

Section 6

General Provisions

6.1 ACCESSORY BUILDINGS AND STRUCTURES

The maintenance and use of accessory buildings and structures shall comply with the regulations of the applicable zone, except as otherwise provided for in this section.

- (a) An accessory building or structure, or part thereof, is permitted on a lot provided that:
 - (1) Not more than eight per cent (8%) of the lot area is occupied by the accessory buildings or structures. However, an outdoor in-ground swimming pool may be permitted to exceed eight per cent (8%) of the lot area in accordance with Section 6.1 (e) below;
 - (2) No detached building or structure shall be located closer than 1.2 m (3.94 ft) to a main building;
 - (3) Except as otherwise provided, shall not be located in a front yard.
- (b) Unless otherwise specified in this By-law, an accessory building or structure shall not exceed 6 m (19.69 ft) to the peak of the roof in height except as provided for in Section 6.21, Height Restrictions Exceptions;
- (c) No accessory building or structure shall be used for human habitation except for a building or mobile home used for farm help accommodation in an Agricultural (A) Zone;
- (d) The following structures are exempt from the requirements of setbacks:
 - (1) A fence, boundary wall less than 1.2 m (3.94 ft) in height;
 - (2) Docks, boathouses, retaining walls, sidewalks, pavements, bollards, curbs or open air surfaced areas;
 - (3) Mailboxes, clothesline poles, newspaper or dispensing boxes;
 - (4) Planters, statues, sculptures, birdbaths, play equipment less than 1.2 m (3.94 ft) in height;
 - (5) Pillars (less than 1 m² but shall not include any other landscape features which have a continuous foundation;
- (e) Despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, erected or renovated in accordance with the following provisions:
 - (1) An outdoor in-ground swimming pool with related structures or equipment not exceeding 0.15 m (0.5 ft) in height above finished grade, shall be set back a minimum of 1.5 m (5 ft) from any lot line, and shall be setback a minimum of 7.5 m (24.6 ft) from the stable top of slope. A setback of less than 7.5 m (24.6 ft) from stable top of slope may be considered subject to the findings and recommendations of a geotechnical/slope study, and in consultation with the Niagara Peninsula Conservation Authority.
 - (2) An outdoor above ground swimming pool or an outdoor in-ground swimming pool with related structures or equipment placed at finished

grade and with a height greater than 0.15 m (0.5 ft), shall be set back a minimum of 1.5 m (5 ft) from any lot line, and shall be setback a minimum of 7.5 m (24.6 ft) from the stable top of slope. A setback of less than 7.5 m (24.6 ft) from stable top of slope may be considered, subject to the findings and recommendations of a geotechnical / slope study, and in consultation with the Niagara Peninsula Conservation Authority.

- (3) No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or required exterior side yard.
- (4) Despite Section 6.1(b) above of this By-law, the maximum outdoor pool height shall not exceed 2.13 m (7 ft) from finished grade, excluding related structures and equipment which shall not exceed 4.57 m (15 ft) above finished grade.
- (5) Notwithstanding sub-section (1) and (2) above, a swimming pool shall be setback in accordance with the provisions identified in the EC Zone of the Agricultural Zoning District or each of the Environmental Conservation Zone Overlays in the Urban Community Zoning Districts.
- (f) Within an urban boundary, *all operating apparatus* shall be permitted in the front yard, exterior side yard and rear yards only and be appropriately screened and buffered. *(as amended by 4316J-11 & 4316BZ-16)*

6.2 AGRICULTURAL STANDS AND SEASONAL HOME GROWN PRODUCE STAND

- (a) Agricultural stands or seasonal home grown produce stands along the side of a municipal or regional road must be located off of the road right-of-way and setback 6.0 m (19.69 ft) from the property line;
- (b) The maximum size of agricultural stands and seasonal home grown produce stands shall be 18.5 m²
- (c) Parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (d) The stand must not be located within 15.24 m (50 ft) of any intersection;
- (e) Signage for an agricultural stand or seasonal home grown produce stand shall be in accordance with the Town's Sign By-law. *[See Section 6.31 for Niagara Park Commission's requirements for signage and access onto the Niagara River Parkway];*
- (f) A sight line of 91 m (298.56 ft) must be provided and maintained at the entranceway to the stand.
- (g) Parking for agricultural stands and home grown produce stands located along the Niagara River Parkway will be restricted to a location behind the produce or agricultural stand.
- (h) A permit is required from the Niagara Parks Commission for agricultural stands and home grown produce stands within 45 m (148 ft) of the Niagara River

Parkway or within 395 m (1296 ft) from the centre point of an intersection, as per the Public Transportation and Highway Improvement Act [See Section 6.31 for Niagara Park Commission's requirements for signage and access onto the Niagara River Parkway].

6.3 **AMENITY AREA**

- (a) The minimum amenity area requirements for each residential unit in a mixed use building shall be provided in accordance with the following:

TABLE 6-1: MINIMUM AMENITY SPACE IN A MIXED USE BUILDING

TYPE OF UNIT	MINIMUM REQUIRED AMENITY AREA
Bachelor and 1 Bedroom Unit	10 m ²
2 Bedroom Unit	35 m ²
3 Bedroom Unit	60 m ²
4 Bedroom and over	85 m ²

- (b) Except for a senior citizen apartment dwelling or where otherwise provided herein, where a building contains ten (10) or more apartment units, an equipped children's play area shall be provided at a rate of 2.5 m² per residential unit. The minimum size of such equipped children's play area shall be 46 m², while the maximum size of such equipped children's play area shall be 140 m²;
- (c) Amenity areas shall be designed and located so that the length does not exceed four (4) times the width;
- (d) *deleted by 4316AI-13 OMB PL130581 December 5, 2013*
- (e) *deleted by 4316AI-13 OMB PL130581 December 5, 2013*

6.4 **AUTOMOBILE SERVICE STATION AND AUTOMOBILE GAS BAR**

- (a) Fuel pumps and fuel pump islands may be located in any required yard; however, no portion of any fuel pump or pump island shall be erected closer than 6.0 m (19.69 ft) from any property line;
- (b) The minimum distance from the intersection of the front and side lot line to the nearest ingress and egress ramp shall not be less than 9.0 m (29.53 ft);
- (c) The maximum width of a curb ramp at the front or side lot line shall not be more than 7.0 m (22.96 ft);
- (d) The minimum distance between ramps shall not be less than 9.0 m (29.53 ft);
- (e) A weather canopy may be erected over fuel pumps and fuel pump islands or may be extended from the main building to the pump island, however a minimum

setback of 3.0 m (9.84 ft) is required between the extent of the weather canopy and any lot line;

- (f) Where the lot is a corner lot, no portion of any weather canopy shall be located within any sight triangle; and
- (g) A 3.0 m (9.84 ft) landscape strip shall be provided across the frontage and, if located on a corner lot, along the exterior side yard of the subject lot.

6.5 BED AND BREAKFAST ESTABLISHMENTS

Where permitted by this By-Law, bed and breakfast establishments are subject to the following regulations:

- (a) The bed and breakfast establishment shall have the owner/operator and host or principal shareholder of a corporation where the building owner is a corporation, residing on the premises;
- (b) A bed and breakfast establishment shall only be permitted in a single detached dwelling and shall not contain more than three (3) rooms for hire. *(as amended by 4316F-10, OMB Decision PL090441)*
- (c) The bed and breakfast operation shall be a secondary use to the main residential use of a single detached dwelling and the owners shall maintain the residential character of the dwelling;
- (d) The floor area of the dwelling devoted to the bed and breakfast establishment may exceed twenty-five per cent (25%);
- (e) In addition to any off-street parking required for the dwelling containing the bed and breakfast establishment, there shall be a minimum of one (1) parking space provided on the lot for each guest bedroom, and these parking spaces shall not be located in front of the dwelling. The required parking spaces may include tandem or stacked parking to a depth of two (2) vehicles; *(as amended by 4316J-11)*
- (f) In addition to having adequate on-site parking, a bed and breakfast establishment shall have a minimum site area of 47 m² (505.92 ft²) to accommodate on-site outdoor amenity area(s) and provide a buffer strip between adjacent uses;
- (g) *(as deleted by 4316F-10, OMB Decision PL090441)*
- (h) See Section 6.31 for Niagara Parks Commission's requirements for access onto the Niagara River Parkway;
- (i) Bed and breakfast establishments must front on a public road or the Niagara River Parkway and be fully serviced with water and sewage disposal services approved by the Town on lands within the urban boundary, and by the Niagara Regional Public Health Department for lands located outside an urban area boundary.

- (j) (as deleted by 4316F-10, OMB Decision PL090441)
- (k) (as deleted by 4316F-10, OMB Decision PL090441)

6.6 BUFFER STRIP

- (a) Where a buffer strip is required in any zone, it shall be of a minimum width and height as specified in the provisions of that zone;
- (b) A buffer strip shall be located within the zone for which it is required. It shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located and the replacement of trees and plants shall be made when such plants have died or been removed; and
- (c) A buffer strip may form part of any required landscaped open space.

