

- 5.1 **“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**.
- 5.2 **“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.
- 5.3 **“IMPROVED STREET”** - (See “STREET IMPROVED”)
- 5.4 **“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.
- 5.5 **“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.
- 5.6 **“INFILL LOT”** means a lot abutted on at least two sides, [not including the rear](#), by lots containing dwellings that have existed for a minimum of 8 years.
- 5.7 **“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.
- 5.8 **“INTERIOR SIDE LOT LINE”** - (See “LOT LINE INTERIOR SIDE”)
- 5.9 **“INTERIOR SIDE YARD”** - (See “YARD”)
- 5.10 **“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.
- 5.11 **“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;

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.

5.12 “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; does not include uncovered and unenclosed patios, decks, steps or porches less than 2.0 m above grade; 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.

5.13 “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.

5.14 “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.

5.15 “LOT, INTERIOR” means a lot other than a corner lot which is accessible from an improved street.

5.16 “LOT LINE” means any boundary line of a lot but does not include the boundary of a condominium unit.

5.17 “LOT LINE, EXTERIOR SIDE” means a side lot line that is also a street line.

5.18 “LOT LINE, FLANKING” means the lot line that intersects the front lot line and divides the lot from a street.

5.19 “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(s) shall be deemed to be a side lot line(s), 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.~~

5.20 “LOT LINE, INTERIOR SIDE” means a side lot line other than an exterior side lot line.

5.21 “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.

5.22 “LOT LINE, SIDE” means the lot line that extends from the front lot line to the rear lot line or other side lot line.

5.23 “UNDERTAKING ESTABLISHMENT” means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.

5.24 “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 5.34338 (1) and also includes a boat, all-terrain vehicle, seadoo, snowmobile, motorcycle, or other similar device.

5.25 “VEHICLE BODY SHOP” (See “MOTOR VEHICLE BODY SHOP”).

5.26 “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.

5.27 “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.

5.28 “VIDEO OUTLET SALES AND RENTAL SHOP” means a business for the sale or rental of video programs and related accessories.

5.29 “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.

5.30 “WALL, COMMON” means a wall that divides a building or structure into two or more areas for the purposes of separate use.

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 and on lots where the main use is residential, 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:

(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, [as well as accessory apartment dwellings and second dwelling units where permitted by the By-law.](#)

(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.

- A. 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.

(f) [USES ACCESSORY TO RESIDENTIAL USE](#)

[Where a residential use was legally established prior to the date of the passing of this By-law and is not permitted in the zone in which it is situated, nothing in this By-law shall prevent the erection of a new detached accessory use, including sheds, decks, patios and porches, subject to the provisions of Section 6.1 of this By-law. This provision does not apply to new second dwelling units or new detached garages.](#)

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
RESIDENTIAL USES	
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

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

6.6

COMMERCIAL USES	
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 (By-law 235-1993)
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

PUBLIC AND INSTITUTIONAL USES	
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

PUBLIC AND INSTITUTIONAL USES	
	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
INDUSTRIAL USES	
Industrial Establishment	1 parking space for every 100 180 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 *required* 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~~ [4.0 m to a Local road, or 7.0 m to a Collector or Arterial road](#).
- (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

6.40 COVERED OR UNCOVERED PORCHES, BALCONIES, DECKS AND PATIOS

(a) Residential Zones

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 (covered or uncovered)
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

(b) Agricultural and Rural Zones

Notwithstanding the yard provisions of this By-law to the contrary, covered or uncovered porches, balconies, decks and patios which have platform heights of less than 1.5 m above grade may project a maximum of 3 m into required yards in Rural and Agricultural zones. Covered or uncovered porches, balconies, decks and patios which have platform heights greater than 1.5 m above grade must be setback the 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 but shall not be closer than 0.5m to any lot line.

(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.

(c) ~~Enclosed Structures~~ **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. [This section applies to both above ground and below ground structures, such as exterior stairs to a basement or cellar](#)

(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. The floor area of the accessory apartment shall be included in the total floor area of the dwelling for the purpose of this calculation. Additionally, ~~Where an accessory apartment is proposed within any~~ portion of the basement or cellar of the dwelling, ~~is occupied by the accessory apartment,~~ the floor area of ~~that~~ the portion of the basement or cellar shall also be included in the calculation of the total floor area of the dwelling.
- 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 (deleted by By-law 128-2018)

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.

