

SECTION 6: GENERAL PROVISIONS**6.1 Public Uses**

6.1.1 Subject to Section 6.1.2 and 6.1.3 the provisions of this By-law shall not apply to the use of any land, nor the erection and use of any building or structure for any public use, undertaking, purpose or service, including linear walkways, recreational, athletic, social and community purposes or services by the Corporation, by a local Board thereof as defined in the Municipal Act, by the Regional Municipality of Niagara, by any Ministry or Department of the governments of Ontario or Canada, by Ontario Hydro, St. Lawrence Seaway Management Corporation, or any railway company or by any telephone or gas company.

6.1.2 Where any land to which Section 6.1.1 applies is located in a RESIDENTIAL, OPEN SPACE or INSTITUTIONAL Zone, the following regulations shall apply notwithstanding Section 6.1.1:

- (1) no goods, materials, or equipment shall be stored in the open;
- (2) lot coverage, setback and parking regulations prescribed for the zone shall be complied with; and
- (3) any building or structure erected under the authority of Section 6.1.1 shall be designed and maintained in general harmony with buildings and structures of the type permitted in the zone.

6.1.3 Where any land to which Section 6.1.1 applies is located in an AGRICULTURAL Zone, the following shall apply notwithstanding Section 6.1.1:

- (1) only water supply and sewage treatment facilities, including pumping stations; and essential public uses such as utility, communication and transportation facilities that are of a linear nature and cannot reasonably locate outside agricultural areas; may be permitted;
- (2) an office may be permitted accessory to an essential public use identified in Section 6.1.3(1) above; and
- (3) linear walkways and trails may be permitted for passive recreational uses; but parks and recreation, social and entertainment facilities shall not be permitted.

6.1.4 The provisions of this By-law shall not apply to the temporary use of any land, nor to the erection and use of any temporary structure for any public use, undertaking, purpose or service.

6.2 Yards to be Unobstructed

6.2.1 Except as permitted by this section or otherwise specifically by this by-law, no building or structure shall be erected or used in any required yard.

6.2.2 The provisions of Section 6.2.1 shall not apply to:

1. Encroachments

- (1) open metal fire escapes in rear yards only;
- (2) windowsills, cantilevers, chimneys, belt courses, cornices, siding, eaves and similar architectural features which project:
 - (a) not more than 0.6 metres into any minimum side yard of 1.2 metres or more,
 - (b) not more than 0.3 metres into any minimum side yard or less than 1.2 metres, and
 - (c) not more than 0.6 metres into any minimum front or rear yard,
- (3) uncovered terraces, or steps in a front yard of a height not exceeding 1.25 metres, above finished grade;
- (4) uncovered terraces, or steps in a side or rear yard of a height not exceeding 1.25 metres, above finished grade and not projecting more than 1.8 metres and not closer than 0.75 metres to the adjacent lot line;
- (5) fences and landscaping;
- (6) a central air conditioning unit or heat pump, or pumping filter, may be located in any yard provided it is located within 3.0 metres of the main building and is located a minimum of 1.2 metres from any lot line;

2. Swimming Pools

- (1) Notwithstanding any other provision of this By-law a swimming pool is permitted as an accessory use to any use permitted in any Agricultural Zone, Residential Zone, Commercial Zone, Institutional Zone, Development Zone, Industrial Zone and Open Space Zone, subject to the following regulations:
 - (a) the swimming pool shall not be located within the front yard for any Residential Zone, and not be located within the required front yard and required exterior side yard for any zone, other than a Residential Zone,
 - (b) an inground pool shall have no interior wall surface located within 1.2 metres of the main building and 1.2 metres to any interior side lot line, exterior side lot line or rear lot line for any Residential Zone, and not within 1.5 metres to any interior side lot line or rear lot line for any zone, other than a Residential Zone,
 - (c) an on-ground or above ground pool with no deck shall have no interior wall surface located closer than 1.2 metres to an exterior side lot line, interior lot line or rear lot line,

- (d) where a deck is attached to an on-ground or above ground pool, the deck portion only shall not be located closer than 1.2 metres plus the height of the deck to any exterior lot line, interior lot line or rear lot line,
- (e) any building or structure required for changing clothes or for pumping or filtering facilities or other similar use shall comply with the provisions of Section 6.25 of the zone category in which it is located,
- (f) the swimming pool shall be considered part of the landscaped open space requirement of the zone category in which it is located,
- (g) the swimming pool shall be fenced in accordance with the City's Pool Fence By-law, and
- (h) where a parcel of land is not serviced by sanitary sewer, an approval from the Regional Niagara Public Health Department is required prior to any swimming pool being erected or installed on the lands.