6.7 BUILDING RECONSTRUCTION, RENOVATION AND RELOCATION

- (a) Any building or structure which in the opinion of the Chief Building Official sustains major damage that is more than fifty per cent (50%) of its value, shall not be repaired or reconstructed unless it complies with the provisions of this By-law, except in the case of a dwelling, in which case it may be reconstructed provided that the dimensions of the building are not increased, and the yards appurtenant thereto are not reduced, except in accordance with the provisions of this By-law; and
- (b) Nothing in this By-law shall be deemed to prohibit the moving to another location within the same zone category any dwelling in existence at the date of passing of this By-law, with the exception of the following:
 - (1) In addition to the general policies of the MDS Implementation Guidelines, MDS I also applies specifically to development reconstruction, provided the reconstruction is no closer to a livestock facility than prior to the damage.
 - (2) In addition to the general policies of the MDS Implementation Guidelines, MDS II also applies specifically to the reconstruction of livestock facilities in case of damage, provided that the new livestock facility does not result in increases for the values odour potential, nutrient units factor, the orderly expansion factor, nor manure storage compared to what existed at the livestock facility prior to the damage.

6.8 BUILDING RECONSTRUCTION, RENOVATION AND RESTORATION [DESIGNATED BUILDINGS]

Nothing in this By-law shall prevent the reconstruction, renovation, repair or restoration of a designated building or structure as designated under Part IV or Part V of the Ontario Heritage Act that is a non-conforming use or a non-complying building.

6.9 CONTINUATION OF AGRICULTURAL USES

Nothing in this By-law shall prevent the existing use as of the date of passing of this By-law, of any land, building or structure for agricultural purposes.

6.10 COUNTRY INN and VILLA *(amended by 4316AI-13 OMB PL130581 December 5, 2013)*

- (a) Any "Country Inn" or "Villa" shall be subject to a site specific amendment to the Zoning By-law prior to consideration as a "Permitted Use" in a residential zone;
- (b) A "Country Inn" or "Villa" must front on a public road or the Niagara River Parkway and be fully serviced with water and sewage disposal services approved by the Town on lands within the urban boundary and by the Niagara Region for lands located outside an urban area boundary;
- (c) Any "Country Inn" or "Villa" located outside the urban area boundary shall contain a maximum of up to six (6) rented bedrooms;
- (d) A maximum of one "Villa" per lot is permitted and no other uses of the property are permitted, including secondary residential units or suites, second "Villa", "Cottage Rental" or secondary uses, although a secondary residential unit may be considered as part of a site specific zoning amendment process;
- (e) Any "Country Inn" or "Villa" shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the Ontario Planning Act;
- (f) Any "Country Inn" or "Villa" shall provide for an outdoor amenity area of a minimum of 135 m² (1453 ft²) with an additional 9 m² (97 ft²) for each rentable bedroom beyond three (3);
- (g) Off street parking shall be provided in accordance with Section 6.39, Parking Space Requirements, and shall be screened from view from the public street and shall not be located in the outdoor amenity area, nor in the required exterior side yard setback, nor in the required landscaped portion of the front yard;
- (h) See Section 6.31 for Niagara Parks Commission's requirements for access onto the Niagara River Parkway;
- (i) A "Country Inn" or "Villa" must be licensed appropriately by the Town of Niagara-on-the-Lake.

6.10 COTTAGE RENTAL *(new section added by 4316AI-13 OMB PL130581 December 5, 2013)*

- (a) Where "Cottage Rental" is a permitted use, it shall only be permitted in a single detached dwelling and shall not contain more than three bedrooms;
- (b) There shall be no less than two off-street parking stalls available on-site;

- (c) A "Cottage Rental" shall have a minimum on-site amenity area(s) of 135 m² (1453 ft²);
- (d) A "Cottage Rental" must front on a public road and be fully serviced with water and sewage disposal services approved by the Town on lands within the urban boundary and by the Niagara Regional Public Health Department for lands located outside an urban area boundary;
- (e) A maximum of one "Cottage Rental" per lot is permitted and no other use of the property is permitted, including secondary residential units or suites, a second "Cottage Rental", "Villa", or secondary uses;
- (f) A "Cottage Rental" must be licensed appropriately with the Town of Niagara-on-the-Lake.

6.11 DANGEROUS USES

No land, building or structure shall be used for the industrial manufacture of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create a danger to health or danger from fire or explosion, except as otherwise specifically provided for in this By-law.

6.12 DEVELOPMENT ALONG THE NIAGARA RIVER PARKWAY See NIAGARA RIVER PARKWAY, DEVELOPMENT ALONG THE

6.13 ESTATE WINERIES

Estate wineries shall be subject to a site specific amendment to the Zoning By-law, and in accordance with the following:

- (a) Seventy-five per cent (75%) of the lands shall be planted and kept in vineyard production;
- (b) All wines produced shall be made from locally grown fruit that is crushed and fermented on site;
- (c) All estate wineries shall have the capability to bottle all the wine produced on site;
- (d) Off street parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (e) Secondary uses shall be permitted in accordance with the following:
 - (1) Permitted secondary uses shall be restricted to the retail sale of wine, hospitality room, an outdoor special event tent and an agricultural market;

- (2) The maximum total floor area for all secondary uses shall be limited to 400 m² (4,306 ft²) with each individual secondary use not exceeding 140 m² (1,507 ft²);
 - (3) That exclusive of any special event or outdoor event, a maximum of one mobile food truck may be permitted to operate in any outdoor event area if: *(as amended by 4316AR-13)*
 - (i) It is located in an approved outdoor event area
 - (ii) It is limited to one (1) twenty-four (24) hour period per week;
- (f) Shall comply with the following lot requirements and building setbacks:

(1)	Minimum lot area on existing lot of record	8.09 ha (20 ac)
(2)	Minimum lot area for a new lot	16.18 ha (40 ac)
(3)	Minimum lot frontage	60.0 m (200 ft)
(4)	Minimum front yard	15.0 m (49.2 ft)
(5)	Minimum interior side yard	15.0 m (49.2 ft)
(6)	Minimum exterior side yard	15.0 m (49.2 ft)
(7)	Minimum rear yard	15.0 m (49.2 ft)
(8)	Maximum building height	11 m (36 ft)
(9)	Minimum setback from the Niagara River Parkway	60.96 m (200 ft)
(10)	On lots fronting on the Niagara River Parkway, the building face shall not exceed 75% of the lot frontage. <i>(as amended by 4316J-11)</i>	
(11)	Maximum lot coverage for all buildings <i>(as amended by 4316J-11)</i>	15%

- (g) Outdoor events shall comply with the following provisions: *(as amended by 4316J-11)*
- (1) All outdoor activity shall cease at 10:00 p.m.
 - (2) No amplified music shall be permitted.
 - (3) Event tents will be removed within twenty-four (24) hours of the event.
 - (4) An outdoor event tent shall be permitted between May 1st and October 31st of each year.
 - (5) A maximum number of twenty-four (24) events will be permitted each year.
 - (6) A maximum number of seventy-five (75) guests are permitted for each event.
 - (7) A maximum of one (1) event is permitted at any one time.
 - (8) Off street parking for the outdoor special event is to be provided on-site in accordance with the requirements of Section 6.39, Parking Space Requirements;

- (h) Outside winery operations and storage of goods and materials including refuse containers shall be fully screened from view of adjacent properties by means of fencing and / or landscaping features;
- (i) The location for bus parking shall be provided at the rear of the building;
- (j) See Section 6.31 for Niagara Parks Commission's requirements for access onto and signs along the Niagara River Parkway; and,
- (k) Shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the *Ontario Planning Act*.

6.14 EXISTING LOTS

Legally created existing lots as of the date of passing of this By-law having less than minimum lot frontage or lot area required by this By-law, may be developed for the use(s) permitted in the zone within which the lot is zoned, provided all other regulations of this By-law are satisfied, and such lots can be safely serviced.

6.15 FARM HELP ACCOMMODATION

Farm help accommodation buildings may be permitted as an accessory building to an agricultural operation provided that:

- (a) The total floor area of the farm help accommodation buildings shall not exceed 280 m² (3,013 ft²);
- (b) The setbacks for the farm help accommodation building shall be in accordance with the building setback requirements of the Agricultural (A) Zone; and
- (c) The maximum building height for a farm accommodation building shall not exceed 9.75 m (32.02 ft).

6.16 FARM WINERIES OR COTTAGE WINERIES

Farm wineries associated with and part of an agricultural operation shall be permitted provided that:

- (a) All wines produced shall be made from fruit grown exclusively on the site that are also crushed and fermented on site;
- (b) All wines shall be bottled on site;
- (c) Off street parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (d) Secondary uses shall be limited to the retail sale of wine which shall not exceed 18.5 m² of floor area, and shall comply with the licensing requirements of the Provincial government;
- (e) Shall comply with the following lot requirements and building setbacks:

(1)	Minimum lot area on existing lot of record	4.0 ha (10 ac)
(2)	Minimum lot area for a new lot	16.18 ha (40 ac)
(3)	Minimum lot frontage	60.0 m (200 ft)
(4)	Minimum front yard	15.0 m (49.2 ft)
(5)	Minimum interior side yard	15.0 m (49.2 ft)
(6)	Minimum exterior side yard	15.0 m (49.2 ft)
(7)	Minimum rear yard	15.0 m (49.2 ft)
(8)	Maximum building height	10.5 m (34.45 ft)

- (f) Outside winery operations and the storage of goods and materials, including refuse containers, shall be fully screened from view of adjacent properties by means of fencing and /or landscaping features.
- (g) See Section 6.31 for Niagara River Commission's requirements for access onto and signs along the Niagara River Parkway.
- (h) Any additional value added uses such as a hospitality patio shall be subject to a zoning by-law amendment pursuant to Section 34 of the Ontario Planning Act and a site plan control agreement pursuant to Section 41 of the Ontario Planning Act. *(as amended by 4316AR-13)*

6.17 **FENCING**

Where a fence is constructed, the height and location will be determined as regulated in the Town's Fence By-law, as revised from time to time.