SECTION 7 – AGRICULTURAL (A) ZONE

7.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply in all Agricultural 'A' Zones.

7.2 PERMITTED USES

- (a) Agricultural uses including greenhouses and medical marihuana grow and production facilities
- (b) One single detached dwelling on one lot, and one accessory apartment dwelling
- (c) Home occupations.
- (d) One seasonal or one permanent farm help house.
- (e) Wayside Pits subject to the requirements of the Aggregate Resources Act, R.S.O. 1990.
- (f) Kennels, Veterinarian Clinic.
- (g) Conservation of plant and wildlife.
- (h) Uses, buildings and structures accessory to the foregoing permitted uses.
- (i) Pet Day Care Establishments

7.3 PERMITTED SECONDARY USES

- a) Farm product outlet
- b) Farm Winery
- c) Greenhouse Product Outlet

7.4 REGULATIONS EXCEPT FOR KENNELS, FARM PRODUCT OUTLETS, GREENHOUSES, MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES, GREENHOUSE PRODUCT OUTLETS AND A FARM WINERY

Minimum Lot Area	20 ha
Minimum Lot Frontage	180m
Maximum Lot Coverage	10 percent
Minimum Front Yard	15m for dwellings 30m for agricultural buildings and structures
Minimum Interior Side Yard	7.5m for dwellings 23m for agricultural buildings and structures
Minimum Exterior Side Yard	15m for dwellings 30m for agricultural buildings and structures
Minimum Rear Yard	15m for dwellings

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	30m for agricultural buildings and structures
Maximum Building Height	i) 2 ½ storeys for a dwelling ii) 10 metres
Minimum Floor Area	100 sq. m. for a dwelling

7.5 SUPPLEMENTARY SEPARATION DISTANCES FOR FARM AND NON-FARM BUILDINGS

Any permitted building in the Agricultural 'A' Zone including any building used for the containment of livestock shall only be erected, altered or remodeled in accordance with the requirements of Subsections 7.4 and 6.17 whichever is the greater.

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

(e) Regulations for Farm Help Houses

- (i) No seasonal farm help house shall be used as a permanent dwelling.
- (ii) Minimum floor area for a:
 - (a) Seasonal Farm Help House 37.0 sq.m
 - (b) Permanent Farm Help House 75.0 sq.m

7.7 REGULATIONS FOR KENNELS AND VETERINARY ESTABLISHMENTS

Minimum Lot Area	An existing lot having a minimum area of 2 ha
Minimum Lot Frontage	100m
Minimum Front Yard	50m or behind the front building line of the main building on the lot, whichever is greater
Minimum Interior Side Yard	25m

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Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	30m
Maximum Lot Coverage	20%
Maximum Building Height	i) 1 storey ii) 6 metres
Minimum Distance from a Dwelling on an Adjacent Lot	150m

7.8 REGULATIONS FOR FARM PRODUCT OUTLETS, GREENHOUSE PRODUCT OUTLETS AND FARM WINERIES

The provisions of Subsection 7.4 relating to dwellings shall apply except the maximum floor area shall be 100 sq. m

7.9 REGULATIONS FOR GREENHOUSES AND MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES

Minimum Lot Area	Permitted only on an existing lot having a minimum size of 2 ha
Minimum Lot Frontage	60m
Minimum Front Yard	15m except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Interior Side Yard And Rear Yard	6m, except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Minimum Exterior Side Yard	15m except: i) that where the yard abuts a Residential Zone, residential use or other sensitive land use, 70m is required but this setback does not apply to existing buildings or structures.
Maximum Lot Coverage	60%

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Maximum Building Height	i) 12m
Minimum Landscaping Requirements	A landscaping area in the form of a 3m wide planting strip shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, or the extent of an abutting existing residential use not located in a Residential Zone.
Outside Storage Requirements for Greenhouses	Outside storage of goods, materials or supplies is permitted in the rear yard or side yard only, provided it is screened from view from any street.
Outside Storage Requirements for Medical Marihuana Grow and Production Facilities	Outside storage of goods, materials or supplies is not permitted.
Maximum Gross Floor Area for Processing and Packaging	20% of the gross floor area of the operation
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required, a fence of closed construction of wood board on board or composite/vinyl fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use.
Parking	Greenhouses: 1 parking space for every 400 180 sq. m. of gross floor area or every 2 employees, whichever is the greater. Medical Marihuana Grow and Production Facilities: 1 parking space for every 100 sq. m. of gross floor area or every 2 employees, whichever is the greater.