3. Decks

DECK (UNATTACHED)

- (1) A deck (unattached) is permitted in any Residential Zone provided that any deck having a height of 0.6 metres or greater to a maximum height above grade of 1.8 metres is only permitted, subject to the following regulations:
 - (a) not be located within 1.2 metres, plus the distance equal to half the height of the deck, of any interior side lot line, exterior side lot line or rear lot line.

DECK (ATTACHED)

- (2) A deck (attached) is permitted in any Residential Zone provided that any deck having a height of 0.6 metres or greater to a maximum height no higher than the floor level of the ground floor of the dwelling is only permitted subject to the following regulations:
 - (a) may extend from the wall closest to the rear lot line a maximum of 3.66m provided:
 - (i) the deck is located no closer than 3.0 metres to the rear lot line;
 - (ii) the deck is located no closer to the exterior side and interior side lot line than the dwelling.
- (3) Notwithstanding the above provisions, stairs used to access a deck shall not be subject to the setback requirements of this Section.

6.3 Yard Requirements When Abutting Environmental Conservation Zone

Notwithstanding the yard requirements specified in each zone category of this By-law, no building or structure shall be erected, when said building or structure abuts an Environmental Conservation EC Zone, unless the setback requirements of the Niagara Peninsula Conservation Authority in accordance with the provisions of the Conservation Authorities Act have been satisfied and unless the setback requirements of the Ministry of Natural Resources as administered by Regional Niagara in accordance with the Fisheries Act and Lakes and Rivers Improvement Act have been satisfied.

6.4 Lots Abutting a 0.3 Metre (One Foot) Reserve

Where in any zone a 0.3 metre reserve separates an exterior side yard from a street, the exterior side yard requirement of the zone shall include the 0.3 metre reserve.

6.5 Occasional Uses

Nothing in this by-law shall prevent the occasional use of land for a period not exceeding 12 months for the following uses:

- (a) the use of any land or the erection or use of any building or structure for a construction camp, work camp, tool shed, trailer or other building or structure incidental to and necessary for any construction, provided such temporary structures are located on the lands upon which such work is underway and only for so long as may be reasonably necessary to complete such construction;
- (b) the erection of a building for a temporary real estate sales office on or abutting the lands which are for sale in accordance with the requirements of the applicable zone;
- (c) the location or storing of used concrete and/or asphalt products on any land for any purpose, including crushing and sorting, provided such activity:
 - (i) is incidental to and necessary for a public undertaking;
 - (ii) is within the limits of said undertaking, or on land adjacent to said undertaking and is only located or stored there for the duration of such undertaking; and
 - (iii) has a Certificate of Approval that has been issued by the Ministry of Environment and Energy for any crushing operation;
- (d) An asphalt or concrete batching plant provided such activity:
 - (i) is incidental to and necessary for a public undertaking;
 - (ii) is within the limits of said undertaking, or on land adjacent to said undertaking, continues only for the duration of such undertaking; and
 - (iii) has a Certificate of Approval that has been issued by the Ministry of Environment and Energy;

- (e) the use of any land for the erection of a seasonal fruit stand for the sale of locally grown produce subject to the following regulations:
 - (i) Maximum area of stand - 20 square metres,
 - (ii) Maximum Height - 3.8 metres,
 - (iii) Minimum setback from any street - 7.5 metres,
 - (iv) All other yards - in accordance with the provisions of the Agricultural A Zone;
- (f) notwithstanding any other provision of this By-law, a garage or yard sale may be held by any resident of a dwelling, provided that such sales shall be restricted to no more than two occasions per year and no more than two consecutive days at a time on any one lot;
- (g) a tent may be used for special occasion purposes accessory to an established use in any commercial zone, provided that such special purpose shall be restricted to no more than two occasions per year and no more than four consecutive days at a time on any one lot, subject to all other requirements of the applicable commercial zone.