6.18 **FLOODPROOFING AND EROSION CONTROL**

Adjacent to or in Lake Ontario or the Niagara River, any building or structure which requires flood proofing, as determined by the appropriate approval authority, shall be flood-proofed to the regulatory flood level and protected from erosion hazard.

6.19 **GARBAGE AND REFUSE STORAGE**

No garbage or refuse shall be stored on any lot in any Enterprise, Commercial, Industrial or Institutional Zone except within the principal building or an accessory building or structure on such lot, or in a container in the interior or exterior side yard or rear yard of such lot in accordance with the following:

- (a) A garbage and refuse storage area, including any garbage loading or unloading area, which is visible from an adjoining residential land use or from a public open space, the Niagara River or from a public street, other than a lane, shall have a visual screen; and

- (b) A dumpster or garbage container shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.

6.20 **GROUP HOMES**

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a group home, except in accordance with the following:

- (a) The following group homes approved by the Province and licensed by the Town shall be permitted in any residential unit:
 - (1) An Approved Home: means a supervised community based group living arrangement for patients of Provincial psychiatric hospitals, who at certain stages of their recovery can benefit from a family oriented living arrangement in the community;
 - (2) A Home for Special Care: means a supervised community based group living arrangement for individuals whom, upon being discharged from Provincial psychiatric hospitals or Regional centres for the developmentally challenged, require a sheltered living arrangement;
 - (3) Supportive Housing Programmes, Adult Community Mental Health Programmes: means a supervised community based group living arrangement for psychiatric or former psychiatric patients who lack the requisite life skills or emotional stability to manage under less supportive living arrangements;
 - (4) Children's Residence: means a licensed, supervised community based group living arrangement for children under the age of eighteen (18) years whose needs cannot be met while living with parents or with other relatives, provided that no such residence shall include any child convicted under the Young Offenders Act who has been sentenced to a period of open custody of two (2) years or more;
 - (5) Accommodation Services for the Developmentally Challenged: means a supervised community based group living arrangement for developmentally challenged adults and children who have previously been living in the community or a facility for developmentally challenged persons;
 - (6) Satellite Residence for Seniors: means a community based group living arrangement for individuals over the age of sixty (60) who are referred to satellite residences by municipal Homes for the Aged;
 - (7) Homes for the Physically Disabled Adults: means a community based group living arrangement for physically challenged adults;

- (b) Group homes for the socially disadvantaged, group homes for alcoholics, group homes for ex-offenders and community resource centres are not permitted except by a site specific amendment to the Zoning By-law;
- (c) A maximum of six (6) persons are permitted in a group home located in the urban area, exclusive of staff or the receiving family. In areas outside of the urban boundary where the lot is one hectare (1 ha) or more in size and privately serviced, the maximum number of persons permitted is ten (10), exclusive of staff or the receiving family;
- (d) A minimum separation distance of 450 m (1,476 ft) shall be required between group homes measured from the nearest property lines;
- (e) All group homes shall be subject to the requirements of the zone in which they are located unless otherwise specified herein;
- (f) A group home shall not be permitted in combination with any other type of accommodation such as roomers and boarders, or bed & breakfast establishment;
- (g) Parking shall be provided in accordance with the requirements of this By-law and tandem or stacked parking to a depth of two (2) vehicles may be permitted;
- (h) Adequate provision for buffering, fencing and screening shall be made to ensure privacy of abutting residential properties;
- (i) Group homes must obtain an annual license in accordance with the Municipal Act from the Town and pay an annual licensing fee to the Town in order to operate; and
- (j) Shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the *Ontario Planning Act*.

6.21 HEIGHT RESTRICTIONS EXCEPTIONS

No building or structure shall exceed the height restrictions set out in this By-law for the zone within which such building or structure is located. However, the building height restriction shall not apply to the following structures except where any part of such structure is situated higher than the maximum height permitted in this By-law contains habitable floor space:

- (a) An antenna or mast (when attached to or on a building);
- (b) A church belfry, spire, steeple or church tower;
- (c) A chimney or smokestack;
- (d) A clock tower or bell tower;
- (e) A cupola, parapet or other ornamental structure or device to enclose mechanical equipment;

- (f) An electric power transmission tower or line and related apparatus, but does not include an electrical generating tower;
- (g) A stair tower, elevator shaft, water tank, skylight, mechanical penthouse, or other heating, cooling or ventilating equipment, or structure enclosing such elements or roof construction provided that such features are designed and incorporated as an architectural element or feature at the top of the building so as to mitigate the impact on surrounding views;
- (h) A light standard;
- (i) A flag pole;
- (j) A flight control tower;
- (k) A lightning rod;
- (l) A radio, television or telecommunications reception or transmission tower;
- (m) A silo or storage elevator;
- (n) A solar panel;
- (o) Water tower or a firehouse tower;
- (p) A weathervane or other weather monitoring device; and
- (q) A crane or boat lifting equipment.

6.22 HEIGHT RESTRICTIONS EXCEPTIONS, NIAGARA DISTRICT AIRPORT

The height restrictions exceptions in Section 6.21 shall not apply within a 3,962.4 m (13,000 ft) radius from the centre point of the Niagara District Airport, and that all height restriction within this radius will be set in accordance with the Department of Transport "Obstruction Clearance Surfaces" requirements. The Town shall have regard to these requirements in reviewing new development proposals within this area affected.

6.23 HOME INDUSTRIES

Where a home industry is permitted in a particular zone, it shall be in accordance with the following regulations:

- (a) The home industry shall be permitted as a secondary use to agricultural uses and may include uses such as welding, woodworking, blacksmith shop, machine shop, or a kennel;
- (b) The home industry shall have at least one person residing in the dwelling practicing in the home industry activity;
- (c) There shall be not more than one (1) additional assistant, employee, or associate, who is not a resident of the dwelling unit in which the home industry is conducted that may be involved in any way, practicing in the home industry activity;

- (d) The home industry shall remain secondary to the agricultural use and occupy no more than twenty-five (25%) of the total habitable floor space of the dwelling, if located within a dwelling, or if conducted within an accessory building, the accessory building shall not be more than 60.0 m² (646 ft²);
- (e) Where food preparation or food service for the public is part of the home industry, the approval of the Niagara Regional Public Health Department is required;
- (f) The home industry shall not change the character of a main use or create, or become a nuisance due to such matters as noise, smell, hours of operation and traffic generation;
- (g) There shall be no sign, display or other indicator visible from a public street which reveals the existence of a home industry use, except a non-illuminated identification sign in accordance with the Town's Sign By-law and as per the requirements of the Niagara Parks Commission where such use is located along the Niagara River Parkway;
- (h) Parking shall be provided in accordance with Section 6.39, Parking Space Requirements and be located in the rear yard;
- (i) No more than two (2) home industries shall be conducted on any property;
- (j) Any external storage of materials, containers or finished products shall be screened, fenced or buffered from view to maintain an attractive appearance;
- (k) Adequate lot area shall be available to ensure that all activities associated with the home industry, including parking and storage, is separated and buffered from adjacent sensitive land uses; and
- (l) Shall be subject to a Signed Site Plan pursuant to Section 41 of the *Ontario Planning Act*.

6.24 HOME OCCUPATIONS AND HOME PROFESSIONS

Where a home occupation or home profession is permitted in a particular zone, it shall be in accordance with the following regulations:

- (a) The home occupation or home profession activity shall be conducted by a person residing in the dwelling;
- (b) The home occupation or home profession shall be conducted wholly within the residential dwelling and is to remain secondary to the residential use of the dwelling unit and occupy no more than twenty-five (25 %) of the total habitable floor space of the dwelling;
- (c) There shall be no sign, display or other indicator visible from a public street which reveals the existence of a home occupation or home profession use in a dwelling unit, except a non-illuminated identification sign in accordance with the Town's Sign By-law and as per the requirements of the Niagara Parks Commission, where such use is located along the Niagara River Parkway;

- (d) Parking shall be provided in accordance with Section 6.39, Parking Space Requirements;
- (e) No machinery, equipment or process shall be used on the premises, and no activity shall occur in connection with a home occupation or home profession which creates noise, vibration, glare, fumes, odour, dust, electrical interference or delivery by commercial carriers in excess of that normally experienced in a residential neighbourhood;
- (f) There shall be no food preparation or food services permitted from the premises;
- (g) There shall be no retail sales of items, goods or products permitted from the premises; and,
- (h) There shall be no outdoor storage of materials, equipment or containers, animal enclosures or other outdoor activities associated with the home occupation or home profession.

