

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
- Fitness Centres
- 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

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- Studios
- 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 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 18.4 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.

EXCEPTIONS TO THE HIGHWAY COMMERCIAL (C3) ZONE

C3-9 (15-1993) Netherby Road, north side, west of Sodom Road

These lands are zoned "Highway Commercial C3-9 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-9 Zone" except:

- (a) that notwithstanding the requirements of Subsection 22.2 (a) - Permitted Uses, the subject lands may only be used for the following:
 - (i) the sales and service of lawnmowers, snowmobiles, motorcycles and uses, buildings and structures accessory thereto;
 - (ii) hardware store;
 - (iii) refreshment vehicle.

C3-16(H) (129-1990) 2991 Townline Road

Nothing shall prevent the continued use of the lands indicated as C3(H)-16 on Schedule "A" for a metal fabrication, a single detached dwelling and uses, buildings and structures accessory thereto.

C3-55 (129-1990) 427 Garrison Road

Nothing shall prevent the continued use of the lands indicated as C3-55 on Schedule "A" for a bingo hall and uses, buildings and structures accessory thereto.

C3-70 (129-1990) 655 Garrison Road

Nothing shall prevent the continued use of the lands indicated as C3-3 on Schedule "A15" for a bingo hall and uses, buildings and structures accessory thereto.

C3-71 (237-1990) 1264 Garrison Road

These lands are zoned "Highway Commercial C3-71 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-71 Zone" except that in addition to the permitted uses as set out in Subsection 22.2, a family entertainment centre including an arcade is permitted.

C3-72 (140-1992) 549 Garrison Road

These lands are zoned "Highway Commercial C3-72 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-72 Zone" except that:

- (a) notwithstanding the requirements of Subsection 22.2 - Permitted Uses, nothing shall prevent the continued use of these lands indicated as C3-72 on Schedule "A" for a bingo hall and uses, buildings and structures accessory thereto, and;

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- (b) notwithstanding the requirements of Subsection 6.20 (A)(b) - Commercial: Bingo Hall - a minimum of 1 parking space for 2.54 square metres of floor area devoted to public uses shall be provided, and;
- (c) notwithstanding the requirements of Schedule D the minimum aisle width between parking stalls shall not be less than 6.7 metres where the parking angle is 90 degrees.
- (d) That in addition to the uses permitted in Subsection 22.2 – Permitted Uses the lands may be used for Institutional. (per By-law 164-07)

C3-116 (60-1994) 977 Dominion Road

These lands are zoned "Highway Commercial C3-116 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by that by-law shall apply to those lands zoned "Highway Commercial C3-116 Zone" except that in addition to the permitted uses set out in Subsection 22.2 - Permitted Uses in the "Highway Commercial C3 Zone", the lands shown as C3-116 may also be used for a welding shop and single detached dwelling.

**C3-82 (129-1990) Dominion Road (South Side) West of Buffalo Road
(Relocated to RU-82)****C3-117 (69-1994) Bertie Street (south side) west of Concession Road (Crossroads)
Deleted by Amending By-law No. 38-2013.****C3-126 (196-1994) 981 Garrison Road**

These lands are zoned "Highway Commercial C3-126 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands shown as "Highway Commercial C3-126 Zone" except that in addition to the permitted uses set out in Subsection 22.2, these lands may also be used as a gaming premises.

C3-129 (16-1995) 1175 Taylor Avenue (FORMERLY RM2-129)

These lands are zoned "Highway Commercial C3-129 Zone", and the development on this property shall comply with all of the provisions in Subsection 22 – Highway Commercial C3 Zone" except:

- (a) That the lands may also be used for block townhouse dwellings in accordance with the regulations contained in Section 14 of this By-law.
- (b) the maximum number of dwelling units shall not be greater than 8 dwelling units.

C3-132 (65-1995) 1485 Garrison Road

These lands are zoned "Highway Commercial C3-132 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-132 Zone" except:

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- (a) that notwithstanding the requirements of Subsection 22.3, the minimum westerly side yard may be nil;
 - (b) that notwithstanding the requirements of Subsection 22.3, the maximum building height shall not be greater than 4 storeys; and,
 - (c) that notwithstanding the requirements of Schedule D, the parking aisle width shall not be less than 6.7 metres, the width of the parking stalls shall not be less than 2.74 metres and the parking stall length shall not be less than 5.48 metres.