7.10 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

EXCEPTIONS TO THE AGRICULTURAL (A) ZONE

A-1 (129-1990) 4881 Garrison Road (FORMERLY C7-1)

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In addition to the permitted use in Section 7.2 and 7.3 the lands indicated as A-1 on Schedule "A" may also be used for an antique shop, farm implement sales and service establishments, feed and fertilizer dealers, farm product market, farm supply and service establishments, garden centres and uses, buildings and structures accessory thereto subject to the provisions set out in Section 26.3.

SECTION 9 – RURAL RESIDENTIAL (RR) ZONE

9.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply to all Rural Residential (RR) Zones.

9.2 PERMITTED USES

- (a) One single detached dwelling on one lot, and one accessory apartment dwelling.
- (b) Home occupations.
- (c) Uses, buildings and structures accessory thereto.

9.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	60m
Minimum Lot Area	4000 sq. m.
Maximum Lot Coverage	15 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	3m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	10m
Maximum Height of Building	i) 2.5 storeys ii) 9m
Minimum Floor Area for Dwelling	(i) 1 storey 140 sq.m. (ii) 1.5 storey or split-level 160 sq.m. (iii) 2 or 2.5 storey 180 sq.m

EXCEPTIONS TO THE RURAL RESIDENTIAL (RR) ZONE

RR-297(H) (55-2002) Rosehill Road, east side, north of Nigh Road (FORMERLY ER-197)

These lands are zoned "Rural Residential RR(H)-297 Zone" and all of the provisions that relate to lands zoned "Rural Residential RR Zone" by this by-law shall apply to lands zoned "Rural Residential Holding RR-297(H) Zone" on Schedule A. ~~Once the Holding provision has been removed, after the owners have finalized a development agreement for these lands, t~~The development of the property shall comply with all the provisions that relate to lands zoned "Rural Residential RR Zone" subject to the following special provisions:

- (a) that notwithstanding the requirements of Subsection 9.3, the minimum lot frontage shall not be less than 45 metres; and
- (b) notwithstanding the requirements of Subsection 9.3, the minimum lot area shall not be less than 0.8 hectares; and

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- (c) that notwithstanding the requirements of Subsection 9.3, the minimum front yard setback shall not be less than 50 metres.

RR-298 (55-2002) Rosehill Road, east side, north of Nigh Road~~(FORMERLY ER-298(H))~~

These lands are zoned "Rural Residential RR-298 Zone" and all of the provisions that relate to lands zoned "Rural Residential RR Zone" by this by-law shall apply to lands zoned "Rural Residential ~~Holding~~ RR-298 Zone" on Schedule A. ~~Once the Holding provision has been removed, after the owners have finalized a development agreement for Parts 1, 2 & 3 on Schedule A attached to By-law 55-2002, t~~The development of the property shall comply with all the provisions that relate to lands zoned "Rural Residential RR Zone" subject to the following special provisions:

- (a) that notwithstanding the requirements of Subsection 9.3, the minimum lot frontage shall not be less than 35 metres; and
- (b) notwithstanding the requirements of Subsection 9.3, the minimum lot area shall not be less than 4 hectares; and
- (c) that notwithstanding the requirements of Subsection 9.3, the minimum front yard setback shall not be less than 50 metres

SECTION 10 - RESIDENTIAL 1 (R1) ZONE

10.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (R1) zones.

10.2 PERMITTED USES

- (a) One single detached dwelling and uses, buildings and structures accessory thereto.
- (b) Home Occupations
- (c) Accessory Apartment Dwelling
- (d) [Second Dwelling Unit](#)

10.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	18m 20m for a corner lot
Minimum Lot Area	600 sq. m.
Maximum Lot Coverage	Lot size < 600 sq m - 25 percent Lot size = 600 sq m 800 sq m - 30 percent Lot size > 800 sq m - 35 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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	10m
Maximum Height of Building	i) 2.5 storeys ii) 9m
Minimum Floor Area for Dwelling	(i) 1 storey dwelling 95 sq.m (ii) 1.5 storey or split level 135.0 sq.m. (iii) 2 or 2.5 storey 150.0

	sq.m
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10.4 ADDITIONAL REGULATIONS FOR DWELLINGS ON INFILL LOTS

Minimum Interior Side Yard	(iv) 2.0m for a one-storey dwelling (v) 2.5m for a 1.5 or 2 storey dwelling (vi) 3.0m for a 2.5 storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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SECTION 13 - RESIDENTIAL 3 (R3) ZONE

13.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (R3) zones.

