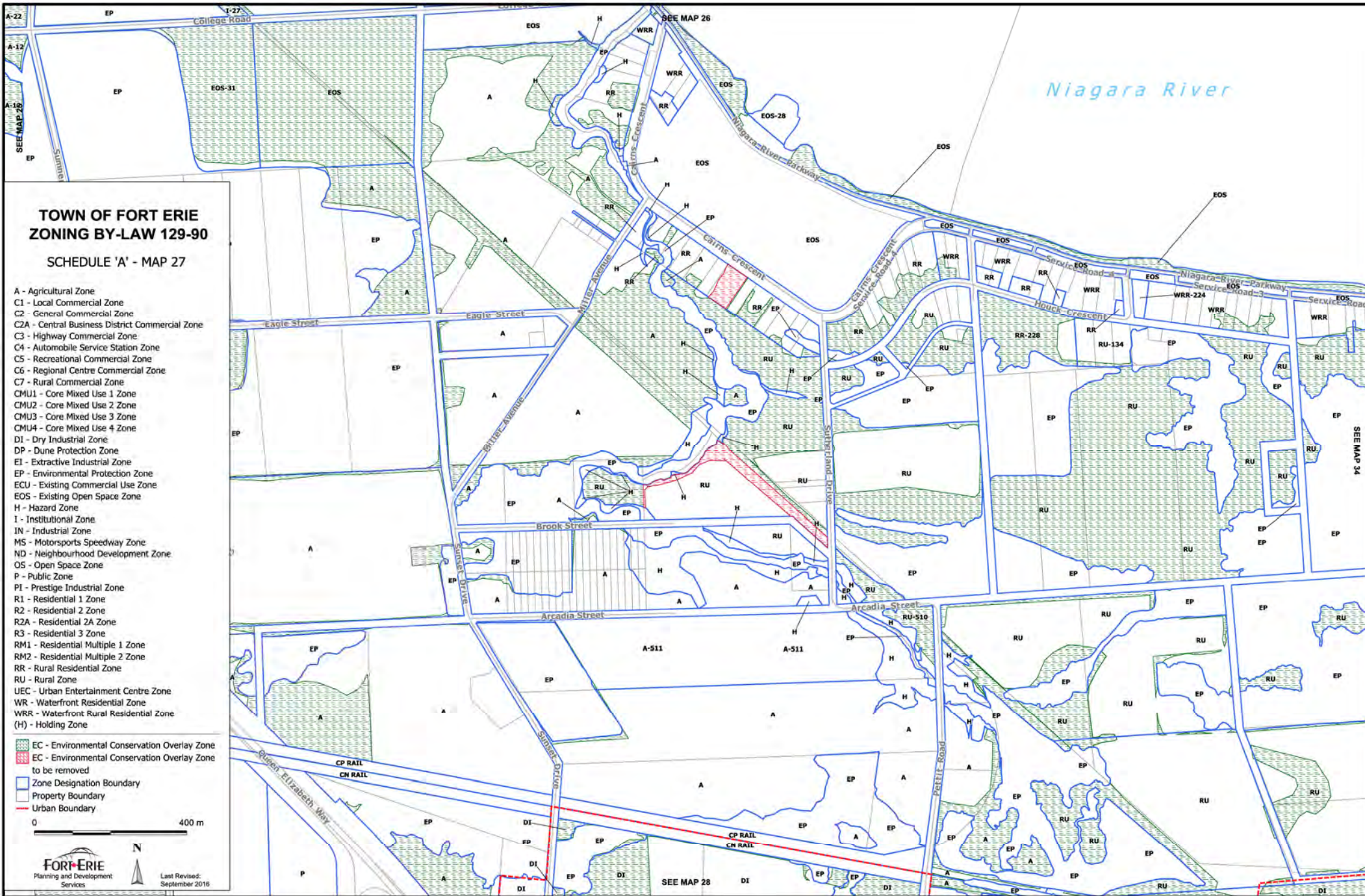


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# APPENDIX "5"

