

SECTION 25: LIGHT INDUSTRIAL LI ZONE25.1 Permitted Uses

The following uses are permitted in the Light Industrial LI Zone:

- (1) manufacturing; but excluding any drop forge, smelting, or other operation specifically permitted in Section 26 inclusive of the Heavy Industrial Zone;
- (2) automobile service and repair establishment;
- (3) vehicle body shop;
- (4) automobile washing establishment;
- (5) building materials establishment;
- (6) carpentry shop;
- (7) transport depot;
- (8) contractor's yard and/or shop;
- (9) construction trades establishment;
- (10) custom workshop;
- (11) dry cleaning establishment;
- (12) food processing establishment;
- (13) research laboratory;
- (14) equipment sales, rental and service;
- (15) offices accessory to a permitted industrial use;
- (16) printing and/or publishing establishment;
- (17) warehouse;
- (18) wholesale establishment;
- (19) winery;
- (20) courier service;
- (21) foundry and casting operation subject to the provisions of Section 6.12.2;
- (22) automobile sales and rental establishment;

- (23) retail uses accessory to the foregoing permitted uses, provided that such retail uses do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (24) outside storage accessory to the foregoing permitted uses;
- (25) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3.

25.2 Zone Provisions

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

- (a) Minimum Lot Area (hectares) 0.4
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (metres) 7.5
- (d) Rear Yard Setback - 6 metres except that the rear setback:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone shall be 10 metres;
- (e) Interior Side Yard Setback - 3.5 metres except that the interior side setback:
 - (i) may be reduced to nil abutting a hydro right-of-way or rail siding serving the site; and
 - (ii) abutting a Residential Zone shall be 10 metres;
- (f) Exterior Side Yard Setback (metres) 6
- (g) Maximum Lot Coverage - 50 percent, if no municipal services - 15 percent
- (h) Maximum Height (metres) 15
- (i) Minimum Floor Area (square metres) 380
- (j) Minimum Landscaped Open Space - 10 percent of the lot area to include buffering along any lot line abutting a Residential Zone or street.
- (k) Environmental Requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

25.3 Provisions for Accessory Buildings and Structure in a LI Zone

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

- (a) No accessory building or structure shall be used for human habitation;
- (b) An accessory building or structure is not permitted within any front or required exterior side yard;
- (c) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be 3.5 metres; however, where such rear or interior side lot line abuts a Residential Zone, any accessory building or structure shall be a minimum of 7.5 metres from said lot line;
- (d) Not be established until or unless the main building or use to which it is accessory is established;
- (e) Not be located within, or partially within, any utility easement, corridor or storm drainage swale.

25.4 Provisions for Landscaping in a LI Zone

- (a) Minimum Landscaped Open Space (percent of lot area) 10
- (b) Required planting strips:
 - (i) adjacent to front lot line, side lot line and rear lot line abutting a street or an abutting Residential Zone having a minimum width of 5 metres,
 - (ii) the required planting strip will form part of the minimum 10% landscaped open space requirement,
 - (iii) the required planting strip when containing landscaping features to screen outside storage then said landscaping features shall have a minimum height of 1.5 metres.

25.5 Provisions for Open Storage in a LI Zone

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

- (a) Open storage shall be directly related to the permitted use on a lot;
- (b) Open storage shall be permitted in the rear yard and interior side yard and in the case of a corner lot, not within the required exterior side setback;
- (c) Open storage shall not be permitted within 6 metres of a Residential Zone;
- (d) Open storage shall be screened from view:
 - (i) at a plane level which is a minimum of 1.5 metres from grade level of an adjacent street; or

- (ii) when abutting a residential zone or a permitted residential use at a plane level which is a minimum of 1.5 metres from the finish grade level at the property line;

by means of landscaping features to be located within a planting strip.

25.6 Provisions for Loading Spaces in a LI Zone

Loading spaces required by Section 6.14 are subject to the following additional provisions:

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

25.7 Special Provisions

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

LI-1 Egerter Road, W.S.

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-1 on Schedule A3 may be used as an fabricating shop, and subject to the following provisions:

- (a) Minimum Side Yard Setback to the north lot line - 3 metres except that the side setback may be reduced to nil abutting a rail spur;
- (b) Exterior Side Yard Setback (metres) 7.5
- (c) Minimum Side Yard Setback to the west lot line - 25 metres except that the side setback may be reduced to nil abutting a rail spur;
- (d) Loading spaces adjacent to the north lot line and the west lot line are subject to the following provisions:
 - (i) loading spaces shall be screened from view from a street or public walkway,
 - (ii) loading spaces shall not be located within 3 metres of a lot line.

