

SECTION 20: HIGHWAY COMMERCIAL HC ZONE - HIGHWAY 20 EAST OF CANAL**20.1 Permitted Uses**

The following uses are permitted in the Highway Commercial HC Zone:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) art gallery/museum;
- (4) cinema/theatre;
- (5) drive-in theatre;
- (6) assembly hall;
- (7) club, public or private;
- (8) auctioneering establishment;
- (9) automobile sales and rental establishment;
- (10) automobile service and repair establishment;
- (11) automobile washing establishment;
- (12) financial institution;
- (13) service shop, personal;
- (14) building materials establishment;
- (15) office;
- (16) convenience store;
- (17) farm produce market;
- (18) gasoline bar and/or automobile service station;
- (19) garden centre;
- (20) hotel/motel;
- (21) parking lot;
- (22) recreational and entertainment facilities;
- (23) recreational vehicle establishment;

- (24) restaurant;
- (25) restaurant, drive-thru;
- (26) service shop, merchandise;
- (27) veterinary hospital;
- (28) wholesale establishment;
- (29) accessory buildings and structures to the permitted foregoing uses and in accordance with the provisions of Section 20.3.

20.2 Zone Provisions

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

- (a) Minimum Lot Area - .15 hectares (1500 square metres) except where there are no municipal sanitary sewers, in which case the minimum lot area shall be subject to approval by the Medical Officer of Health;
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback - 14 metres, subject to Section 3.6;
- (d) Rear Yard Setback - 1.5 metres, except that:
 - (i) where the rear lot line abuts a Residential Zone, rear setback shall be 4.5 metres,
 - (ii) where a loading space or access thereto is in a rear yard, the rear setback shall be 4.5 metres;
- (e) Interior Side Yard Setback - 1.5 metres, except that:
 - (i) where the interior side lot line abuts a Residential Zone interior side setback shall be 4.5 metres,
 - (ii) where a loading space or access thereto is in an interior side yard, the interior side setback shall be 4.5 metres;
- (f) Exterior Side Yard Setback - 6 metres subject to Section 3.6;
- (g) Minimum Landscaped Open Space - 10 percent of the lot area, to include buffering along any lot line abutting a Residential Zone;
- (h) Maximum Lot Coverage - 60 percent except where there are no municipal sanitary sewers, in which case the maximum lot coverage shall be 15%;

- (i) Maximum Building Height (metres) 11
- (j) Open Storage - permitted in accordance with Section 20.6
- (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.

20.3 Accessory Buildings in a Highway Commercial HC Zone

Accessory buildings and structures in a Highway Commercial HC 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 exterior side yard;
- (c) The setback from a rear or an interior side lot line shall be .9 metres; except that where such rear or interior side lot line abuts a Residential Zone the setback shall be 3 metres;
- (d) The maximum height of an accessory building or structure shall be 4.5 metres.

20.4 Automobile Service Station and Gasoline Bars in a HC Zone

In a HC Zone, automobile service stations and gasoline bars are subject to the following provisions, notwithstanding anything to the contrary in Section 20.2:

- (a) Minimum Lot Frontage (metres) 30
- (b) Minimum Lot Area (square metres) 1200
- (c) Maximum Lot Coverage - 30 percent, including the area covered by gasoline pump islands;
- (d) Front Yard Setback (metres) 9
- (e) Exterior Side Yard Setback (metres) 9
- (f) Interior Side Yard Setback - 7.5 metres; except that where the interior side lot line abuts a Residential Zone or an existing residential use, interior side setback shall be 10.5 metres;
- (g) Rear Yard Setback - 7.5 metres; except that where the rear lot line abuts a Residential Zone or an existing residential use, rear setback shall be 10.5 metres;
- (h) Minimum Landscaped Open Space - 10 percent of the lot area, to include buffering along any lot line abutting a Residential Zone.

20.5 Automobile Washing Establishments in a HC Zone

In a HC Zone, automobile washing establishments shall be subject to the provisions of this Section notwithstanding anything to the contrary in Section 20.2:

- | | |
|--|-------|
| (a) Minimum Lot Area (square metres) | 1,500 |
| (b) Minimum Lot Frontage - 30 metres, except on a corner lot where the minimum frontage shall be 35 metres; | |
| (c) Front Yard Setback (metres) | 12 |
| (d) Exterior Side Yard Setback (metres) | 12 |
| (e) Interior Side Yard Setback (metres) | 6 |
| (f) Rear Yard Setback (metres) | 6 |
| (g) Maximum Lot Coverage (percent of lot area) | 20 |
| (h) Maximum Building Height (metres) | 7.5 |
| (i) A minimum landscaped open space of 5 percent of the lot area shall be provided and maintained, to include buffering along any lot line abutting a Residential Zone; | |
| (j) A waiting lane, marked with painted lines, capable of accommodating at least four (4) cars per bay, shall be provided and maintained on the site, in which cars can wait if the washing bays are occupied. | |

20.6 Provisions for Open Storage in a HC Zone

Open storage is permitted, subject to the following provisions:

- (a) Open storage is restricted to goods, materials and merchandise for retail sale or rental in connection with the main commercial use on the lot;
- (b) Open storage shall not be permitted within a front yard or exterior side yard;
- (c) Open storage areas shall be surfaced with a granular base, crushed stone, concrete, asphalt or similar hard and dust inhibiting material;
- (d) Any area used for open storage purposes shall be separate from and in addition to any parking area and loading spaces required by this By-law.