6.5.1 Refreshment Carts and Vehicles

Nothing in this by-law shall prevent the temporary use of land for the following uses:

- (a) the use of any land for a refreshment vehicle or refreshment cart as licensed and regulated by the Corporation for a special occasion;
- (b) the use of the following commercially zoned lands for the seasonal placement of a refreshment vehicle or refreshment cart as licensed and regulated by the Corporation and subject to the provisions of the pertinent zone;
 - (i) Highway Commercial/Industrial HCI Zone specific to:
 - Schedule A3 - Part of Township Lot 122, North Side of Highway 20.
 - Schedule A4 - Part of Township Lots 149-151, 158, 194, North and South Sides of Highway 20.
 - Schedule A4 - Part of Township Lot 226, West Side of Niagara Street.
 - (ii) Highway Commercial HC Zone specific to:
 - Schedule A2 - Part of Township Lots 89-93, North side of Highway 20.
 - Schedule A3 - Part of Township Lots 112-117, South side of Highway 20.
 - (iii) Neighbourhood Commercial NC Zone specific to:
 - Schedule A7 - Southeast Corner of Ormond Street and Lyndon Street.

6.6 Height Exemptions

The height provisions of this by-law shall not apply to the following uses, nor shall such uses be used in calculation of height:

- (a) barn, silo;
- (b) chimney;
- (c) church spire or belfry;
- (d) clock tower;
- (e) cupola;
- (f) elevator enclosure or mechanical or service penthouse occupying not more than 10% of the area of the roof of the building on which it is located;
- (g) fire training tower;
- (h) flag pole;
- (i) grain elevator;
- (j) lightning rod;
- (k) navigational aids;
- (l) ornamental dome;
- (m) power transmission tower;
- (n) radio, television or telecommunications tower or antennae accessory to a permitted use;
- (o) roof stairway;
- (p) skylight;
- (q) solar panels;
- (r) unitary equipment;
- (s) water storage tank;
- (t) weather monitor;
- (u) windmill.

6.7 Access to Public Street, Road or Highway

- 6.7.1 Subject to Section 6.7.2 no permit shall be issued for the erection of any building or structure in any zone unless the lot upon which such building or structure is to be erected, or a private right-of-way appurtenant to such lot, abuts a public street or road.
- 6.7.2 Section 6.7.1 shall not apply so as to prevent the issue of a building permit for a building or structure not intended for human habitation to be erected in an AGRICULTURAL A Zone, ENVIRONMENTAL CONSERVATION EC Zone and OPEN SPACE OS Zone for any agricultural, conservation purpose permitted within that zone.

6.8 Sight Triangles on Corner Lots

Within a sight triangle the following are prohibited:

- (1) a building, structure or use which would obstruct the vision of drivers of motor vehicles approaching the adjacent intersection,
- (2) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 0.8 metres in height above the elevation of the adjacent street line; and
- (3) a finished grade which exceeds the elevation of the adjacent street line by more than 0.64 metres.
- (4) all corner lots shall provide a sight triangle consisting of an unobstructed triangle area where the front lot line and exterior side lot line intersects. The sight triangle shall be measured from the point of intersection of the lot lines based on the following:

Arterial abutting Local Roads	4.5 m x 4.5 m
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Local Roads	3.0 m x 3.0 m
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6.9 One Building Per Lot

Unless otherwise specifically permitted in this By-law, in any RESIDENTIAL, AGRICULTURAL OR RURAL COMMERCIAL Zone, not more than one building for residential purposes shall be erected on a lot.

6.10 Fences, Hedges

6.10.1 No fence, wall or hedge shall be:

- (1) greater than 1.8 metres in height on any part of a lot in a RESIDENTIAL Zone,
- (2) and for the purpose of this subsection where the existing grade along the mutual property line has an elevation difference greater than 0.15 metres than the height of a fence, wall or hedge shall not exceed 1.5 metres.