13.2 PERMITTED USES

- (a) One single detached dwelling
- (b) Semi-detached dwellings
- (c) Duplex dwellings
- (d) The conversion of a single detached dwelling existing at the date of passing of this By-law to a duplex or semi-detached dwelling
- (e) Uses, buildings and structures accessory to the foregoing permitted uses
- (f) Home occupations
- (g) [Accessory Apartment Dwelling](#)

13.3 REGULATIONS FOR ONE SINGLE DETACHED DWELLING

The regulations of Section 12.3 shall apply with respect to single detached dwellings

13.4 REGULATIONS FOR SEMI-DETACHED DWELLINGS

Minimum Unit Frontage	9.5m 10.5m for a corner lot
Minimum Lot Area	305 sq. m.
Maximum Lot Coverage	1 storey – 60 percent 2 storey - 40 percent
Minimum Front Yard	6m to garage 3m to other parts of dwelling
Minimum Interior Side Yard	1.2m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required;
Minimum Exterior Side Yard	3m, except that an attached garage or

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	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 Height	i) 2.5 storeys ii) 9m

13.5 REGULATIONS FOR DUPLEX DWELLINGS

Minimum Lot Frontage	18m 21m for a corner lot
Minimum Lot Area	580 sq. m.
Maximum Lot Coverage	40 percent
Minimum Front Yard	6m to garage 3m to other parts of dwelling
Minimum Interior Side Yard	2m plus 0.5m for every storey or part thereof above the ground floor except where no attached garage or attached carport is provided the minimum interior side yard on one side shall be 3m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which fronts on the exterior side lot line shall be located no closer than 6m to the exterior side lot line.
Minimum Rear Yard	8m
Minimum Floor Area	83.5 sq. m.
Maximum Height	i) 2.5 storeys ii) 9m

13.6 REGULATIONS FOR CONVERTED DWELLINGS

- (a) The dwelling to be converted shall be structurally suitable for the conversion.
- (b) No outside stairway shall be used or erected as an appurtenant structure for the dwelling except an unenclosed fire escape.
- (c) The minimum floor area per dwelling unit shall be as set out in the following table:

<u>Type of Dwelling Unit</u>	<u>Minimum Floor Area</u>
1. Bachelor Unit	40 square metres
2. One-Bedroom Unit	50 square metres
3. Two-Bedroom Unit	60 square metres
4. Unit Comprising three or more bedrooms	70 square metres

- (d) A minimum of one parking space shall be provided for each dwelling unit in the converted dwelling.

SECTION 14 - RESIDENTIAL MULTIPLE 1 (RM1) ZONE

14.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (RM1) Zones.

14.2 PERMITTED USES

- (a) Single detached dwellings
- (b) Semi-detached dwellings
- (c) Duplexes
- (d) Triplexes
- (e) Fourplexes
- (f) Street townhouse dwellings
- (g) Block townhouse dwellings
- (h) Residential uses existing at the date of passing of this by-law
- (i) Uses, buildings and structures accessory to the foregoing permitted uses
- ~~(j)~~ (i) Accessory Apartment Dwelling

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 <u>between two rear walls</u> , except 3m between <u>two</u> end walls and 9m between an end wall and a rear wall <u>6m between two front walls</u>

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	<u>6m between a front wall and an end wall</u>
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

14.4 ZONE REGULATIONS FOR SINGLE DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT

The regulations of Section 12.3 shall apply.

14.5 ZONE REGULATIONS FOR SEMI-DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT

The regulations of Section 13.4 shall apply.

14.6 ZONE REGULATIONS FOR DUPLEX DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT

The regulations of Section 13.5 shall apply.

14.7 ZONE REGULATIONS FOR TRIPLEXES AND FOURPLEXES

Minimum Lot Frontage	21m, 24m for a corner lot
Minimum Lot Area	665 sq. m
Minimum Front Yard	6m
Minimum Side Yard	1.8m on one side, 3m on the other side
Minimum Exterior Side Yard	The regulations of section 11.3 shall apply
Minimum Rear Yard	9m
Maximum Building Height	2 stories 9.5m
Minimum Floor Area for Dwellings	65 sq. m
Minimum Landscaped Area	40% including Privacy Areas

Planting Strip	A planting strip 1.5m in width shall be provided where the boundary of an RM1 zone abuts an R1, R2, R2A or R3 zone
Maximum Lot Coverage	40%

14.8 DISTANCE FROM DWELLINGS TO PRIVATE STREETS AND PARKING AREAS

- Any front or rear face of any dwelling shall be no closer than 3m to any private street or parking area
- Any garage shall be no closer than 6.0m to any street or parking area
- Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area

SECTION 19 - LOCAL COMMERCIAL (C1) ZONE

19.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Local Commercial (C1) Zones.