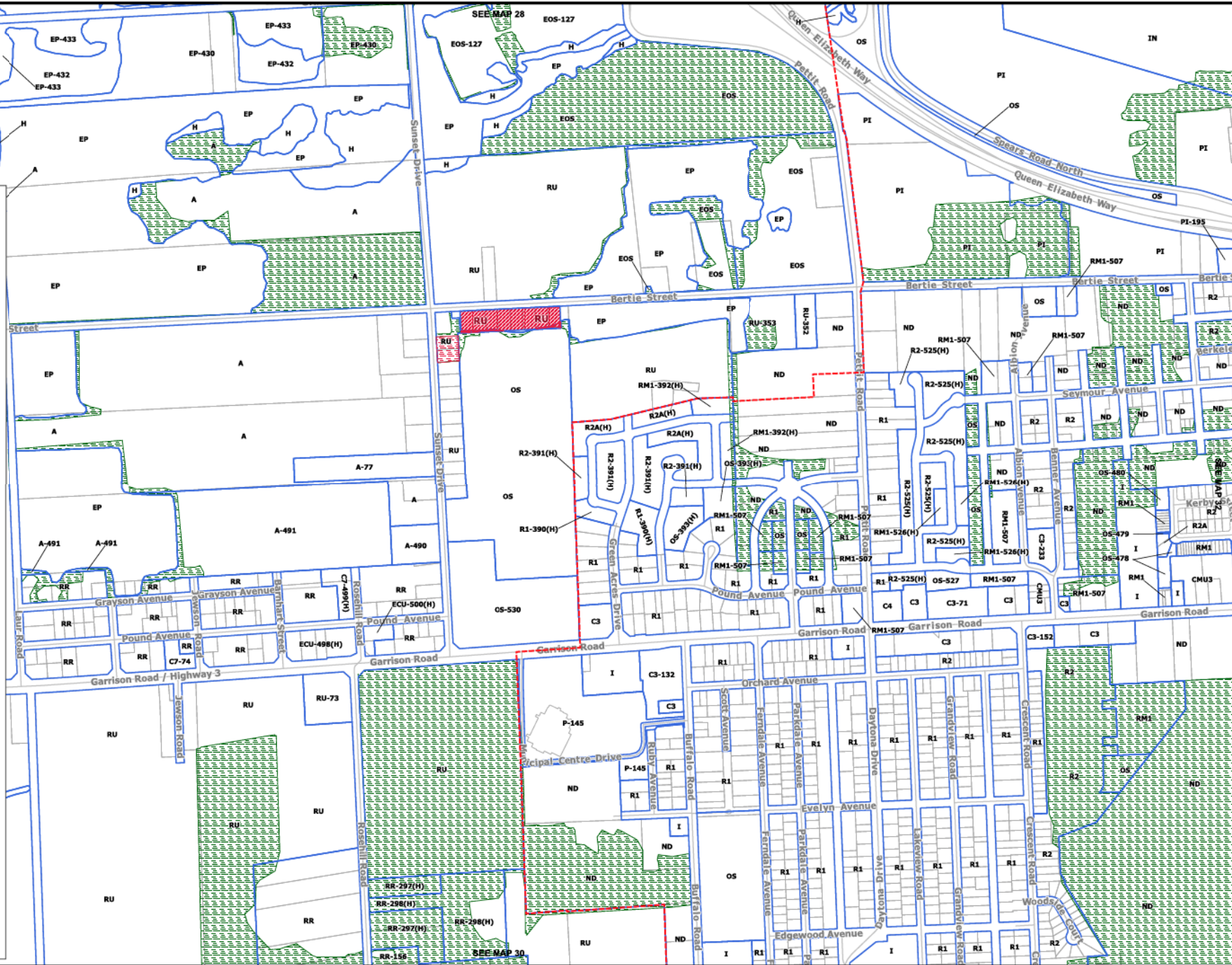
## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 29

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
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- CMU4 - Core Mixed Use 4 Zone
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- DP - Dune Protection Zone
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- EP - Environmental Protection Zone
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- EOS - Existing Open Space Zone
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- ND - Neighbourhood Development Zone
- OS - Open Space Zone
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- PI - Prestige Industrial Zone
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- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Proposed Change in Zoning
- Property Boundary
- Urban Boundary