C3-140 (144-1995) 544 Garrison Road

These lands are zoned "Highway Commercial C3-140 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-140 Zone" except that in addition to the permitted uses set out in Subsection 22.2, these lands may also be used as a gaming premises.

C3-152 (47-1996) 1201 Garrison Road

These lands are zoned "Highway Commercial C3-152 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands zoned "Highway Commercial C3-152 Zone" except:

- (a) that notwithstanding the requirements of Subsection 22.3, the minimum front yard setback shall not be less than 10.6 metres, and;
- (b) that notwithstanding the requirements of Subsection 5.244 and Schedule D, the parking stalls shall not have an area of less than 15 square metres measuring 2.74 metres by 5.48 metres exclusive of driveways or aisleways."

C3-173(H) (48-1997) Gilmore Road (north side) @ Pettit Road

These lands are zoned "Highway Commercial Holding C3-173(H) Zone". Once the (H) has been removed by Council after the lands have been serviced to the satisfaction of the Municipality and the owner has entered into a site plan agreement, the development of this property shall comply with all of the provisions of the "Highway Commercial C3 Zone".

C3-180 (97-1997) 660 Garrison Road

These lands are zoned "Highway Commercial C3-180 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by that by-law shall apply to those lands zoned "Highway Commercial C3-180 Zone" except that in addition to the permitted uses set out in Subsection 22.2, nothing shall prevent the use of these lands for a gaming premises; amusement machine establishment; and institutional uses.

C3-196(H) (61-1998) Thompson Road, west side north of Garrison Road

These lands are zoned "Highway Commercial Holding C3-196(H) Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by that By-law shall apply to those lands zoned "Highway Commercial Holding C3-196(H) Zone". Once the Holding has been removed for the charity casino after the owners have

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finalized the site plan agreement; for the bingo hall after the owners have entered into an agreement to relocate one existing bingo hall or complete a market study supporting demand for a fourth bingo hall and finalization of the site plan agreement; and for the other commercial use after the owners have finalized the site plan agreement, the development of these lands shall comply with all of the provisions of this by-law that relate to lands zoned "Highway Commercial C3 Zone", except that in addition to the commercial uses permitted in Subsection 22.2(a), these lands may also be used for a charity casino and bingo hall.

C3-204(H) (188-1998) Hospitality Drive, west side north of Walden Boulevard

These lands are zoned "Highway Commercial Holding C3-204(H) Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this By-law shall apply to those lands zoned "Highway Commercial Holding C3-204(H) Zone". Once the Holding has been removed after the owners have entered into a site plan agreement with the Municipality, the development of these lands shall comply with all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this by-law.

C3-225 (77-2000) 777 Bertie Street (Fort Erie Racetrack and Slots)

Deleted by Amending By-law No. 38-2013.

C3-233 (191-2000) 1105 Benner Avenue

These lands are zoned "Highway Commercial C3-233 Zone" and all of the provisions that relate to lands zoned "Highway Commercial C3 Zone" by this By-law shall apply to those lands zoned "Highway Commercial C3-233 Zone", except:

- (a) that notwithstanding the provisions of Subsection 22.2 - Permitted Uses, these lands may only be used for a funeral home and uses, buildings and structures accessory thereto including a hospitality building;
- (b) that notwithstanding the provisions of Subsection 22.3, the minimum easterly exterior side yard shall not be less than 4.27 metres;
- (c) that notwithstanding the provisions of Subsection 18.3 (d)(i), the minimum exterior side yard for the hospitality building shall not be less than 11 metres, and;
- (d) that notwithstanding the provisions of Subsection 18.3 (d)(iii), the minimum rear yard for the hospitality building shall not be less than 9.0 metres.

C3-252 (219-2002 amending 192-2001) Pettit Rd, west side, n. of Gilmore Road

These lands are zoned "Highway Commercial C3-252 Zone" and all of the provisions that relate to land zoned "Highway Commercial C3 Zone" by this by-law shall apply to lands zoned "Highway Commercial C3-252 Zone, subject to the following special provisions:

- (a) that in addition to the permitted uses set out in Subsection 22.2, Permitted Uses, these lands may also be used for a truck and travel centre including the dispensing of diesel, propane and gasoline fuels, automotive service station, car

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and truck wash, information and telecommunication services, and courier and delivery services and buildings and structures accessory thereto.