19.2 PERMITTED USES

- Convenience retail stores
- Personal service shops
- Day nurseries
- Florists
- Pharmacies
- Professional or Business Offices
- Video Outlet Sales and Rental Shops
- Bake Shops
- Spa Services
- Dwelling Units
- Uses, buildings and structures accessory to a permitted use, excluding open storage

19.3 REGULATIONS

Minimum Lot Area	550 sq. m.
Minimum Lot Frontage	15m
Maximum Lot Coverage	40 percent
Maximum Gross Floor Area	186 sq. m.
Minimum Front Yard	9m
Minimum Interior Side Yard	4.5m
Minimum Exterior Side Yard	6m
Minimum Rear Yard	7.5m
Maximum Building Height	i) 2.5 storeys ii) 9m
Dwelling Units	the provisions of Subsection 18.2 shall apply
Accessory Buildings	the provisions of Subsection 18.4 3 shall apply

SECTION 20 - GENERAL COMMERCIAL (C2) ZONE

20.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all General Commercial (C2) Zones.

20.2 PERMITTED USES

(a) **COMMERCIAL USES**

- Animal hospitals in wholly enclosed buildings
- Assisted Living House
- Automobile Service Stations
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Car washes
- Catering establishments
- Clinics
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Motels
- Motor Vehicle Repair Shops
- Nursing Home
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Public Libraries
- Public parking garages
- Public parking lots

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- Public transportation depots including bus stations and rail stations
- Religious, fraternal or public institutions
- Retail stores
- Service shops
- Spa Services
- Studios
- Supermarkets
- Taverns
- Taxi establishments
- Undertaking 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 commercial use.

20.3 REGULATIONS

Minimum Lot Area	450 sq. m.
Minimum Lot Frontage	15m
Maximum Lot Coverage	40%
Minimum Front Yard	6m
Minimum Side Yard – 4.0m except:	<p>(i) Where the yard abuts a Commercial Zone and access is available to the rear yard by a public or private lane, minimum nil.</p> <p>(ii) Where the yard abuts a Commercial Zone and no access is available to the rear yard except by means of the side yard, one yard shall have a minimum width of 4.0m, the other yard shall have a minimum width of nil</p> <p>(iii) Where the yard abuts a street, minimum 3.0m</p> <p>(iv) Where the yard abuts any Residential Zone, minimum 4.5m</p>

Minimum Rear Yard – 6.0m except:	<ul style="list-style-type: none"> (i) Where the yard abuts a Commercial or Industrial Zone and access is available to the rear of the building on the said lot by means of a public or private lane, minimum nil (ii) Where the building contains residential accommodation of one or more storeys in height, minimum 10.5m (iii) Where the yard abuts any Residential Zone, minimum 10.5m (iv) Where the yard abuts a street, minimum 3.0m
Maximum Building Height	<ul style="list-style-type: none"> i) 2.5 storeys ii) 12m

20.4 DELETED

20.5 REGULATIONS FOR DWELLING UNITS

The provisions of Subsection 18.2 shall apply.

20.6 REGULATIONS FOR ACCESSORY BUILDINGS

The regulations of Subsection 18.34 shall apply.

20.7 DELETED

20.8 REGULATIONS FOR CAR WASHES

The regulations of Subsection 23.5 shall apply.

20.9 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

SECTION 21 - CENTRAL BUSINESS DISTRICT COMMERCIAL (C2A) ZONE

21.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Central Business District Commercial (C2A) Zones.

21.2 PERMITTED USES

(a) **COMMERCIAL USES**

- Animal hospitals in wholly enclosed buildings
- Automobile Service Stations
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Clinics
- Catering establishments
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Motels
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Private parking lots
- Public Libraries
- Public parking garages
- Public parking lots
- Public transportation depots including bus stations and rail stations
- Religious, fraternal or public institutions

- Retail stores
 - Service shops
 - Spa Services
 - Studios
 - Supermarkets
 - Taverns
 - Taxi establishments
 - Undertaking 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 commercial use.

