

**SECTION 26: HEAVY INDUSTRIAL HI ZONE****26.1 Permitted Uses**

The following uses are permitted in the Heavy Industrial HI Zone:

- (1) all uses which are permitted in the Light Industrial LI Zone;
- (2) industrial use;
- (3) fuel storage depot and supply yard;
- (4) pulp and paper mill;
- (5) trail and staging areas of the Welland Canals Parkway;
- (6) outside storage accessory to the foregoing permitted uses;
- (7) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 26.3.

**26.2 Zone Provisions**

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

- |  |     |
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| (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 Building Height - not restricted;  |     |
| (i) Minimum Floor Area (square metres)   | 380 |

- (j) 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.

### 26.3 Provisions for Accessory Buildings and Structures in a HI Zone

Accessory buildings and structures in a HI 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 yard 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) No accessory building or structure shall 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;
- (f) Maximum height is unrestricted except within 10 metres of a Residential Zone the height shall be 6 metres.

### 26.4 Provisions for Open Storage in a HI Zone

In an HI Zone, open storage 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.

### 26.5 Provisions for Landscaping in a HI Zone

Every lot in an HI Zone shall be subject to the following requirements:

- (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 percent 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.

### 26.6 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:

#### **HI-1 399 Allanburg Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-1 on Schedule A9 may be used for a single detached dwelling.

#### **HI-2 Part Twp. Lot 14, North Side of Old Thorold Stone Road Part Twp. Lots 15 and 28, Westerly Terminus of Old Thorold Stone Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-2 on Schedule A2 may be used for an asphalt and concrete recycling facility.

#### **HI-3 Southwest Corner of Davis Road and Old Thorold Stone Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-3 on Schedule A2 may be used as a concrete batching plant and subject to the following provisions:

- (a) All parking areas, driveways, egress and access points located in the front yard or side yard abutting a street shall incorporate concrete or similar type of curbing treatment;
- (b) 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.

**HI-4 Part Twp. Lot 181, Turner Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-4 on Schedule A3 may be used for automobile recycling facility.

**HI-5 Part Twp. Lot 179, West Side of Thorold Townline Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-5 on Schedule A3 may be used for an asphalt and concrete recycling facility.

**HI-6 Donahue and Industrial Docks**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-6 on Schedules A2 and A9 may be used for open storage as a free-standing use.

**HI-7 Part of Twp. Lots 27 and 28, South Side of Old Thorold Stone Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-7 on Schedule A2 may be used for an asphalt batching plant.

**HI-8 Part of Twp. Lots 197 and 198, Plan 59R-8603, Parts 7 to 34**

Notwithstanding the provisions of the Heavy Industrial HI Zone, in addition to the permitted uses of the HI Zone, the lands indicated as HI-8 on Schedule A3 may be used for agriculture, and buildings and structures accessory thereto.

\*\* Holding Provision removed by By-Law No. 21-2014, February 18, 2014.

**HI-9 11 St. David's Street West (Mike's Auto)**

Notwithstanding the provisions of the Heavy Industrial "HI" Zone, the lands indicated as HI-9 on Schedule A7, may only be used for the following uses:

- (a) Automobile sales and rental establishment;
- (b) Automobile service and repair establishment;
- (c) Automobile washing establishment;
- (d) Building materials establishment;
- (e) Carpentry shop;
- (f) Construction trades establishment;
- (g) Custom workshop;

- (h) Dry cleaning establishment;
- (i) Food processing establishment;
- (j) Research laboratory;
- (k) Equipment sales, rental and service;
- (l) Offices accessory to a permitted industrial use;
- (m) Printing and/or publishing establishment;
- (n) Courier service;
- (o) Vehicle body shop;
- (p) Retail uses accessory to the foregoing permitted uses, provided that such retail use do not occupy more than 10 percent of the ground floor area of the industrial premises;
- (q) Accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 25.3;

Subject to the following provisions:

- (a) Minimum number of parking spaces (dedicated to commercial uses off-site at 13 St. David's Street West) 14
- (b) Outdoor storage Not permitted

**HI-10 Part Lot 179, 1701 Thorold Townline Road**

Notwithstanding the provisions of the Heavy Industrial HI Zone in addition to the permitted uses of the HI Zone, the lands indicated as HI-10 on Schedule A3 may be used for an asphalt/concrete recycling facility and open storage accessory to the foregoing permitted uses subject to the following conditions:

- (a) That any Ministry of Environment (MOE) approvals deemed necessary by the MOE be obtained for the uses established on site such as storm water management and noise generation.
- (b) That a storm water management plan be approved by the NPCA and a fully executed Site Plan Agreement be obtained.

**\*\*Note:** OMB Decision issued May 2, 2013 identifies all conditions have been satisfied.\*\*

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