LI-2 658 Allanburg Road 13252 Lundy's Lane

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-2 on Schedule A2 may be used for a single detached dwelling.

**LI-3 210 Allanburg Road
310 Allanburg Road**

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-3 on Schedule A9 may be used for storage, processing and distribution of scrap metal.

LI-4 100 Wellington Street

Notwithstanding the provisions of the Light Industrial LI Zone the lands indicated as LI-4 on Schedule A7 shall be subject to the following provisions:

- (a) Minimum Front Yard Setback (metres) 7.5
- (b) Minimum Exterior Side Yard Setback as existing

LI-5 E.S. Fox Subdivision Plan

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-5 on Schedule A3 shall be subject to the following additional provisions:

- (a) No permitted use is allowed which by its nature or operation offensive or obnoxious to surrounding or nearby property owners, nor will become so by reason of emission or odours, smoke, dust, noise, gases, fumes, cinders, vibrations, refuse matter or water-carried wastes;
- (b) Minimum Lot Area (hectares) 0.8
- (c) Minimum Lot Frontage (metres) 60
- (d) Rear Yard Setback:
 - (i) may be reduced to nil where one permitted use occupies more than one lot;
 - (ii) when abutting a residential or institutional use shall be 15 metres;
 - (iii) when abutting the CN railway right-of-way shall be 15 metres;
- (e) Minimum Interior Side Yard Setback - 3 metres except that the minimum side setback:
 - (i) may be reduced to nil when one permitted use occupies more than one lot;
 - (ii) when abutting a residential or institutional use shall be 15 metres;
 - (iii) when abutting the CN railway right-of-way shall be 15 metres;
- (f) Exterior Side Yard Setback (metres) 7.5
- (g) Maximum Building Height - 25 metres, except:
 - (i) for Lots 1, 2, 9, 14, 15 and 19 12 metres;

- (h) Environmental requirements:
 - (i) every lot and use shall be in compliance with the applicable provisions and regulations of the Environmental Protection Act and all the requirements of the Regional Niagara Public Health Department;
 - (ii) all fabrication, manufacture or repair shall be carried on within enclosed buildings;
- (i) The minimum distance from an accessory building or structure to a rear or an interior side lot line shall be 3 metres except where such rear or side lot line abuts a residential or institutional use, the minimum distance shall be 7.5 metres;
- (j) Maximum building height for an accessory building or structure shall be 6 metres;
- (k) Open storage shall not be permitted within 15 metres of any residential or institutional use;
- (l) Open storage shall be fully screened from view from adjacent streets, public walkways, or any residential use by means of fencing and/or landscaping features;
- (m) Loading spaces in the rear yard or side yard shall be screened from view from a street;
- (n) Loading spaces shall not be permitted within 15 metres of a residential use;
- (o) All loading spaces and access areas shall be maintained in a stable surface condition such as crushed stone, gravel, asphalt or concrete which is treated as required to prevent the raising of dust;
- (p) Minimum Landscaped Open Space (percent of lot area) 25
- (q) Required planting strips:
 - (i) adjacent to a front and exterior side lot line, having a minimum width of 3 metres;
 - (ii) adjacent to any side or rear lot line which abuts a residential or institutional use, having a minimum width of 7.5 metres and which shall include an opaque screen of a minimum height of 1.5 metres;
 - (iii) on either side of the watercourse which follows the south property line of Lot 15 and shares the common lot line between Lots 14 and 15 and 18 and 19, a 7.5 metre natural vegetative buffer is required;
- (r) All parking areas, loading areas, driveways and access and egress areas shall be of granular base, crushed stone, concrete or asphalt or similar dust inhibiting material;
- (s) Parking areas, loading areas, driveways and access and egress areas shall have a cement or asphalt binder or other permanent type of surfacing to the front building line;
- (t) All parking areas, driveways, egress and access points located in the front or side yard abutting a street shall incorporate concrete or similar type of curbing treatment;

- (u) All parking areas shall be adequately lighted and all lighting shall be deflected away from adjacent residential uses;
- (v) The minimum perpendicular width of an access driveway shall be 3.0 metres if the access driveway is one-way and 7.5 metres if the access driveway is two-way;
- (w) Required Parking:
 - (i) industrial mall - 1 space per 50 square metres of gross floor area;
- (x) Provisions for Change in a Permitted Use on a Lot or Building:

After a permitted use ceases to exist on any lot and/or building, and prior to a new permitted use locating on the same lot and/or occupying a building, an occupancy permit shall be issued by the Chief Building Official and furthermore, approval has been obtained from the Regional Niagara Public Health Department that the existing individual private septic system installed on the lot is adequate to support the new use and the number of proposed employees.