6.25 LANDSCAPED OPEN SPACE

Landscaped open space shall be provided in accordance with the provision set out in each zone category and in accordance with the following:

- (a) Any part of a lot which is not occupied by buildings, structures, parking area, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas, shall be maintained as landscaped open space;
- (b) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space;
- (c) Where landscaped open space of any kind, including a buffer strip is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways;
- (d) No part of any driveway, parking area, loading space, stoop, roof top terrace, balcony, other than a landscaped area above an underground parking area, shall be considered part of the landscaped open space; and
- (e) Commercial, industrial and multiple residential zones may require additional landscaping as required by the provisions of a Site Plan Control Agreement, pursuant to Section 41 of the *Ontario Planning Act*.

6.26 LIGHTING

No person shall alter, enlarge, erect, renovate or use an outside light fixture in any zone except in compliance with the regulations of any By-law of the Town regulating lights and lighting, and in compliance with the following regulations:

- (a) Flashing lights are prohibited, with the exception of stop signs;

- (b) Lights and lighting shall not be altered, enlarged, erected, renovated or used in such a way as to be confused with or interfere with traffic lights or otherwise be hazardous to traffic;
- (c) All lighting for parking areas or walkways shall be directed downwards towards the surface of the parking area or walkways and deflected away from adjacent uses, lots and streets; and

6.27 **LOADING SPACES REQUIREMENTS**

- (a) The owner or occupant of any building on a lot used for non-residential uses, except as provided herein shall provide and maintain, for each building on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this section, unless otherwise provided for in this By-law:

TABLE 6-2: MINIMUM LOADING SPACES FOR A NON-RESIDENTIAL BUILDING

NON-RESIDENTIAL BUILDING GROSS FLOOR AREA	NUMBER OF LOADING SPACES
0 - 464.5 m ²	0
465 m ² - 929 m ²	1
930 m ² - 4645 m ²	2
Exceeding 4645 m ²	3 plus 1 for each additional 4,645 m ² or a portion thereof

- (b) Required loading spaces shall have minimum horizontal dimensions of 3.6 m (11.81 ft) by 9.0 m (29.53 ft) and a minimum vertical clearance of 4.2 m (13.78 ft);
- (c) Required loading spaces shall be located in their entirety on the same lot as the building for which such loading spaces are required, and shall not overlap any required driveways, parking spaces, internal roads or parking aisles;
- (d) Off-street loading facilities shall be so arranged that they avoid interference with the movement of traffic on streets or lanes;
- (e) All off-street loading spaces shall be located in the interior side or rear yard, or to the rear of the main front wall and exterior side wall of the main building, provided such spaces are setback a minimum of 24.4 m (80.05 ft) from the street line;
- (f) Off-street loading areas shall be screened by a wall, fence or planting in such a manner that the off-street loading shall not be visible from any abutting residential use;
- (g) Access to loading spaces shall be provided by means of one or more unobstructed aisles which:
 - (1)

- (2) Comply in all other respects with the driveway requirements for parking areas set out in Section 6.38, Parking Requirements and Section 6.39, Parking Space Requirements;
- (3) All off-street loading facilities must be surfaced with a capped, hard top substance such as asphalt or other stable surface treated to prevent the raising of dust and / or loose particles and with provisions for drainage facilities;
- (h) Where a building or structure has insufficient loading spaces on the date of passing of this By-law, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use, provided that any additional spaces required by this By-law for such addition or change of use are in accordance with all provisions respecting loading;
- (i) When a building, structure or lot accommodates more than one type of use, the loading space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof; and
- (j) The loading requirements may be partially deferred upon the owner entering into a Site Plan Agreement pursuant to Section 41 of the *Ontario Planning Act* as amended, which clearly indicates adequate on-site area to accommodate all required loading spaces and the staging for the development of deferred loading spaces as required.

6.28 LOT DEVELOPMENT REQUIREMENTS

Nothing in this By-law shall apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under Section 5 of the Building Code Act, prior to the day of the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the Building Code Act.

6.29 MINIMUM DISTANCE SEPARATION (MDS) REQUIREMENTS

- (a) The Minimum Distance Separation Formulae I, as amended from time to time, is used to determine the minimum separation distances between proposed new development and existing livestock facilities and/or permanent manure storage.
 - (1) In addition to the general policies of the MDS Implementation Guidelines, MDS I also applies specifically to proposed new development on existing lots of record;
- (b) The Minimum Distance Separation Formulae II, as amended from time to time, is used to determine the minimum separation distances between proposed new, enlarged or remodeled livestock facilities and/or permanent manure storages and other existing or approved development.

6.30 MUNICIPAL DRAIN AND/OR IRRIGATION CHANNEL

A minimum setback of 10 m (32.8 ft) is required from the top of bank adjacent to a Town municipal drain and / or irrigation channel. This setback is required for access and maintenance purposes. No trees or vegetation, except grass, is to be planted within this setback that will interfere with the Town's ability to access and maintain this infrastructure. No buildings or structures of any kind are permitted within this 10 m (32.8 ft) setback.

6.31 NIAGARA RIVER PARKWAY, DEVELOPMENT ALONG THE

Any building or structure, including a sign, any access point or infrastructure in any zone within 45 m (148 ft) of the Parkway or within 395 m (1296 ft) of an intersection, or within 400 m (1312 ft) of a power line, pole line or other transmission line adjacent to the Niagara River Parkway or the construction of access points nor infrastructure as a means of access to the Niagara Parkway is subject to an access and entrance permit and / or a sign permit from the Niagara Parks Commission.

6.32 NON-CONFORMING USES

- (a) Nothing in this By-law shall apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building, or structure, or any part thereof, was lawfully used for such purpose on the day of the passing of this By-law so long as it continues to be used for that purpose. If the use is modified in accordance with Section 6.33 (b) then the use shall be allowed to continue;
- (b) Nothing in this By-law shall prevent the re-establishment of a non-conforming use, that is damaged or destroyed by fire or natural disaster subsequent to the date of passing of this By-law, provided the height, size or volume of the building or structure is not altered and the use of the building or structure is not altered or unless the use changes to a use permitted in the By-law. In addition, the rebuilding or renovation of such building or structure is to be commenced within two years of the date that such building or structure was damaged or destroyed;
- (c) Nothing in this By-law shall prevent the renovation or alteration of all or part of a building or structure that is occupied by a non-conforming use provided that the renovation or alteration will not increase the height, size or volume of the building or structure;
- (d) A non-conforming use may continue in existence in accordance with the Ontario Planning Act as amended. A non-conforming use shall not be enlarged or extended so as to occupy additional land on any other lot or parcel.

- (e) A non-conforming use of land or a building or structure may be continued but if that use is changed any future use shall conform to the provisions of this By-law, except as permitted by the Ontario Planning Act;
- (f) A non-conforming use of any building, structure or land which has been abandoned or discontinued shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
 - (1) When the use has been discontinued for one year; or
 - (2) When the characteristic equipment and furnishings of the non-conforming use have been removed and have not been replaced within one year; or
 - (3) When it has been replaced by a conforming use; or
 - (4) When re-establishment has not been commenced within two (2) years of the date of destruction or damage caused by fire or natural disaster.

6.33 NON-COMPLYING LOTS, BUILDINGS, OR STRUCTURES

- (a) Nothing in this By-law shall apply to prevent the continued existence of a lot, building, or structure which complied to the applicable regulations and general provisions when the lot was created or the building or structure constructed so long as any changes to the lot, building or structure comply with the regulations and general provisions of this By-law;
- (b) Nothing in this By-law shall prevent the rebuilding or renovation of any non-complying building or structure that is damaged or destroyed by fire or a natural disaster, subsequent to the date of passing of this By-law, provided that:
 - (1) The dimensions of the original building or structure are not increased;
 - (2) The building's or structure's non-compliance is not further increased or the building or structure is to be more in compliance with the provisions of this By-law;
 - (3) In the event that such a destroyed building or structure requires rebuilding then the gross floor area of the original structure and its location shall be verified through an Ontario Land Surveyor, or by other supporting legal document(s), prior to work commencing;
 - (4) In addition to the above the rebuilding or renovation of such building or structure, except in a Commercial Zone, shall be commenced within one year of the date that such building or structure was damaged or destroyed;
- (c) Despite any other provision in this By-law to the contrary, any legal existing vacant registered lot in a registered plan of subdivision shall be deemed to be a permitted lot and shall be used as if it complied to all such requirements, provided that:

- (1) Access for vehicular traffic in the form of an unobstructed driveway, either owned or with a right-of-way, at least 3.0 m (9.84 ft) in width is provided from such lot to a street which abuts the said lot; and
 - (2) Such building or structure complies with any other regulations applicable in the zone in which the lot is located;
- (d) No building or structure shall be built upon any lot unless that lot abuts a street or on an existing lot that fronts on a Firelane;
- (e) For the purposes of establishing minimum setbacks for a lot with no frontage on a street but with access to a street by way of a right-of-way, the lot line to which the right-of-way accesses the lot shall be deemed to be the front lot line;
- (f) In certain instances, the area or a dimension of a lot may be reduced by means of an acquisition of part of the lot by an authority having power of expropriation or as a condition of development approval. Such acquisition may cause the lot to be reduced in size or dimension, or for a legal existing building or structure, to be in non-compliance with the regulations for the zone in which such lot is located;
- (g) Nothing in this By-law shall apply to prevent the alteration, enlargement or renovation of a legal existing building or structure on a lot that has been reduced by public acquisition provided that:
 - (1) The lot and the building or structure met the requirements of the zone in which such lot, building or structure, is located, prior to the date of public acquisition;
 - (2) Modifications to such building or structure can be undertaken in compliance with all of the zone regulations in effect prior to the reduction of such lot by such acquisition; or
 - (3) The lot, building or structure was non-complying prior to the date of public acquisition in which case the provisions of Section 6.33 (a) shall apply;
- (h) Nothing in this By-law shall apply to prevent a building or structure being erected on a vacant lot which has been reduced by public acquisition provided that:
 - (1) The lot met the requirements of the zone in which such lot is located, prior to the date of public acquisition;
 - (2) Such building or structure can be constructed in compliance with all of the zone regulations in effect prior to the reduction of such lot by such acquisition; and
 - (3) The lot was non-complying prior to the date of public acquisition in which case the provisions of Section 6.33 (f) shall apply;
- (i) Nothing in this By-law shall apply to prevent the use of any lot reduced by public acquisition provided that:
 - (1) In the case of a conforming use, the use shall meet the requirements for the zone in which such use was located, prior to the lot being altered by public acquisition; or

- (2) In the case of a non-conforming use, the use shall meet the requirements of Section 6.32.

6.33.A NUMBER OF DWELLING UNITS PER LOT

Where this by-law allows a dwelling to be located on a *lot*, not more than one (1) *dwelling* shall be permitted except in those zones which specifically state that more than one *dwelling* is permitted.

6.34 OCCASIONAL USES

The following zones and uses shall be permitted to have occasional uses as indicated:

- (a) Where an auditorium, public hall, church or school exists in any zone, auction sales, bake sales, craft sales, bingo, benefit dances, blood donor clinics, car washes, festivals, Christmas tree sales, plant and produce sales, shows, concerts and banquets shall be permitted as an occasional use; *(as amended by 4316J-11)*
- (b) Garage sales shall be permitted on any residential property, with a maximum number of three (3) garage sales being conducted on any one property in any calendar year. A single garage sale shall consist of a maximum of two (2) consecutive days;
- (c) Notwithstanding the definition of occasional use, construction trailers on building sites shall be permitted provided they are removed upon building completion or final inspection, whichever comes first;
- (d) Notwithstanding the definition of occasional use, a real estate sales office shall be permitted on a construction site until building completion or final building inspection, whichever comes first;
- (e) Any occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities;
- (f) Any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind; and
- (g) Despite Section 6.37, Outdoor Storage, all of the above mentioned occasional uses shall be permitted out of doors.

6.35 OCCUPATION OF INCOMPLETE BUILDINGS

No building or part of any building shall be occupied until the whole of the exterior of such building has been completed according to the plans and specifications thereof filed with the Chief Building Official and the heating, plumbing and electrical facilities shown on the plans are connected and usable in accordance with the building permit issued by

the Town, and occupancy or final inspection being granted by the Building Services Department.

6.36 OUTDOOR PATIO RESTAURANT

Where permitted by this By-law, outdoor patio restaurants which are located on privately owned lands are subject to the following provisions:

- (a) No outdoor patio restaurant shall accommodate more than fifty per cent (50%) of the licensed capacity of the restaurant or dining lounge with which the patio is associated to a maximum size of 90 m²;
- (b) No outdoor patio restaurant shall be permitted in a yard that abuts a residential zone;
- (c) An outdoor patio restaurant shall be located a minimum of 3.0 m (9.84 ft) from any loading area, parking spaces, internal road or driveway located on the lot;
- (d) No commercial cooking equipment is permitted on an outdoor patio restaurant;
- (e) Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets;
- (f) Despite Section 6.27, Loading Spaces Requirements, no additional loading space shall be required for an outdoor patio restaurant;
- (g) Parking spaces shall be required for the gross leasable floor area associated with the outdoor patio restaurant at a rate of one (1) space for every 30 m² of outdoor patio area;
- (h) An outdoor patio restaurant shall be defined by a wall or fence with a minimum height of 0.8 m (2.62 ft) above the patio floor;
- (i) No outdoor patio restaurants shall operate before 8:00 a.m. and after 11:00 p.m., and seasonally each calendar year before March 1 and after October 31;
- (j) Outdoor entertainment, public address or music systems shall not be permitted in conjunction with an outdoor patio restaurant;
- (k) The surface of an outdoor patio restaurant shall be limited to a maximum height of 1 m (3.28 ft) above grade.

6.37 OUTDOOR STORAGE

- (a) Outdoor storage and outdoor display and outdoor sales shall be prohibited in the Queen-Picton Commercial (QPC) zone; *(as amended by 4316Y-12)*
- (b) Outdoor storage shall be prohibited in the case of automobile uses, including a general repair establishment, parts and accessories sales, service station, and specialty repair shop;

- (c) Except where prohibited for those commercial zones and uses set out in Sections 6.37 (a) and 6.37 (b), outdoor storage shall not be permitted in any required front, side, exterior side yard, or rear yard;
- (d) No outdoor storage area shall be visible from any street or from any abutting lot, where the abutting lot is not in a Commercial or Enterprise Zone or used for commercial purposes. Any open storage area shall be screened, wherever necessary in order to comply with this provision, by a visual screen containing a fence or wall not less than 2 m (6.56 ft) in height;
- (e) Any outdoor storage area shall be provided and maintained with a stable surface that shall be treated to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Town;
- (f) No outdoor storage area shall be considered part of any required landscaped open space or as part of a buffer;
- (g) No parking spaces, parking aisles or loading spaces required by this By-law shall be used for outdoor storage and display purposes; and
- (h) The outdoor display of goods and merchandise will be permitted for garden centres, recreational vehicle sales establishment and automobile sales establishment, an aggregate operation, farm implement dealer and a building supply establishment.

6.38 PARKING REQUIREMENTS

No lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used in any zone unless off-street parking areas are provided and maintained in accordance with the following regulations, unless otherwise provided for in *this* By-law:

- (a) Off-street parking areas shall be located on the same lot as the use requiring the parking unless otherwise provided for in this By-law, and shall not infringe on any required loading spaces;
- (b) If any computation of parking space requirement as set forth in this section results in a number containing a fraction, it shall be counted as one parking space for the purpose of calculating the total parking requirements;
- (c) Despite any provisions of this By-law, uncovered surface parking areas shall be permitted as required in the specific zone categories;
- (d) Except for a single detached dwelling, all off-street parking areas shall be provided with adequate means of ingress and egress to and from a street or lot, and shall be arranged so as not to interfere with the normal public use of a street. Where four (4) or more spaces are required, such spaces shall be provided with at least one entrance lane and one exit lane; *(as amended by 4316J-11)*
- (e) Except for residential zones, the minimum parking space dimensions for parking spaces shall be as illustrated in the following table for parking stalls and aisles in

various parking configurations, except as provided for in Section 6.42, Parking, Accessible Space Requirements of this By-law: *(as amended by 4316J-11)*

TABLE 6-3: MINIMUM PARKING SPACE DIMENSIONS AS PER PARKING ALIGNMENT

PARKING ALIGNMENT	DIMENSIONS		
	WIDTH	LENGTH	MINIMUM DRIVEWAYS & AISLE WIDTHS
0°	2.75 m	6.7 m	3.5 m
30°	2.75 m	6.4 m	3.5 m
45°	2.75 m	6.4 m	4.0 m
60°	2.75 m	6.5 m	5.0 m
90°	2.75 m	6.0 m	6.0 m

- (f) For a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling unit or quadraplex dwelling unit, the driveway or aisle width shall not exceed 6.0 m (19.69 ft). *(as amended by 4316J-11)*
- (g) In a residential zone, the minimum parking dimension for a required surface parking space shall be 2.75 m (9.0 ft) x 6.0 m (19.69 ft), except that the dimensions of a required parking space in a private garage shall be 3.0 m (9.84 ft) and for apartment buildings, the minimum dimension for a required parking space in a parking structure or on the surface shall be in accordance with Table 6-3 in 6.38 (e). *(as amended by 4316J-11)*
- (h) Notwithstanding the provisions of Section 6.38 (e), within the Queen Picton Commercial (QPC) Zone, for properties fronting on Queen Street, ingress and egress to and from the required parking spaces shall be provided by means of unobstructed driveways or aisle at least 3.0 m (9.84 ft) in width, but not more than 6 m (19.69 ft) in perpendicular width;
- (i) Any parking area or access driveway provided in the front yard or exterior side yard of a lot in a non-residential zone, or in any yard of a non-residential use adjacent to a residential use, shall be paved with asphalt, concrete or paving stones. Any parking area or access driveway provided for a public park, single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex, or residential conversion shall be constructed with gravel or other stable surface and treated so as to prevent the raising of dust and/or loose particles. Drainage shall be provided so as to prevent the flow of surface water onto adjacent lots; and
- (j) Where a parking structure containing a parking area is the principal use on a lot, the structure shall conform to the zone provisions for the zone where such lot is located.