0 400 m





# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 30

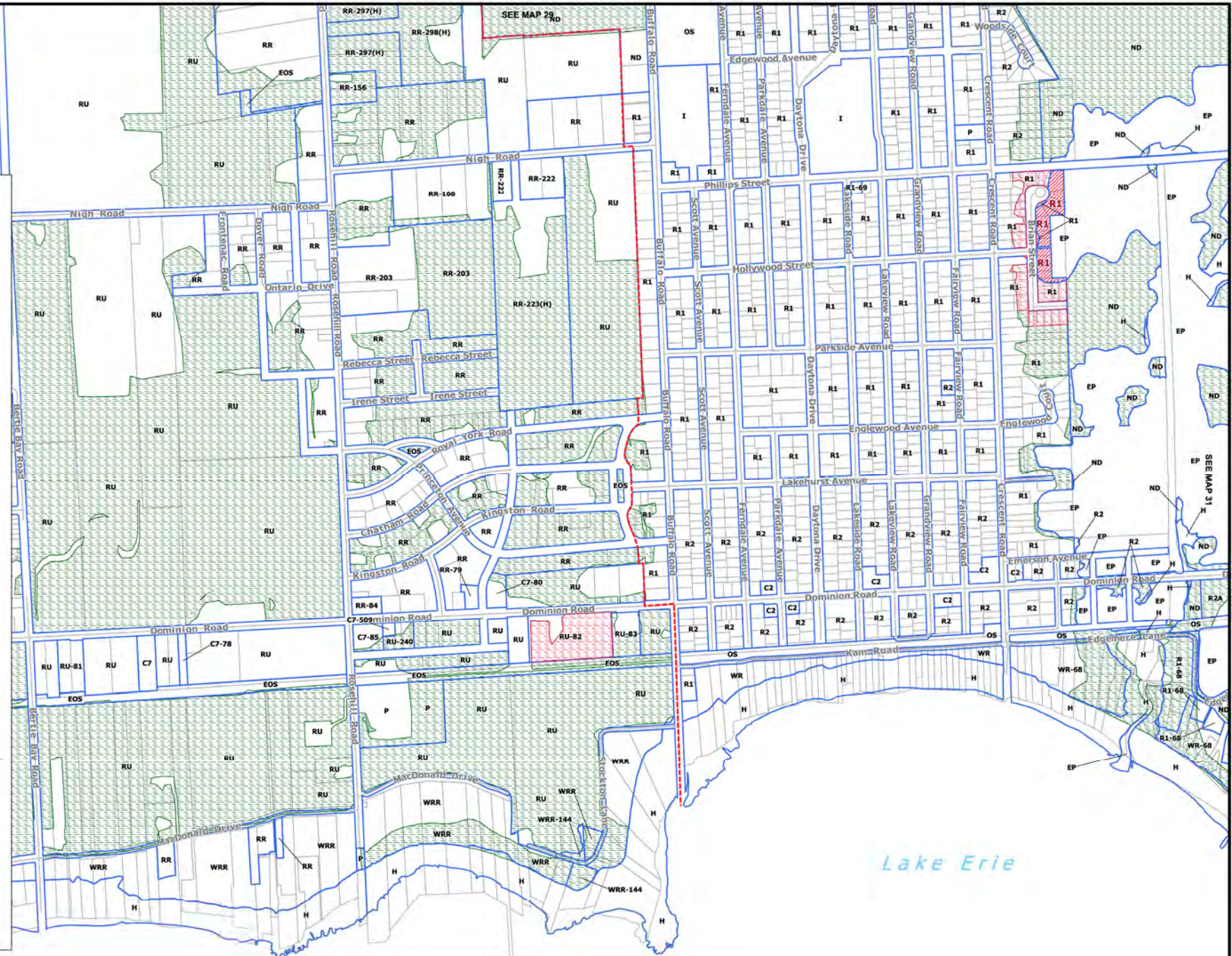
- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
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- E1 - Extractive Industrial Zone
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- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- P1 - Prestige Industrial Zone
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- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
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- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Proposed Change in Zoning
- Property Boundary
- Urban Boundary

0 400 m

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# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP 31

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
- CMU1 - Core Mixed Use 1 Zone
- CMU2 - Core Mixed Use 2 Zone
- CMU3 - Core Mixed Use 3 Zone
- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
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- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
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- IN - Industrial Zone
- MS - Motorsports Speedway Zone
- ND - Neighbourhood Development Zone
- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
- R1 - Residential 1 Zone
- R2 - Residential 2 Zone
- R2A - Residential 2A Zone
- R3 - Residential 3 Zone
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- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