C3-287 (129-90) Bowen Road, south side, east of QEW

Deleted by Amending By-law No. 38-2013.

C3-339 (160-05) 915-925 Garrison Road, South of Garrison Road, East of Kraft Road

These lands are zoned Highway Commercial C3 C3-339 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Highway Commercial C3 Zone by this by-law shall apply to those lands zoned Highway Commercial C3 C3-339 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 6.20(D) Ingress and Egress, the maximum ingress and egress shall not be greater than 9.2 meters;
- b) Notwithstanding the requirements of Subsection 6.20(I) - Parking Area Location on Lot, the minimum setback between the parking areas along the easterly and southerly lot lines shall not be less than 2.0 metres where they abut a Residential Zone.
- c) Notwithstanding the requirements of Subsection 6.21(a) – Landscaping and Planting Strips-Requirements For Uses Abutting Residential Zoning, the minimum landscape and planting strips along the easterly and southerly lot lines shall not be less than 2.0 metres.

C3-370 (H) (06-07) ZOOZ THEME PARK, 2821 STEVENSVILLE ROAD

These lands are zoned Highway Commercial Holding C3-370 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Highway Commercial C3 Zone by this by-law shall apply to those lands zoned Highway Commercial Holding C3-370(H) Zone on the attached Schedule A subject to the following special provisions:

- a) That notwithstanding the list of permitted uses in Section 22.2 (a) only the following uses shall be permitted:
 - Eating establishments subject to the total combined seating capacity contained in the OS-369(H) Zone
 - Garden Centres
 - Liquor and Beer Stores
 - Professional and Business Offices
 - Retail Stores
 - One Triplex
 - Dwelling units subject to the provision of Section 18.2 of By-law 129-90 as amended

C3-378 (119-07, 163-07) ES OF STEVENSVILLE RD, NORTH OF EAGLE ST

These lands are zoned Highway Commercial C3 Holding C3-378 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Highway Commercial C3 Zone by this by-law shall apply to those lands zoned Highway Commercial C3 Holding C3-378 Zone on Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 18.5 (d) Drive-Thru Lanes, the 3 metre landscape strip around the outer edge of the drive thru lane shall contain coniferous trees planted 10m on-centre, interspersed with 50% coverage of coniferous and deciduous shrubs.

C3-405 (178-08) 749 GARRISON RD

These lands are zoned Highway Commercial C3-405 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Highway Commercial C3 Zone by this by-law shall apply to those lands zoned Highway Commercial C3-405 Zone on the attached Schedule A subject to the following special provisions:

- a) That notwithstanding the requirements of Subsection 6.20 (I) Parking Area Location on the Lot, the parking area shall not be located closer than 1.0 metre to the easterly property line.

C3-489 (93-2013) 575, 625 Garrison Road and 0 Helena Street

These lands are zoned “Highway Commercial (C3) Zone C3-489 Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Highway Commercial (C3) Zone” by this by-law shall apply to those lands zoned “Highway Commercial (C3-489) Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 22.2, the lands shown on Appendix “1” may also be used as a “Department Store”

C3-551 (35-2016) – 0 Netherby Road – East Half of lands North of Townline Road between Netherby Road and the QEW

These lands are zoned “Highway Commercial (C3-551) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Highway Commercial (C3) Zone” by this by-law shall apply to those lands zoned “Highway Commercial (C3-551) Zone” subject to the following provisions:

- a) In addition to Subsection 22.2 a) the following additional uses shall be permitted subject to additional regulatory compliance and approval where required.
 - i) Business and professional offices
 - Business or commercial trades school
 - Establishments providing information and telecommunication services