6.11 Amusement Machines

6.11.1 No land shall be used nor shall any building or structure be erected or used in any zone for purposes of an amusement machine arcade.

6.11.2 No land shall be used, nor shall any building or structure be erected or used for the operation of any amusement machine in any zone unless such operation is expressly permitted in the applicable zone.

6.11.3 Where, in any zone, the operation of amusement machines is permitted, such operation shall, except as provided in Section 6.11.4 be subject to the following restrictions:

- (1) such operation shall be limited to not more than three (3) amusement machines, each of which shall be entirely located within a building,
- (2) such operation shall be carried on only on the premises of and in conjunction with another business or commercial use permitted in the zone. The latter use shall be the main use and the amusement machine operation shall be deemed a use accessory thereto,
- (3) such operation shall occupy a total of not more than 10% of the floor area open to the general public for the main permitted use, and
- (4) no internal or external sound system broadcasting music or other sound shall be used to attract the attention of the public to such operation.

6.11.4 Where the operation of amusement machines is a use accessory to a licenced premises, the maximum number of amusement machines that may be located at such premises shall be as may be permitted by such relevant Liquor Licence Act or regulation.

6.12 Prohibited Uses

6.12.1 Unless specifically permitted by this By-law, no person shall, in any zone, use land or erect or use any building or structure thereon, for any of the following purposes:

- (1) blood boiling;
- (2) bone boiling;
- (3) storing and/or tanning of animal hides and/or skins;
- (4) tripe boiling;
- (5) glue manufacture;
- (6) fertilizer manufacture;
- (7) any trailer, tent or recreational vehicle for permanent human habitation, excepting a help house;
- (8) open storage of goods or materials unless ancillary to a permitted use;
- (9) an adult entertainment parlour;

- (10) the disposal of domestic; commercial or industrial waste;
- (11) drop forge;
- (12) junk yard, salvage yard, vehicle wrecking yard or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles or trailers with or without wheels;
- (13) locating or storing on any land for any purpose with or without wheels any railroad car, street car body, truck body, bus body or truck trailer, whether or not the same is situated on a foundation, unless such use is specifically permitted by any provision of this By-law or such use is permitted by any relevant agency having jurisdiction to licence such use;
- (14) abattoir;
- (15) the keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any animal including any tamed or domesticated animal on any lot or in any building or structure in any zone within the urban area as illustrated on Appendix A, or any lot in the Agricultural Zone having a lot area less than 0.8 ha, but this shall not prevent the keeping of up to a total of three animals comprising any combination of dogs, cats and rabbits as household pets;
- (16) track for the racing of motor vehicles, motorcycles or motorized snow vehicles;
- (17) radio/TV/telecommunication towers or antennae except as an accessory use to a permitted use;
- (18) asphalt/concrete recycling facilities, except as permitted by this By-law;
- (19) commercial composting facility;
- (20) asphalt/concrete batching plant, except as permitted by this By-law;
- (21) refreshment cycle.

6.12.2 In addition to the prohibited uses specified in Section 6.12.1, no use shall be permitted within the City which from its nature or the material used therein is declared under The Public Health Act or Regulations thereunder to be a noxious trade, business or manufacture.

6.12.3 Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which results in a contaminant being discharged into the natural environment, as determined in accordance with the provisions of the Environmental Protection Act and without limiting the generality of this subsection, for any purpose that creates or is likely to result in an adverse effect such as:

- (i) impairment of the quality of the natural environment for any use that can be made of it,
- (ii) injury or damage to property or to plant or animal life,

- (iii) harm or material discomfort to any person,
- (iv) an adverse effect on the health of any person,
- (v) impairment of the safety of any person,
- (vi) rendering of any property or plant or animal life unfit for use by man,
- (vii) loss of enjoyment of normal use of property, and
- (viii) interference with the normal conduct of business;

6.13 Mobile Homes

Except as provided for in this By-law no person shall erect, locate or occupy a mobile home.

6.14 Loading Space Requirements

Except as otherwise specifically provided in this By-law, every building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot, loading spaces which are not part of a street, lane or required parking area, in accordance with the following provisions.

6.14.1 Each loading space required shall measure at least 8.0 metres in length, 3.0 metres in width and have a vertical clearance of at least 4.0 metres.