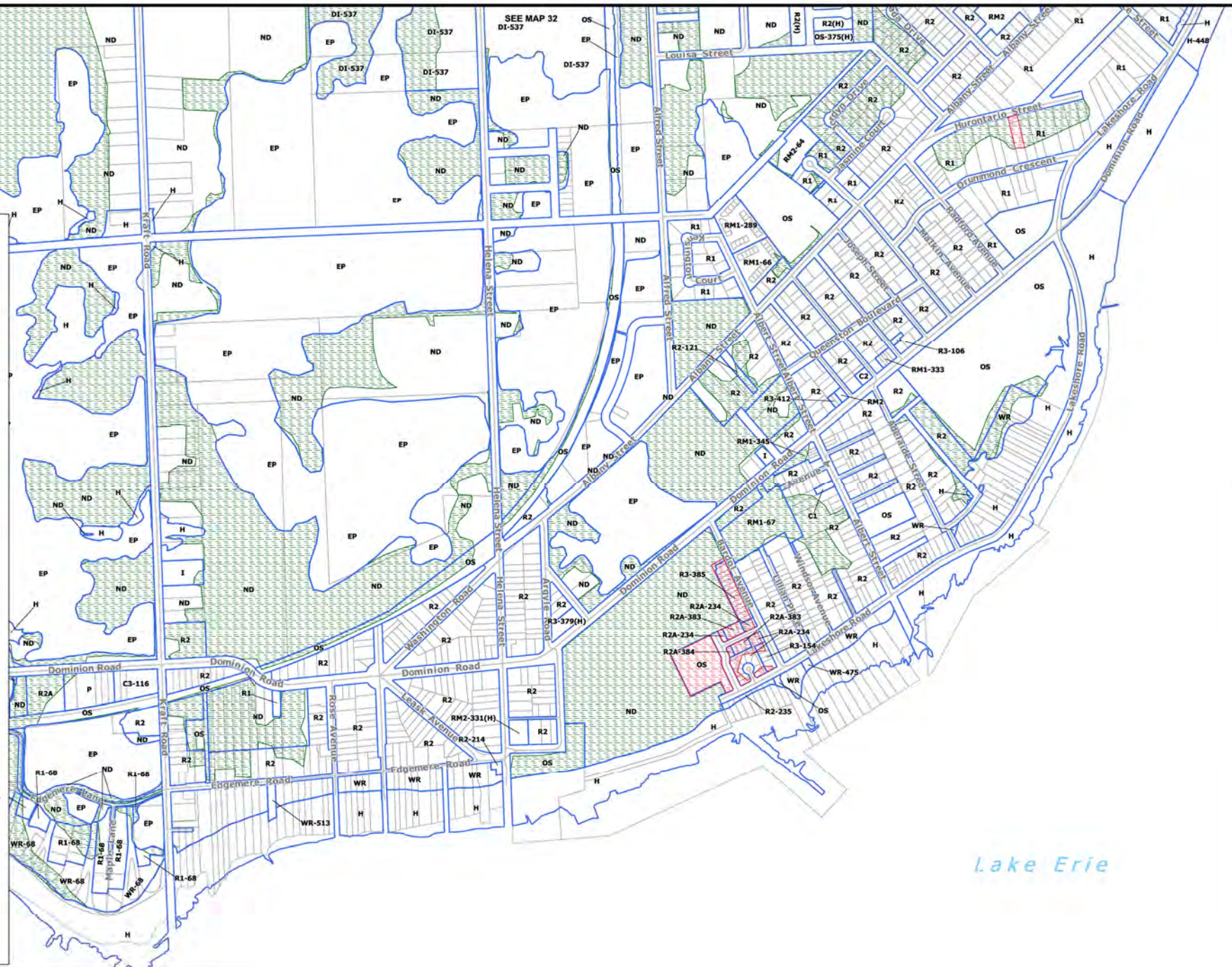
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary

0 400 m

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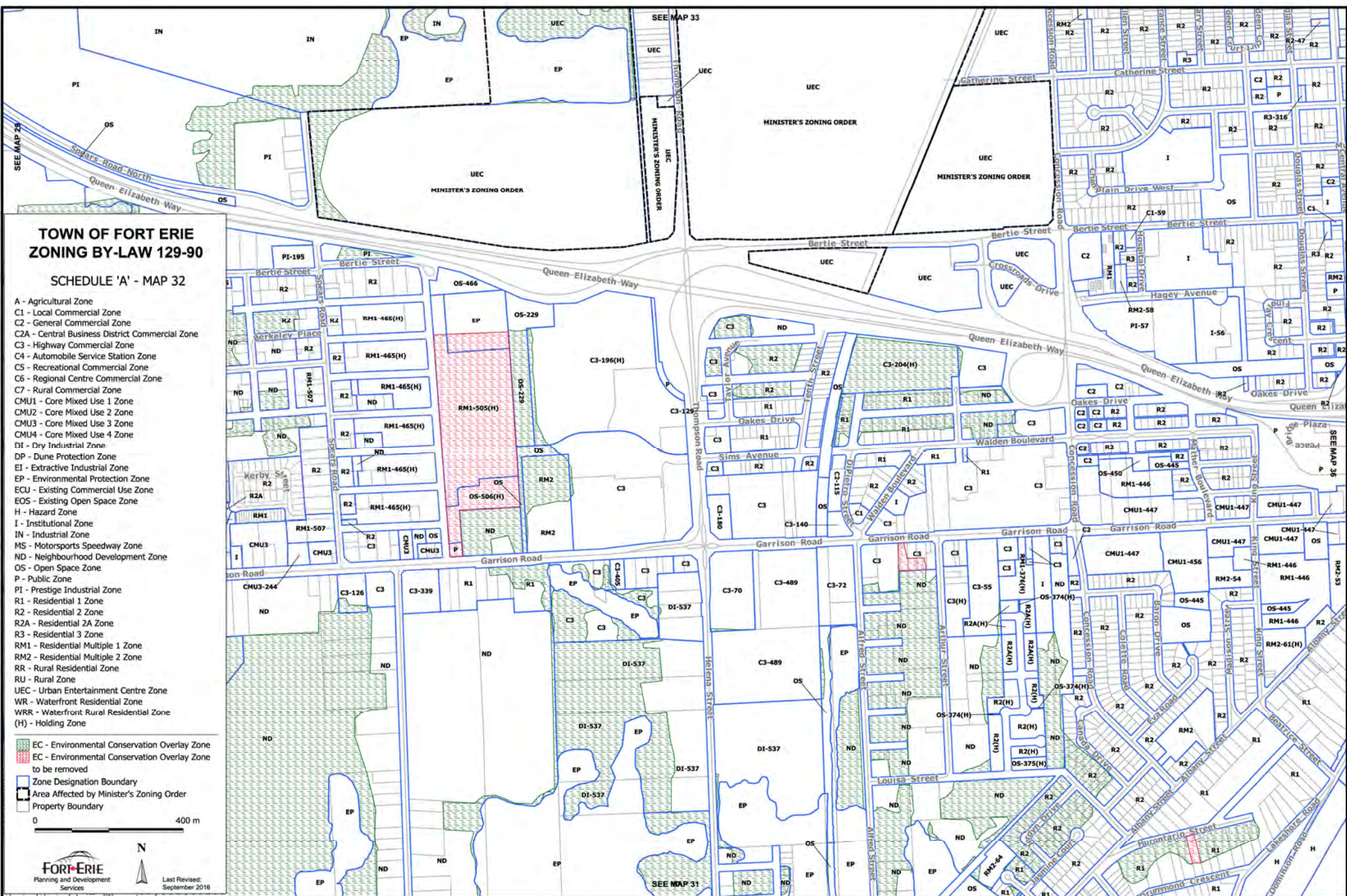