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- Establishments providing for quality control, research and/or product development services
Printing establishments
- ii) No outside storage goods or materials for uses defined in paragraph i)
 - iii) Public storage facility is permitted provided
 1. outside storage does not exceed 25% of the total lot area and must be accompanied by a minimum of 25% site coverage of permanent public storage buildings/units; and
 2. outside storage is screened from adjacent roads / highway; and
 3. maximum height associated with outside storage shall not exceed 4.0m
- b) Notwithstanding Subsections 22.2 b) and 22.5 dwelling units are not permitted.
- c) Notwithstanding Subsection 22.3 the following regulations shall apply:
- | | |
|----------------------------|-----------------|
| Minimum Lot Frontage | 30m |
| Minimum Lot Area | 1800 sq. m. |
| Maximum Lot Coverage | 50 percent |
| Maximum Gross Floor Area | 100 percent |
| Minimum Front Yard | 15m |
| Minimum Interior Side Yard | 6m |
| Minimum Exterior Side Yard | 15m |
| Minimum Rear Yard | 15m |
| Maximum Building Height | 2 storeys (11m) |
- d) In addition to the regulations identified in “c)”, the permitted uses identified in “a) i)” shall be subject to separation distance requirements of Ministry of Environment and Climate Change D-6 Guidelines, should separation distance be greater than “c)”.

All other regulations continue to apply.

C3-652 (105-2020) 0 Townline Road (Part 1)

These lands are zoned “Highway Commercial (C3-652) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Highway Commercial (C3) Zone” by this by-law shall apply to those lands zoned “Highway Commercial (C3-652) Zone” subject to the following special regulations:

- a) In addition to Subsection 22.2 a) the following additional uses shall be permitted subject to additional regulatory compliance and approval where required.
- i) Business and professional offices;
Business or commercial trades school;
Establishments providing information and telecommunication services;
Establishments providing for quality control, research and/or product development services;
Printing establishments

- ii) No outside storage goods or materials for uses defined in paragraph i)
- iii) Public storage facility is permitted provided:
 - 1. Outside storage does not exceed 25% of the total lot area and must be accompanied by a minimum of 25% site coverage of permanent public storage buildings/units; and
 - 2. Outside storage is screened from adjacent roads / highway; and
 - 3. Maximum height associated with outside storage shall not exceed 4.0m
- b) Notwithstanding Subsections 22.2 b) and 22.5 dwelling units are not permitted.
- c) Notwithstanding Subsection 22.3 the following regulations shall apply:
 - Minimum Lot Frontage – 30.00 m
 - Minimum Lot Area – 1,800.00 sq m
 - Maximum Lot Coverage – 50%
 - Maximum Gross Floor Area – 100%
 - Minimum Front Yard – 15.00 m
 - Minimum Interior Side Yard – 6.00 m
 - Minimum Exterior Side Yard – 15.00 m
 - Minimum Rear Yard – 15.00 m
 - Maximum Building Height – 2 storeys and 11.00 m
- d) In addition to the regulations identified in “c)”, the permitted uses identified in “a) i)” shall be subject to separation distance requirements of Ministry of Environment and Climate Change D-6 Guidelines, should separation distance be greater than “c)”. All other regulations continue to apply.
- e) In addition to Subsection 22.2 the following additional uses shall be permitted:
 - i) A gasoline bar subject to the regulations of Subsection 23.4.
- f) Notwithstanding the requirements of Subsection 6.20 (D) (ii), the maximum width of any joint ingress and egress driveway measured along the street line shall be 10.36 m.

C3-670 (100-2021) 1485 Garrison Road

These lands are zoned “Highway Commercial (C3-670) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Highway Commercial (C3) Zone” by this by-law shall apply to those lands zoned “Highway Commercial (C3-670) Zone” subject to the following special regulation:

- a) In addition to Subsection 22.2 a) the following additional use shall be permitted subject to additional regulatory compliance and approval where required.
 - i) Residential Retirement Home

C3-742 (25-2022) 0-10389 Helena Street and 625 Garrison Road

These lands are zoned “Highway Commercial (C3-742) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Highway Commercial (C3) Zone” by this by-law shall apply to those lands zoned “Highway Commercial (C3-742) Zone” subject to the following special regulation:

- a) In addition to the uses permitted in Section 22.2, the following uses shall also be permitted:
 - i. Department Store
 - ii. Commercial and Public Storage By-law No. 25-2022 Page 2
- b) Commercial and Public Storage shall be defined as a Public Storage use that also permits the lease or rental of storage units to other businesses, contractors, tradespeople and other such commercial entities and permits outdoor storage spaces.
- c) The lands subject to this amendment shall be accessed via a primary access from Garrison Road and via a secondary access from Helena Street, which shall be constructed to the satisfaction of the Town and the Region of Niagara.