6.39 **PARKING SPACE REQUIREMENTS**

Off-street parking spaces shall be provided in accordance with the following schedule:

TABLE 6-4: COMMERCIAL AND INDUSTRIAL PARKING RATIOS

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Agricultural Market	1 per 18.5 m ² GFLA
Agricultural Stand or Seasonal Home Grown Produce Stand	1 per 18.5 m ² GFLA
Automobile Gas Bar	A minimum of 2
Automobile Rental Establishment	1 per 18.5 m ² GFLA
Automobile Repair Establishment, Automobile Service Station and Automobile Specialty Repair Shop	6 per bay
Automobile Sales Establishment, Recreation Vehicles and Equipment Sales	1 per 25 m ² GFLA or a minimum of 2, whichever is greater (parking is exclusive of display and storage areas)
Bank or Financial Establishment	1 per 15 m ² GFLA
Building or Contracting Establishment	1 per 30 m ² GFLA
Building Supplies or Lumber Yard	1 per 18.5 m ² GFLA for retail showroom and 1 per 90 m ² GFLA of warehouse space
Catering Establishment	1 per 200 m ² GFLA
Car Wash - Manual Car Wash – Automatic	3 per bay in queue 5 per bay in queue
Cleaning Establishment	1 per 50 m ² GFLA
Commercial Entertainment Establishment, Theatre	1 per 6 seats or 1 per 18.5 m ² GFLA, whichever is greater
Commercial Recreation Facility	1 per 18 m ² GFLA
Commercial School	1 per 2 staff members plus 1 per 28 m ² classroom floor space
Commercial Uses not Specifically Identified	1 per 18.5 m ² GFLA
Contractor's Yard	A minimum of 4 per yard or 1 per 28 m ² GFLA, whichever is greater
Convenience Store	1 per 18.5 m ² GFLA
Country Inn	1 per guest room in addition to other uses identified herein
Data Processing Establishment	1 per 28 m ² GFLA
Day Care Centre	1 per 18.5 m ² GFLA
Dry Cleaning Outlet	1 per 18.5 m ² GFLA
Dry Cleaning or Laundry Plant	1 per 185 m ² GFLA

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Duplicating Shop, Photocopying Shop or Blue Printing Shop	1 per 18.5 m ² GFLA
Estate Winery, Farm Winery	1 per employee, plus 1 per every 18.5 m ² of floor area devoted to each secondary use
Farm Implement Dealer	1 per 30 m ² GFLA
Funeral Home or Undertaking Establishment	1 per 10 m ² GFLA
Garden Centre or Nursery	1 per 30 m ² GFLA
Golf Course	4 per tee
Greenhouse, Commercial	1 per 18.5 m ² GFLA or retail area and 1 per 1000 m ² GFLA of growing area
Grocery Store <i>(as amended by 4316J-11)</i>	1 per 18.5 m ² GFLA
Home Improvement Centre, Decorating Supplies	1 per 18.5 m ² GFLA of retail floor space and 1 per 90 m ² GFLA for warehouse space
Hospital	1 per 2 beds
Hotel, Motel	1 per guest room in addition to other uses identified herein
Industrial Uses not Specifically Identified	1 per 93 m ² GFLA
Kennel	1 per 28 m ² GFLA
Laboratory	1 per 45 m ² GFLA
Laundromat	1 per 18.5 m ² GFLA
Liquor, Beer Store	1 per 18.5 m ² GFLA
Manufacturing Establishment	1 per 100 m ² GFLA
Marihuana for Medical Purposes Production Facility	1 per 100 m ² of GLFA
Marina	1 per boat dock or slip
Medical Clinic	3 per practitioner or 1 per 15 m ² GFLA, whichever is greater
Medical Office	1 per 15 m ² GFLA
Office, Business Office, Professional Office, Government Office	1 per 28 m ² GFLA
Personal Service Establishment	1 per 15 m ² GFLA
Pick your own Agricultural Operation	10 spaces
Printing and Binding or Publishing Establishment	1 per 185 m ² GFLA
Public Storage Facility	1 per 50 m ² GFLA
Repair Service Establishment	1 per 18.5 m ² GFLA
Research Establishment	1 per 45 m ² GFLA
Restaurant	1 per 9 m ² GFLA

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Restaurant, Queen-Picton Commercial Zone (as amended by 4316AD-12)	1 per 18.5 m ² GFLA
Restaurant, Outdoor Patio	1 per 30 m ² GFLA of outdoor patio area in addition to the requirements for a restaurant or take out restaurant
Restaurant, Take-Out	1 per 9 m ² GFLA or 15 spaces, whichever is greater
Retail Sales, Service and Rental Establishment	1 per 18.5 m ² GFLA
Service Establishment	1 per 18.5 m ² GFLA
Shopping Centre	1 per 18.5 m ² GFLA
Transportation Terminal, Trucking Operation	1 per 100 m ² GFLA
Veterinary Clinic, Animal Hospital or Veterinary Office	1 per 45 m ² GFLA
Warehouse	1 per 150 m ² GFLA

TABLE 6-5: RESIDENTIAL PARKING RATIOS

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Apartment Building	1 per unit
Apartment Building - Senior Citizen	1 per 4 units
Bed and Breakfast Establishment	1 per guest room, plus one for each vehicle operated by the licensee and residents of the bed and breakfast establishment.
Dwelling, Converted	1 per unit
Dwelling, Quadraplex, Double Duplex or a Row Dwelling	1.5 per unit, except that a row dwelling (townhouse) on a public street shall require 2 parking spaces per unit (as amended by 4316Y-12)
Dwelling, Semi-Detached or Duplex	2 per unit
Dwelling, Single Detached	2 per unit
Dwelling, Townhouse	2 per unit
Dwelling, Triplex	1.5 per unit
Group Home	1 per staff member plus 1 visitor parking space for group homes having up to 6 residents and 2 visitor parking spaces for group homes having more than 6 residents
Home Occupation, Home Profession and Home Industry	1 per 28 m ² GFLA devoted to the home occupation, home profession or home industry, plus the parking required for the dwelling
Lodging House	1 per guest room plus 1 for the proprietor

Residential Unit in a Non-Residential Building	1 space per unit (as amended by 4316J-11)
Villa	1 per guest room

TABLE 6-6: MISCELLANEOUS USE PARKING RATIOS

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Arena (no seats)	1 per 30 m ² GFLA
Arena (with seats)	1 per 8 seats or 1 per 18.5 m ² GFLA used for a hall auditorium use involving the assembly of persons, whichever is greater
Church	Fixed Seating: 1 per 5 seats or 3 m of bench space excluding Sunday School and Office Non-Fixed Seating: 1 per 9 m ² GFLA of public floor space excluding Sunday School and Office
Community Centre	1 per 10 m ² GFLA
Conference Rooms or Areas Used in Conjunction with Other Uses Herein	1 per 18.5 m ² GFLA
Museum	1 per 50 m ² GFLA
Nursing Home	1 per 3 beds
Public Hall, including: Auditorium, Gymnasium Club (Private or Servic(e)) Other place of assembly Auditorium or gymnasium secondary to another use	1 per 8 seats or 1 per 18.5 m ² GFLA used for a hall, auditorium use involving the assembly of persons, whichever is greater
School, Elementary	1.5 per classroom plus a minimum of 4 visitor parking spaces if there is no auditorium or gymnasium, or plus any required parking associated with an auditorium, theatre or gymnasium
School, Secondary	4 per classroom plus any required parking associated with an auditorium, theatre or gymnasium

6.40 **PARKING SPACE REQUIREMENTS, ADDITIONAL PROVISIONS**

- (a) The minimum parking space requirements for residential units located on the same lot in the Commercial Zone shall be one parking space per residential unit;
- (b) Where a building or structure has insufficient parking spaces on the date of passing of this By-law to comply to the requirements of this By-law, this By-law

shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, in the event that any additional spaces required by this By-law for such addition or change of use, these shall be provided in accordance with all provisions respecting parking spaces and areas;

- (c) When a building, structure or lot accommodates more than one type of use, including accessory structures and secondary uses, the parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof;
- (d) Where parking areas are illuminated, lighting fixtures shall be designed and installed to direct light downward, with deflection away from adjacent lots;
- (e) Any area where off street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid license plates.
- (f) No commercial vehicle or motorized construction equipment shall be parked or stored on any residential lot, except for one commercial vehicle which is operated by the occupant of the residential lot and is not longer than 7 m (22.96 ft), or except for making deliveries or otherwise providing services on a temporary basis to the residential lot;
- (g) The parking or storage of recreational vehicles, school buses and commercial vehicles over 7 m (22.96 ft) shall not be permitted on a residential lot or on-street in a residential neighbourhood;
- (h) Parking for developments along the Niagara River Parkway shall be located to the rear of the building, or screened to the approval of the Niagara Parks Commission. Buses and large vehicles must be parked at the rear of the building; and
- (i) Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be permitted in the required yards in the area between the road or street line and the required setback, provided that no part of any parking area, other than a driveway, is located closer than 2 m (6.56 ft) to any front or exterior lot line, and no closer than 1 m (3.28 ft) to any rear or interior side lot line. The minimum front and exterior side yard setback for a bus parking area is 3.0 m (9.84 ft), and 2 m (6.56 ft) to an interior or rear yard. The 2 m (6.56 ft) front yard setback for a parking space shall not be required for residential use, except an apartment building. *(as amended by 4316J-11)*
- (j) A driveway shall be setback a minimum of 8.0 m (26.25 ft) from an exterior property line and 1.0 m (3.28 ft) from an interior property line. *(as amended by 4316J-11)*