20.7 Provisions for Loading Spaces in a HC Zone

Where required in accordance with Section 6.14, loading spaces in a HC Zone shall not be permitted within a front or an exterior side yard.

20.8 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:

HC-1 13207 Lundy’s Lane

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicates as HC-1 on Schedule A3 may be used for two (2) motel units and three (3) residential units located on the second floor.

HC-2 Former trailer park north side of Highway 20, Part Twp. Lot92

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicated as HC-2 on Schedule A2 may be used for a trailer park.

**HC-3 2305 Allanport Road
2317 Allanport Road
13225 Lundy’s Lane**

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses of HC Zone, the lands indicates as HC-3 on Schedule A10 may be used as a single detached dwelling.

**HC-4 13030 Lundy’s Lane
13105 Lundy’s Lane**

Notwithstanding the provisions of the Highway Commercial HC Zone - Highway 20 East of the Canal, in addition to the permitted uses of HC Zone, the lands indicated as HC-4 on Schedule A2 and A3 may be used for an adult entertainment parlour subject to the following provisions:

- (a) Maximum building area for adult entertainment parlour at 13030 Lundy’s Lane (square metres) 817.25
- (b) Maximum building area for adult entertainment parlour at 13105 Lundy’s lane (square metres) 1,115
- (c) Parking spaces required - one parking space for every 3 persons based on lawful capacity
- (d) Separation distances identified are measured from property line to property line.

Sensitive land uses listed include residential zones, institutional zones and a park owned and/or operated by the City of Thorold.

- (i) the minimum separation distance between adult entertainment parlours and residential zones shall be 1,000 metres

- (ii) the minimum separation distance between adult entertainment parlours and institutional zones shall be 750 metres
- (i) the minimum separation distance between adult entertainment parlours and a park owned and/or operated by the City of Thorold shall be 1,000 metres
- (iv) the minimum separation distance between adult entertainment parlours shall be 400 metres.

**HC-5 3393 Thorold Townline Road
Part Twp Lot 25, Thorold Gateway Plaza**

Notwithstanding the provisions of the Highway Commercial HC Zone, in addition to the permitted uses, the lands indicated as HC-5 on Schedule As may be used for the following uses:

- (1) amusement machine, subject to Section 6.11;
- (2) antique shop;
- (3) art gallery/museum;
- (4) club, public or private;
- (5) automobile service and repair establishment;
- (6) automobile washing establishment;
- (7) financial institution;
- (8) service shop, personal (limited to a maximum of 225 square metres);
- (9) building materials establishment (within wholly enclosed buildings);
- (10) office (except medical offices/clinics)
- (11) convenience store;
- (12) farm produce outlet;
- (13) gasoline bar and/or automobile service station;
- (14) garden centre;
- (15) restaurant;
- (16) restaurant; drive-thru;
- (17) service shop, merchandise (limited to a maximum of 225 square metres)▲
- (18) veterinary hospital;

- (19) wholesale establishment (within wholly enclosed buildings);
- (20) retail establishment with a maximum gross leasable floor area of 225 square metres per individual unit; with a maximum gross leasable floor area of 675 square metres for retail establishments upon the lands;
- (21) accessory buildings and structures to the permitted forgoing uses and in accordance with the provisions of Section 20.3;

and shall be subject to the following special provisions;

- (a) Minimum Lot Area (hectares) 0.40 (4000 square metres)
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (Taylor Road) (metres) 14, subject to Section 3.6;
- (d) Rear Yard Setback (West lot line) (metres) 9
- (e) Interior Side Yard Setback (North lot line) – 9 metres where a loading space or access thereto is in an interior side yard, the interior side yard shall be 4.5 metres.
- (f) Exterior Side Yard Setback (Hwy 58)- 14 metres subject to Section 3.6;
- (g) Minimum Landscaped Open Space 25%
- (h) Maximum Lot Coverage 20%
- (i) Maximum Building Height (metres) 11
- (j) Open Storage not permitted
- (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.

** Holding Provision removed by By-law No. 31-2013, March 19, 2013**

THIS PAGE INTENTIONALLY LEFT BLANK