21.3 REGULATIONS

Minimum Lot Area	no minimum
Minimum Lot Frontage	no minimum
Minimum Front Yard	no minimum
Minimum Interior Side Yard	no minimum except that where an interior side yard abuts a Residential Zone, the minimum interior side yard width shall be 2.5m
Minimum Exterior Side Yard	no minimum
Minimum Rear Yard	4.5m except where any part of the building is used for residential purposes, the minimum rear yard shall be 10m
Maximum Gross Floor Area	no maximum
Maximum Building Height	i) 3 storeys ii) 12m
Parking Exceptions	all lands within the C2A 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.

21.4 REGULATIONS FOR DWELLING UNITS

All of the provisions of Subsection 18.23 shall apply, except that notwithstanding the regulations contained in Section 18.23 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:

- a) On the same lot as the dwelling unit, or
- b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
- c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

21.5 REGULATIONS FOR ACCESSORY BUILDINGS

The regulations of Subsection 18.34 shall apply.

21.6 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

SECTION 22 - HIGHWAY COMMERCIAL (C3) ZONE

22.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Highway Commercial (C3) Zones.

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

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- 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 commercial use.

22.3 REGULATIONS

Minimum Lot Frontage	15m
Minimum Lot Area	450 sq. m.
Maximum Lot Coverage	60 percent
Maximum Gross Floor Area	100 percent
Minimum Front Yard	15m
Minimum Side Yard	3m except: (i) 6m abutting a side lot line which is the boundary of any Residential Zone. (ii) The minimum side yard abutting a public street shall be 9m
Minimum Rear Yard	7.3m except the minimum rear yard abutting any Residential Zone shall be 10.5m
Maximum Building Height	i) 2.5 storeys ii) 12m

22.4 REGULATIONS FOR ACCESSORY BUILDINGS

The regulations of Subsection 18.~~3~~ shall apply.

22.5 REGULATIONS FOR DWELLING UNITS

The regulations of Subsection 18.2 shall apply

22.6 DELETED

22.7 REGULATIONS FOR CAR WASHES

The provisions of Subsection 23.5 shall apply

22.8 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

SECTION 25 SHOPPING CENTRE COMMERCIAL (C6) ZONE

25.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Shopping Centre Commercial (C6) Zones.

25.2 PERMITTED USES

(a) COMMERCIAL USES:

- Bakery
- Bake Shops
- Banks and Financial Institutions
- Bowling alleys
- Brewer's Retail outlets
- Business or professional offices
- Catering establishments
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Liquor Control Board of Ontario outlets
- Motor vehicle sales rooms
- Parking Area
- Personal service shops
- Pet Day Care Establishment
- Pharmacies
- Public Libraries
- Retail stores
- Service shops
- Spa Services
- Taverns
- Theatres
- Video Outlet – Sales and Rental Establishments

(b) Uses, buildings and structures accessory to any permitted use.

25.3 REGULATIONS FOR REGIONAL SHOPPING CENTRES

a) All regulations for Regional Shopping Centres shall be established through a development plan and an amendment to this by-law.

25.4 REGULATIONS FOR LOCAL SHOPPING CENTRE

Minimum Lot Frontage	no minimum
Minimum Lot Area	no minimum
Maximum Lot Coverage	60 percent
Minimum Front Yard	15 metres
Minimum Interior side Yard	6m except: (i) 10m abutting a side lot line which is the boundary of any Residential Zone or public street.
Minimum Rear Yard	12 metres
Maximum Building Height	i) 3 storeys ii) 12m
Minimum Landscaped Area	10 percent
Maximum Gross Floor Area	7000m ²

25.5 REGULATIONS FOR ACCESSORY BUILDINGS

The provisions of Subsection 18.34 shall apply.

25.6 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

SECTION 26 - RURAL COMMERCIAL (C7) ZONE

26.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply in all Rural Commercial (C7) Zones.

26.2 PERMITTED USES

- (a)
- Construction trades establishments
 - Farm implement sales and service establishments
 - Feed and fertilizer dealers
 - Farm product markets
 - Farm supply and service establishments
 - Garden centres
 - Kennels
 - Pet Day Care Establishments
 - Veterinarian Clinic in wholly enclosed building
- (b) Dwelling Units
- (c) Uses, buildings and structures accessory to the foregoing uses.