6.41 PARKING, BICYCLE REQUIREMENTS

Bicycle parking space shall be provided and maintained in accordance with the following regulations:

TABLE 6-7: BICYCLE PARKING RATIOS

TYPE OF USE	MINIMUM NUMBER OF REQUIRED SPACES
Office	1 per 250 m ² GFLA
Restaurant	2 per 100 m ² GFLA
Restaurant (take-out)	2 per 100 m ² GFLA
Commercial	1 per 200 m ² GFLA
Convenience Store	Minimum of 5

6.42 **PARKING, ACCESSIBLE SPACE REQUIREMENTS**

- (a) The required number of parking spaces shall include provisions for accessible parking based on the minimum quantity in Table 6-8 below. This shall apply to all uses except for single detached dwellings, semi-detached dwellings, duplex dwellings, townhouse dwellings, and quadraplex dwelling units. *(as amended by 4316J-11)*

TABLE 6-8: ACCESSIBLE PARKING RATIOS

TOTAL REQUIRED REGULAR PARKING SPACES	NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total
1001 and over	20 plus 1 for each over 1000

- (b) The number of required accessible parking spaces shall be included in the total number of required parking spaces for the site;
- (c) The accessible parking spaces shall have minimum rectangular dimensions of 3.7 m (12.11 ft) width by 6.0 m (19.69 ft) in length, and if two (2) adjacent spaces

are designated for the disabled, then the total width of both spaces together may be 6.4 m (21 ft) if a 1.5 m (5 ft) wide access aisle separates the two (2) spaces. If no access aisle separates the spaces, the total width of the two (2) spaces shall be 7.4 m (24.28 ft);

- (d) All accessible parking spaces shall be marked by an identifying marker consisting of the International Symbol for the disabled;
- (e) A standard parking space parallel to the curb shall constitute an acceptable parking space providing it allows individuals to get in and out of either side of a vehicle and providing a sidewalk wheelchair ramp is located nearby;
- (f) A minimum vertical clearance of 2.9 m (9.51 ft) shall be provided at accessible parking spaces, passenger loading zones, and along access routes;
- (g) Accessible parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route; and
- (h) Curb ramps shall be provided to permit access from the parking area to the sidewalk.

6.43 PARKING, PASSENGER BUS REQUIREMENTS

- (a) Passenger bus parking spaces shall be provided and maintained in accordance with the following regulations:

TABLE 6-9: PASSENGER BUS PARKING RATIOS

TYPE OF USE	MINIMUM REQUIRED SPACES
Arena, Theater (capacity less than 1,000 persons)	1
Arena, Theater (capacity greater than 1,000 persons and less than 2,000 persons)	2
Arena, Theater (capacity greater than 2,000 persons)	3
Hotel (greater than 250 rooms)	2
Estate Winery	2

- (b) The required passenger bus parking spaces shall have minimum dimensions of 3.6 m (11.81 ft) by 12.0 m (39.27 ft).
- (c) Front yard and exterior side yard setback for a bus parking area is 3.0 m (9.84 ft) and 2 m (6.56 ft) to an interior or rear yard.

6.44 PERMITTED YARD PROJECTIONS AND ENCROACHMENTS

Required yards shall not be obstructed in any manner whatsoever, except in accordance with the following:

TABLE 6-10: PERMITTED YARD PROJECTIONS AND ENCROACHMENTS

STRUCTURE TYPE	YARDS (FRONT, REAR & SIDES)	MAXIMUM PROJECTION INTO REQUIRED YARD	MINIMUM SETBACK FROM LOT LINE
Fire Escapes	All yards	1.2 m (3.94 ft)	n/a
Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	All yards	n/a	n/a
Cantilevered box and bay, windows, gas fireplace projection, chimney flue (with no foundation below projections and no greater than 50% of the total area of the wall face)	Front or Rear	0.6 m	n/a
Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures	All yards	0.6 m (2 ft)	n/a
Unenclosed and uncovered porch, deck, balcony, patio or steps	Front or Rear Yard	1.5 m (5 ft)	n/a
	Side Yard	0.6 m (2 ft)	n/a
Gate House	Front & Side Yard	n/a	1.5 m (5 ft)

Notwithstanding the above regulations:

- (a) A cantilever shall not be permitted in a required side yard which is less than 1.2 m (3.94 ft).
- (b) Accessory buildings and structures, including satellite dishes and freestanding decks, shall be permitted in yards subject to Section 6.1.
- (c) A balcony shall not be permitted in any required side yard that is adjacent to any residential zone.
- (d) Encroachments shall not be permitted within any easement in favour of the Corporation of the Town of Niagara-on-the-Lake.

6.45 PUBLIC STREET FRONTAGES REQUIRED

- (a) No person shall erect, alter or enlarge any building or structure for permanent use unless the lot upon which such building or structure is to be erected has lot frontage on a street which has been assumed by the Town, Regional Municipality of Niagara, or the Niagara Parks Commission and is maintained in such a manner so as to permit its use by vehicular traffic, except as otherwise specifically permitted in this By-law.

- (b) A building permit can be issued to allow a building or structure to be erected upon a lot or block within a registered plan of subdivision in accordance with the provisions of a subdivision agreement. This is despite the roads not yet being assumed and not being maintained by the Municipality;
- (c) A building or structure may be erected upon a lot or block within a draft plan of condominium which provides for the creation of lots that front on a private road, provided the private road will be constructed and maintained to the satisfaction of the Town, and that the Town, by way of an agreement, is permitted the right of access for emergency purposes and is absolved of any future maintenance or acquisition of such private roads;
- (d) Residential and agricultural buildings are permitted on existing lots of record that front onto private roads known as Firelanes.

6.46 RESIDENTIAL / AGRICULTURAL INTERFACE

Where a residential zoned lot abuts an agricultural zone, a 3 m wide buffer strip constructed and maintained along the residential property line, with a board on board wood fence, constructed by the residential developer, is required. The board on board fence shall have no openings and be a minimum height of 1.8 m.

6.47 RESIDENTIAL UNIT IN CELLAR AND BASEMENT

- (a) No residential unit in its entirety shall be located in a cellar.
- (b) Where permitted, a residential unit in its entirety may be located in a basement provided that the finished floor level of such basement is not below the level of any sanitary or storm sewer serving the building or structure in which such basement is located and provided that the floor level of such basement is not more than 0.61 m (2 ft) below the adjacent finished grade.
- (c) Shall comply with the Fire Code and Ontario Building Code.

6.48 RESIDENTIAL USE IN NON-RESIDENTIAL BUILDING

Where a residential use is permitted in a non-residential building the following provisions shall apply:

- (a) A residential unit may be permitted with a private water supply and sewage system subject to approval from the Niagara Regional Public Health Department, but where two (2) or more residential units may be permitted within a non-residential building, they shall be serviced by a public water supply and sanitary sewer system.
- (b) The residential unit shall have a minimum floor area in accordance with the following:

- (1) An apartment dwelling in a portion of a non-residential building shall have the minimum requirements of the Residential Multiple Zone.
- (c) The residential use(s) shall have separate kitchen and sanitary facilities from those of the non-residential use.
- (d) Each residential unit shall have one (1) separate parking space.
- (e) The residential use(s) shall have a separate building entrance to that provided to the non-residential use.
- (f) In a commercial and enterprise zone, no residential unit shall be located in a non-residential building except on the second or higher storey of such building.
- (g) The gross floor area of the residential use(s) of a non-residential building in the commercial zone shall not exceed fifty per cent (50%) of the lot area.
- (h) In the case of a single detached residential dwelling on the same lot as a non-residential building located in other than a residential zone and which lot is not serviced by a public water supply and sanitary sewer system, the following provisions apply:

(1)	Minimum lot frontage	60.96 m (200 ft)
(2)	Minimum lot area	0.4 ha
(3)	Minimum lot depth	60.9 m (199.80 ft)
(4)	Maximum lot coverage (all buildings)	15%
(5)	Maximum lot coverage (by dwelling unit)	10%
(6)	All other requirements of this By-law shall apply pertaining to the zone in which the lot is located.	

6.49 SECONDARY USES

Secondary uses shall be permitted for a use that conforms to the zone in which it is located in accordance with the following:

- (a) The secondary use shall not exceed twenty-five (25%) of the gross floor area of the main building of the principal use, with the exception of a bed & breakfast or country inn establishment.
- (b) The secondary use is subordinate to the principal permitted use.
- (c) Shall be compatible with and not hinder or interfere with surrounding agricultural operations.
- (d) On-site parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements in addition to the parking requirements for the principal use.

6.50 SETBACKS FROM PROVINCIAL HIGHWAYS and THE NIAGARA RIVER PARKWAY

A building or structure, including a sign, in any zone adjacent to a provincial highway is subject to the setback requirements of the Ministry of Transportation, which may be greater than the municipal requirements. The Ministry of Transportation and / or the Niagara Parks Commission should be consulted for specific development requirements adjacent to provincial highways.