LI-6 324 Allanburg Road

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-6 on Schedule A9 may be used for a concrete batching plant.

LI-7 Towpath Road/Egerter Road - (17 acre parcel)

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the L1 Zone, the lands indicated as LI-7 on Schedule A3 may be used for a dock or wharf, a steam generating clean room assembly plant or plants and uses accessory thereto and subject to the following provisions:

- (a) (i) Paving - all parking areas and driveways shall be surfaced with hot-mix asphalt;
- (ii) Location - no part of any parking area shall be located less than fifty feet (50') from the westerly, northerly and easterly boundaries of the subject lands;
- (b) No wall or any main building shall be located less than fifty feet (50') from the westerly, northerly and easterly boundaries of the lands;
- (c) Landscaping, consisting of trees, shrubs, hedges and other plantings, or a combination thereof, designed generally to give a screening effect, shall be provided and maintained adjacent to the easterly, northerly and westerly sides of every main building and parking area to a width of fifty feet (50'), except where such width is occupied by accessory buildings or structures, access or loading areas.

**LI-8 65 Ormond Street North
 94-110 Front Street North
 4 St. Davids Road East**

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-8 on Schedule A7 may be used for:

- (a) dance, health or fitness club or studio;
- (b) garden centre;
- (c) service shop, merchandise;
- (d) veterinary hospital.

LI-9 Moore McCleary land west side of Canal behind Beer Store

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-9 on Schedule A7 shall be subject to the following provision:

- (a) open storage shall be permitted as a free standing use.

LI-10 Thorold Industrial Park

Notwithstanding the provisions of the Light Industrial LI Zone, the following uses are not permitted on lands indicated as LI-10 on Schedule A7:

- (a) transport depot;
- (b) automobile service and repair establishment;
- (c) food processing establishment;
- (d) automobile washing establishment;
- (e) building materials establishment;
- (f) vehicle body shop; and
- (g) open storage of materials, goods or equipment.

LI-11 Former Trailer Park, North Side of Highway 20, Part Twp. Lot 92

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of LI Zone, the lands indicated as LI-11 on Schedule A2 may be used for a trailer park.

LI-12 Uppers Cemetery

Notwithstanding the provisions of the Light Industrial LI Zone, the lands indicated as LI-12 on Schedule A2 may be used as a cemetery.

LI-13 Collier Road and Highway 58 Industrial/Business Area

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-13 on Schedule A7 may be used for and the following regulations apply thereto:

- (a) office;
- (b) veterinary hospital;
- (c) garden centre;
- (d) bank or trust company;
- (e) restaurant, including a drive-through restaurant, but not including outdoor food and beverage consumption areas;
- (f) clinic, having a minimum floor area of 465 square metres;
- (g) recreation and entertainment facilities, having a minimum floor area of 465 square metres;
- (h) dance, health or fitness club or studio, service shop, personal; provided that one or a combination of the preceding uses do not comprise more than 10% of the gross leasable area for all buildings permitted on any lot under the by-law for those lands zoned LI-13;
- (i) retail warehouse, which is defined as a building or structure, or part thereof having a minimum floor area of a single user of 465 square metres, where commodities are stored and offered for sale in one and the same area, and shall include only the following:
 - (i) office supplies;
 - (ii) books;
 - (iii) automotive supplies;
 - (iv) pet food and supplies;
 - (v) clothing and apparel;
 - (vi) home furnishings and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, draperies and decorating supplies such as paint and wallpaper;
 - (vii) patent medicines and personal care products; and
 - (viii) sporting goods and equipment.
- (j) outside storage of goods and materials is not permitted except for use . above and in such case is subject to Section 25.5 of this By-law;