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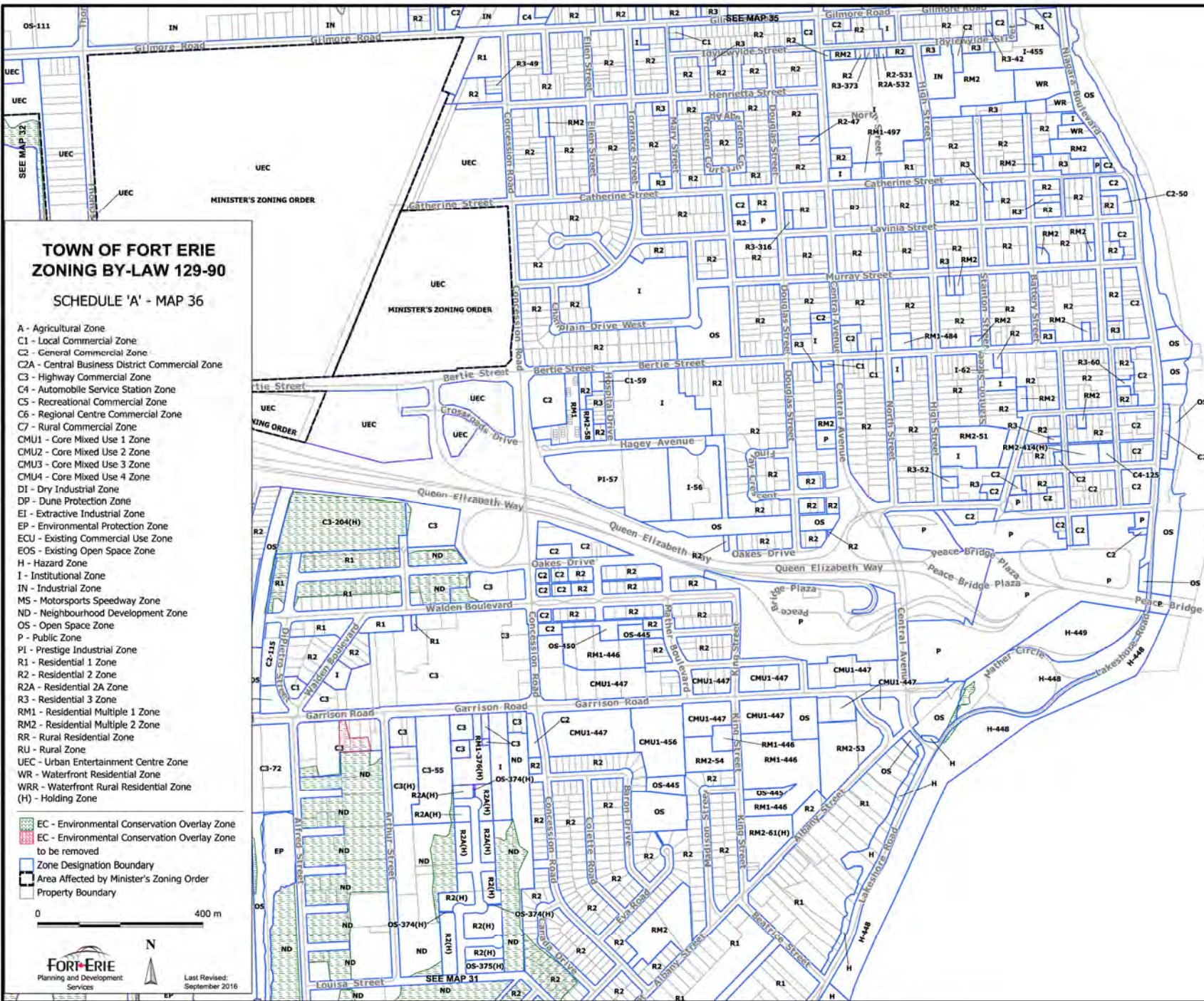