6.51 SETBACK FROM WASTE DISPOSAL SITES

Notwithstanding any other provision of this By-law, all development is required to be setback a distance of 500 m (1640.4 ft) from an existing and former waste disposal cell(s) unless it can be demonstrated that:

- (a) There is no evidence of leachate, methane gas migration, or other contaminants present in the soil or ground water supply.
- (b) Where there is leachate, gas migration or other contaminants in the soil and ground water supply, any potential adverse impacts from such leachate, gas migration or contaminants can be safely mitigated.

6.52 SIGHT TRIANGLE

On a corner lot within the sight triangle, no hedge, shrub, tree, ornamental structure, statue or fence shall be planted, maintained or erected which will obstruct the vision of, or cause safety concerns regarding vehicular traffic.

6.53 SIGNS

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Town, the Niagara Parks Commission, and the Ministry of Transportation, regulating signs. No business sign or advertising shall be erected or attached to those structures listed in Section 6.21 Height Restrictions Exceptions. Only safety and hazard signs for public information and safety purposes may be erected on these structures, if necessary.

6.54 STRUCTURES IN WATER

No person shall erect, alter or use any structure located in navigable water or a water body except in compliance with the Lakes and Rivers Improvement Act, the Fisheries Act, and the Navigable Waters Act. Along the Niagara River, all structures within the water body from Navy Hall to the south limits of the municipality are also subject to the requirements of the Niagara Parks Commission. Flood control structures and irrigation dams and structures within the municipal drainage and irrigation system are exempt from this restriction.

6.55 TRANS CANADA PIPELINES PROVISIONS

All permanent structures and excavations must be located at least seven (7) m (22.97 ft) from the limits of the Trans Canada Pipelines right-of-way. Accessory structures and lots with side-yards abutting the right-of-way shall have a minimum setback of at least 3 m from the limit of the right-of-way.

6.56 USES AND ACTIVITIES PROHIBITED IN ALL ZONES

Notwithstanding any other provisions of this By-law, the following uses and activities are prohibited in all zones, either alone or in conjunction with other uses, except where specifically permitted by this By-law:

- (a) Any trades, businesses, manufacturers and related uses deemed offensive or noxious by the Environmental Protection Act, as amended from time to time.
- (b) An adult entertainment parlour.
- (c) An adult entertainment store.
- (d) Adult entertainment video rental or retail establishment.
- (e) A body rub parlour.
- (f) A gaming establishment.
- (g) Commercial manufacturing of fertilizers.
- (h) Locating or storing on any land for any purpose any disused railroad car, street car body, truck body, bus body or truck trailer without wheels, whether or not the same is situated on a foundation; notwithstanding, truck trailers with or without wheel bodies are permitted for storage purposes in the Agricultural (A) Zone as part of an agricultural operation if screened from view, and will be located to conform to zoning requirements.
- (i) Storage or stockpiling of tires or automobile parts.
- (j) The keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any wild animal including any tamed or domesticated wild animal on any lot or in any building or structure in any Residential Zone or on any lot in the Agricultural Zone having a lot area less than 0.4 ha.
- (k) Commercial track for the racing of motor vehicles, motorcycles or motorized snow vehicles.
- (l) The use of transport trailers, trucks, buses and coach or streetcar bodies as living accommodation or for the purposes of a commercial business or office.
- (m) The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes.

- (n) Locating or storing of used concrete or asphalt products on any land for any purpose, including crushing and sorting, except for:
 - (1) In an Extractive Industrial (E(I) Zone.
 - (2) As a temporary use associated with a public undertaking within the limits of the said undertaking or on land adjacent to said undertaking, for the duration of the undertaking.
- (o) A salvage yard or automobile wrecking establishment.
- (p) Storage, incineration or disposal of toxic chemicals.
- (q) Any uses or activities deemed unlawful under other Federal, Provincial or Municipal acts, codes, or By-laws.

6.57 USES PERMITTED IN ALL ZONES

Notwithstanding any provision of this By-law, any lot may be used or developed and any building or structure may be erected, altered, enlarged, renovated, maintained, or used in any zone for the following purposes:

- (a) Any sheds, scaffolds or other structures incidental to building construction on the premises for so long as the same is necessary for work in progress which has neither been finished nor abandoned.
- (b) Secondary uses which are clearly subordinate to an existing permitted use within the zone and provided that such uses, buildings, or structures shall be in compliance with the regulations of the zone in which they are located and the applicable provisions of Section 6.1, Accessory Buildings and Structures.
- (c) Infrastructure provided it complies with the zone regulations of the zone wherein the infrastructure is located.

6.58 VACATION APARTMENT

- (a) Where "Vacation Apartment" is a permitted use, it shall only be permitted in an "Apartment Dwelling" or in a "Residential Unit" above a business;
- (b) Where "Vacation Apartment" is a permitted use, it shall not contain more than three bedrooms;
- (c) There shall be one parking stall on-site for each unit;
- (d) A "Vacation Apartment" must be fully serviced with water and sewage disposal services approved by the Town;
- (e) A "Vacation Apartment" must be licensed appropriately with the Town of Niagara-on-the-Lake.

6.59 WATERFRONT DOCKS, PIERS, LANDING PLACES AND PUBLIC BOAT LAUNCH

(renumbered by 4316J-11)

Where permitted by this By-law, docks, piers, and landing places shall be erected, enlarged, altered and used in the water in accordance with the following regulations:

- (a) Docks, piers, landing places or boat launches shall abut the shoreline.
- (b) Docks, piers, landing places or boat launches shall not obstruct navigation or infringe upon established access rights.
- (c) Docks, piers, landing places and boat launches shall be subject to the approval of the appropriate authority, i.e. Niagara Parks Commission, Niagara Peninsula Conservation Authority, or the Ministry of Natural Resources.
- (d) A public boat launch shall not be permitted in a Residential Zone.

6.59 WIND ENERGY SYSTEM *(deleted by 4316J-11)*

6.60 YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES

No part of a yard or other open space required abutting a building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space required for another building.

6.61 MINI-WAREHOUSE *(as added by 4316AH-13)*

A mini-warehouse shall be permitted in accordance with the following:

- (a) A mini-ware house shall be limited to single-storey structures.
- (b) Screening shall be erected and permanently maintained adjacent to any residential use or zone.
- (c) Where a property used for a mini-warehouse abuts a residential use or zone, buildings adjacent to the property boundary shall face inward, with their doors oriented towards the interior of the site.
- (d) The facility shall not be used for the manufacture or sale of any commercial commodity or the provision of any service such as the repair of automobiles, boats, motors or other items.
- (e) The facility shall not be utilized for the storage of hazardous and/or toxic materials or flammable chemical substances.
- (f) The development shall provide adequate fire and vehicular access and parking to accommodate anticipated vehicle types and quantities including, but not limited to, trucks, fire equipment and automobiles. Parking may be provided by parking/driving lanes adjacent to the buildings.
- (g) Within a mini warehouse facility no business activity, other than the rental of storage units, shall be conducted.

- (h) An on-site manager shall be required to be on the site on a full-time basis and shall be responsible for maintaining the operation of the facility.
- (i) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations shall be prohibited.
- (j) Outside storage shall not be permitted.
- (k) Exterior security lighting shall be provided, and shall be directed downward away from abutting properties.
- (l) A mini-warehouse shall be subject to the urban design and review process.
- (m) Shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the Ontario Planning Act.
- (n) Shall comply with the following lot requirements:

(1)	Minimum lot frontage: a) York or Airport Road b) Other	50.0 m (164.04 ft) 30.0 m (98.43 ft)
(2)	Minimum lot depth	60.0 m (196.85 ft)
(3)	Maximum lot area	0.4 ha (1.0 ac)
(4)	Maximum lot coverage	60%
(5)	Minimum floor area for each unit	380.0 m ² (4090.42 ft ²)
(6)	Minimum front yard setback: a) York b) Airport Road c) Other	6.0 m (19.69 ft) 9.0 m (29.53 ft) 6.0 m (19.69 ft)
(7)	Maximum front yard setback: a) York Road b) Airport Road c) Other	9.0 m (29.52 ft) 12.0 m (39.37 ft) 18.0 m (59.06 ft)
(8)	Minimum interior side yard setback: <i>Except where the interior side yard abuts a residential zone, 10.0 m (32.8 ft) is required of which 2.0 m (6.56 ft) shall be landscaped open space.</i>	6.0 m (19.69 ft)
(9)	Minimum exterior side yard setback	6.0 m (19.69 ft)
(10)	Minimum rear yard setback: <i>except that where the rear yard abuts a residential zone, 10.0 m (32.8 ft) is required of which 2.0 m (6.56 ft) shall be landscaped open space.</i>	12.0 m (39.37 ft)
(11)	Minimum landscaped area	20%
(12)	Maximum building height	3.048 m (10.0 ft)

- (o) Buffer Strip:

Where the interior side yard or rear lot line on which a mini-warehouse use is located abuts a residential or institutional zone, a strip of land adjacent to the

adjoining lot line being a minimum of 6.0 m (19.69 ft) in width, and landscaped with coniferous plantings to a minimum of 2.0 m (6.56 ft) high shall be used as a buffer strip in accordance with Section 6.6.