- (k) any outdoor sales area located within 85 metres of a Heavy Industrial HI Zone shall be appropriately screened from the use located on the adjacent Heavy Industrial Zone, which screening may include awnings;
- (l) an earthen berm shall be constructed and maintained along the southerly lot line contiguous to the railway right-of-way and for the purpose of this subsection the berm is to be 264 metres in length; a minimum of 3 metres in height with a maximum slope of 2 to 1 and a 1.5 metre wide crown; and located thereon a minimum of either two rows of coniferous trees having a minimum height of 3.0 metres planted at a maximum of 2.3 metre centres in staggered fashion located on the crown of the berm and the side slope abutting the railway right-of-way, or planted with two rows of coniferous and deciduous mix, staggered with the coniferous trees on the crown and the deciduous trees on the side slope with a maximum of 2.3 metre centres with the preferred planting plan to be approved and implemented by a landscape architect.
- (m) the lands shall not be used for any commercial purpose, and without limiting the generality thereof, for uses a) through i) above and sub-paragraph n) below, unless a berm is first constructed thereon in accordance with the requirements of subsection l) above.
- (n) In addition to the permitted uses of the LI-13 Zone, a food supermarket may be located within Block 4, Registered Plan 59N-306 with a maximum lot area of 2.43 ha (6 acres), A food supermarket is defined as:
 - (i) Food Supermarket: a retail establishment having a maximum gross floor area of 40,000 sq. ft., primarily selling food and grocery items and which may sell other accessory merchandise such as typical household supplies and personal care products but not including a pharmacy, a photo shop, a dry cleaner, or a florist. **The 40,000 sq. ft. structure which represents a Food Supermarket shall be constructed wholly within the hatched area shown on Schedule A7 to this By-law.** (*underlined portion by Order of the Board*)
 - (ii) the only outdoor activity permitted in association with the food supermarket will be a garden centre.
 - (iii) all provisions of the LI-13 Zone apply thereto.

LI-14 Former Sears Building

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-14 on Schedule A7 may be used for the following:

- (a) office;
- (b) veterinary hospital;
- (c) garden centre;
- (d) bank or trust company;
- (e) restaurant, including a drive through restaurant, but not including outdoor food and beverage consumption areas;

- (f) clinic, having a minimum floor area of 465 square metres;
- (g) adult trade school, and for the purpose of this subsection means the use of premises for training or instruction in particular vocations or trades, including, but not limited to, barbering, beauty culture, hairdressing, broadcasting, charm or modelling, salesmanship in a particular vocation, driving (commercial transport), piloting (commercial transport), woodworking, metalworking, construction or other trade or technical occupations or vocations, but does not include School as defined in Section 2.213.
- (h) recreation and entertainment facilities having minimum floor area of 465 square metres;
- (i) dance, health or fitness club or studio; service shop, personal; provided that one or a combination of the preceding uses do not comprise more than 10% of the gross leasable area for all buildings permitted on any lot under the by-law for those lands zoned LI-14;
- (j) retail warehouse, which is defined as a building or structure, or part thereof having a minimum floor area of a single user of 465 square metres, where commodities are stored and offered for sale in one and the same area, and shall include only the following:
 - (i) office supplies;
 - (ii) books;
 - (iii) automotive supplies;
 - (iv) pet food and supplies;
 - (v) clothing and apparel;
 - (vi) home furnishings and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, draperies and decorating supplies such as paint and wallpaper;
 - (vii) patent medicines and personal care products; and
 - (viii) sporting goods and equipment.
- (k) outside storage of goods and materials is not permitted except for use . above and in such case is subject to Section 25.5;
- (l) any outdoor sales area located within 85 metres of a Heavy Industrial HI Zone shall be appropriately screened from the use located on the adjacent Heavy Industrial Zone, which screening may include awnings.

LI-15 1665 Beaverdams Road

Notwithstanding the provisions of the Light Industrial LI Zone, in addition to the permitted uses of the LI Zone, the lands indicated as LI-15 on Schedule A8 may be used for an automobile recycling facility, and subject to the following provisions:

- (i) Minimum Rear Yard Setback for all buildings and structures - 7.5 metres

(ii) Minimum Rear Yard planting strip - 3.0 metres

LI-16 Area between John Street and Front Street on the north side of St. David's Street West

Notwithstanding the permitted uses of the Light Industrial LI Zone, the lands indicated as LI-16 on Schedule A7 may only be used for a parking area and park.

LI-17 1110 Hansler Road (Former Fantom Industries Lands Currently used by Continental Promotion Group)

Notwithstanding the permitted uses of the Light Industrial LI Zone, the lands indicated as LI-17 on Schedule A3 and A4 may only be used for the following:

- (1) automobile washing establishment;
- (2) carpentry shop;
- (3) contractor's yard and/or shop;
- (4) custom workshop;
- (5) research laboratory;
- (6) equipment sales, rental and service;
- (7) offices accessory to a permitted industrial use;
- (8) warehouse;
- (9) wholesale establishment;
- (10) courier service;
- (11) automobile sales and rental establishment and;
- (12) retail uses accessory to the foregoing permitted uses, provided that such retail uses do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (13) indoor manufacturing and assembly but does not include metal spinning and any factory production or manufacturing use which generate offensive noise, dust or vibration;
- (14) call and data entry centre;
- (15) fulfilment house which is a building or portion thereof used for issuing a rebate, gift cards, premium items and the like in response to a certificate given to a purchaser as result of a sale of a product or a promotion in a store or facility located elsewhere;
- (16) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3.