26.3 REGULATIONS FOR COMMERCIAL USES

Minimum Lot Frontage	30m
Minimum Lot Area	4000 sq. m.
Maximum Lot Coverage	30 percent
Maximum Gross Floor Area	50 percent of lot area
Minimum Front Yard	10m
Minimum Side Yard	6m, except the minimum side yard abutting a residential zone shall be 10.5m
Minimum Exterior Side Yard	10m
Minimum Rear Yard	7.5m except the minimum rear yard abutting a residential zone shall be 10.5m
Maximum Building Height	i) 1.5 storeys ii) 6m

26.4 REGULATIONS FOR DWELLING UNITS

- (i) The provisions of Subsection 18.2 shall apply to a dwelling unit in the Rural Commercial (C7) Zone except as provided in Clause (ii) hereof.
- (ii) In addition to Clause (i) hereof, one single detached dwelling may be permitted accessory to a commercial use subject to the following provisions:

Minimum Yard Provisions	As in Subsection 26.3
Minimum Distance between a single detached dwelling and the principal commercial building on the lot	7.5m
Minimum Lot Area	8000 sq. m.
Minimum Floor Area	93 sq. m

26.5 REGULATIONS FOR ACCESSORY BUILDINGS

The provisions of Subsection 18.34 shall apply

26.6 REGULATIONS FOR “KENNELS” AND “VETERINARY ESTABLISHMENTS”

Minimum Lot Area	An existing lot having a minimum area of 2 ha
Minimum Lot Frontage	100m
Minimum Front Yard	50m or behind the front building line of the main building on the lot, whichever is greater
Minimum Interior Side Yard	25m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	30m
Maximum Lot Coverage	20%
Maximum Building Height	1 storey
Minimum Distance from a Dwelling on an Adjacent Lot	150m

26.7 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

SECTION 26B – CORE MIXED USE 2 (CMU2) ZONE

26B.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 2 (CMU2) Zones.

26B.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores
- Service Shops

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- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Stand alone single detached dwelling units, [and one accessory apartment dwelling](#)
- Stand alone semi detached dwelling units, [and one accessory apartment dwelling](#)
- Home occupations
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial use or single detached or semi detached dwelling use.

26B.3 ZONE REGULATIONS FOR ALL OTHER USES

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) 12 m
Parking Exceptions	Commercial uses within the CMU2 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 18.23(d) shall apply.
Parking Requirements for Properties with Frontage on Ridgeway Road	See Section 6.20.

26B.4 REGULATIONS FOR DWELLING UNITS

- (i) The regulations of Section 12.3 shall apply to single detached dwelling units located on a separate lot.
- (ii) The regulations of Section 13.4 shall apply to semi detached dwelling units located on a separate lot.

- (iii) All of the provisions of Subsection 18.23 shall apply to other dwelling units, except that notwithstanding the regulations contained in Section 18.23 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:
- a) On the same lot as the dwelling unit, or
 - b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
 - c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

Notwithstanding the regulations in Section 11.3 or 13.4 the side yard setback from a restaurant or tavern shall be a minimum of 3m.

SECTION 26D – CORE MIXED USE 4 (CMU4) ZONE

26D.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 4 (CMU4) Zones.

26D.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores
- Service Shops

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26D.2

- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Existing stand-alone residential uses
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial or residential use

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 18.23(d) shall apply.

26D.4 REGULATIONS FOR DWELLING UNITS ABOVE COMMERCIAL USES

- (i) The provisions of Subsection 18.23 shall apply to a dwelling unit in the Core Mixed Use 4(CMU1) Zone.

26D.5 REGULATIONS FOR EXISTING STAND ALONE DWELLING UNITS

- (i) The regulations of Section 11.3 shall apply to single detached dwelling units located on a separate lot.
- (ii) The regulations of Section 13.4 shall apply to semi detached dwelling units located on a separate lot.

- (iii) The regulations of Section 13.5 shall apply to duplex dwelling units located on a separate lot.
- (iv) All of the provisions of Subsection 18.2 shall apply to other dwelling units, except that notwithstanding the regulations contained in Section 18.2 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:
 - (v) On the same lot as the dwelling unit, or
 - (vi) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
 - (vii) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

26E.4 DRIVE-THRU LANES

- (i) Notwithstanding the regulations of Subsection 18.5 Drive-Thru Lanes are prohibited in the Core Mixed Use 4 CMU4 Zone.