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## APPENDIX "5"





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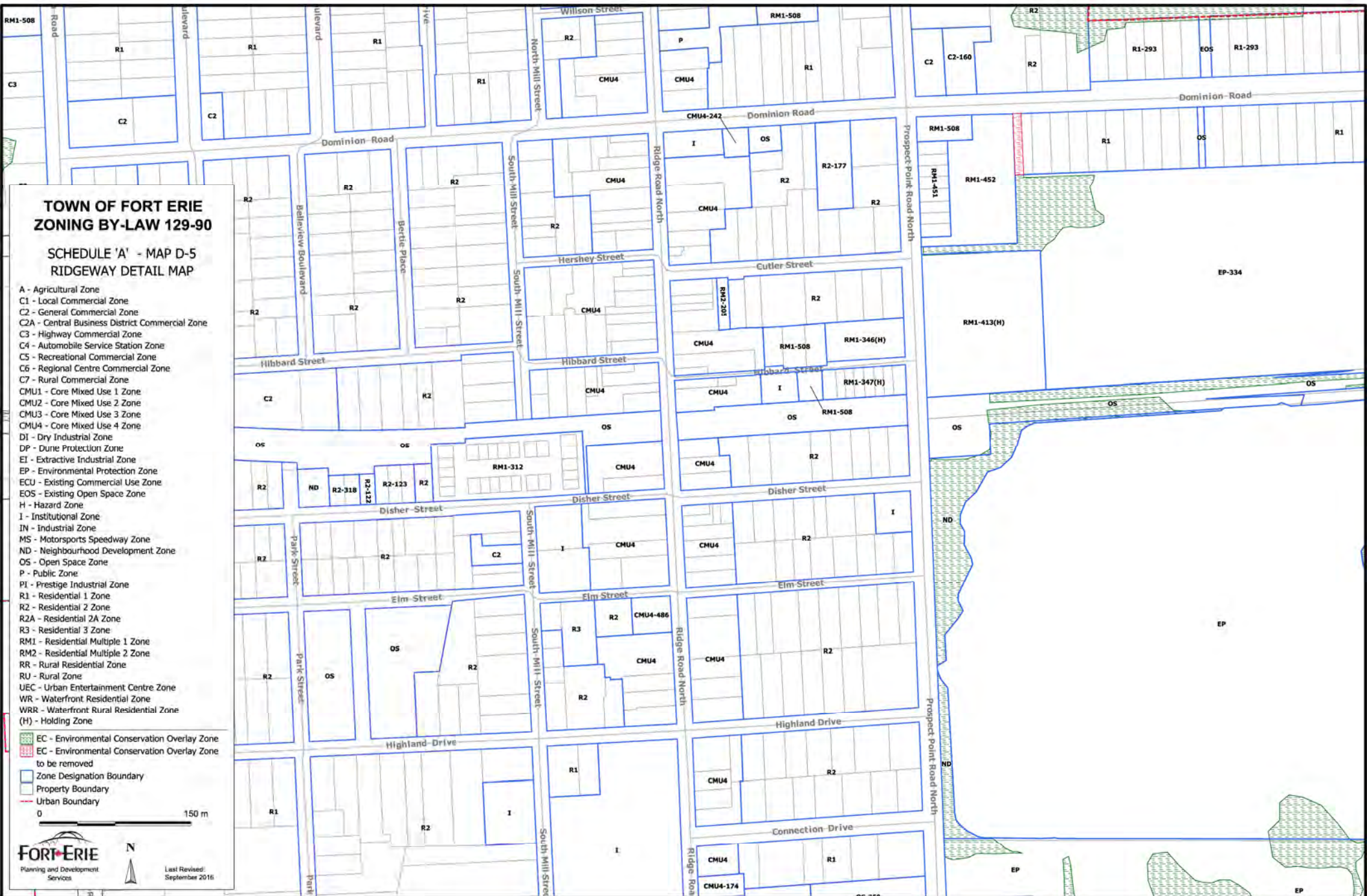
## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP D-5 RIDGEWAY DETAIL MAP

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
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- CMU4 - Core Mixed Use 4 Zone
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- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
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- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary
- Urban Boundary

150 m





# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90 SCHEDULE 'A' - MAP D-6 CRYSTAL BEACH DETAIL MAP

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
- C7 - Rural Commercial Zone
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- CMU4 - Core Mixed Use 4 Zone
- DI - Dry Industrial Zone
- DP - Dune Protection Zone
- EI - Extractive Industrial Zone
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- ECU - Existing Commercial Use Zone
- EOS - Existing Open Space Zone
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- OS - Open Space Zone
- P - Public Zone
- PI - Prestige Industrial Zone
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- RR - Rural Residential Zone
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- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone

- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Property Boundary

0 150 m





# APPENDIX "5"

## TOWN OF FORT ERIE ZONING BY-LAW 129-90

### SCHEDULE 'A' - MAP D-7 POINT ABINO DETAIL MAP

- A - Agricultural Zone
- C1 - Local Commercial Zone
- C2 - General Commercial Zone
- C2A - Central Business District Commercial Zone
- C3 - Highway Commercial Zone
- C4 - Automobile Service Station Zone
- C5 - Recreational Commercial Zone
- C6 - Regional Centre Commercial Zone
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- OS - Open Space Zone
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- PI - Prestige Industrial Zone
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- RM1 - Residential Multiple 1 Zone
- RM2 - Residential Multiple 2 Zone
- RR - Rural Residential Zone
- RU - Rural Zone
- UEC - Urban Entertainment Centre Zone
- WR - Waterfront Residential Zone
- WRR - Waterfront Rural Residential Zone
- (H) - Holding Zone
- EC - Environmental Conservation Overlay Zone
- EC - Environmental Conservation Overlay Zone to be removed
- Zone Designation Boundary
- Floodproofing Area 1
- Floodproofing Area 2
- Property Boundary

0 150 m