6.14.2 The number of loading spaces shall be provided in accordance with the following table:

Gross Floor Area of Building or Structure	Minimum Number of Loading Spaces Required
Up to and including 2,300 square metres	1
Over 2,300 square metres but not exceeding 3700 square metres	2
Over 3,700 square metres but not exceeding 9300 square metres	3
Over 9,300 square metres	3 plus 1 additional loading space for each additional 700 square metres, or fraction thereof in excess of 9300 square metres
Asphalt and Concrete Recycling Facility	2

6.14.3 Access to loading spaces shall be provided by means of a driveway having a minimum width of 4.5 metres contained on the lot and leading to a maintained highway.

6.14.4 Loading spaces and any access of driveways thereto, shall be maintained in a stable surface condition such as crushed stone, asphalt or concrete; which is treated as required to prevent the raising of dust.

6.14.5 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.

6.15 Parking Space Requirements

6.15.1 The following table provides a list of uses and corresponding parking requirements:

(1) RESIDENTIAL

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Single detached dwelling, semi-detached dwelling unit, duplex, triplex dwelling, or street townhouse dwelling	1 space for each dwelling unit
Fourplex, double duplex, block townhouse dwelling, or apartment building containing not more than 15 dwelling units	1.5 spaces for each dwelling unit
Apartment building containing more than 15 dwelling units	1.25 spaces for each dwelling unit
Bed and Breakfast Establishment	1 space for each licenced bedroom, in addition to space(s) otherwise required
Senior citizen housing	0.5 spaces for each dwelling unit 1 space for every 49 square metres of floor area with a minimum of 2 spaces
Any other dwelling unit	1 space

(2) NON-RESIDENTIAL

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Arena	1 space for every 4 persons based on lawful capacity
Art gallery, library, museum	1 space per 5 square metres of public floor area
Assembly hall, club public and	1 space for every 4 persons based on private lawful capacity
Automobile, boat & recreational	1 space per 30 square metres of gross floor area vehicle sales and rental with a minimum of five spaces

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
Automobile service station, public garage	2 spaces per service bay
Curling rink	6 spaces per sheet
Day nursery	3 spaces per classroom
Disabled parking	1 space per 100 parking spaces
Funeral home, undertaking establishment	1 space for every 4 persons based on lawful capacity
Golf course	4 spaces per hole
Golf driving range	1 space for every 2 persons who can be accommodated at one time
Hospital	1 space for every 2 beds
Lawn bowling green	3 spaces per green
Manufacturing, Industrial uses	1 space per employee on the largest shift
Miniature golf course	1 space per hole
Motel, hotel	1 space per guest room
Nursery School	3 spaces per classroom
Nursing home	1 space for every 4 beds
Office	1 space per 28 square metres of gross floor area
Park	10 spaces for every hectare devoted to the specific use
Place of Worship	1 space for every 4 persons based lawful capacity
Playing field (organized sports)	10 spaces per field
Retail establishment	1 space per 28 square metres of retail floor area
Restaurant	1 space per 4 square metres of public floor area
Restaurant, drive-thru	1 space per 4 square metres of gross floor area, plus a waiting lane accommodating a minimum of 4 vehicles
Riding stable	1 space for every 4 horses available for public riding

<u>USE</u>	<u>PARKING SPACE REQUIREMENT</u>
School	1 space for every classroom or 1 space for every 5 square metres of assembly area, whichever is greater
Senior Citizens' Centre	1 space for every 10 persons based on lawful capacity
Service or fraternal organization	1 space for every 4 persons based lawful capacity
Shopping centre	1 space per 20 square metres of public floor area
Swimming/Wading pool	1 space for every 10 square metres of pool area
Tennis, squash or other court	4 spaces per court
Warehouse	1 space per 100 square metres of gross floor area
Wholesale establishment	1 space per 70 square metres of gross floor area
Asphalt and Concrete Recycling Facility	3 spaces
Country Inn	1 space for each licenced bedroom, plus a minimum of 2 other spaces, in addition to space(s) otherwise required

6.15.2 Calculation of Required Parking Spaces

- (1) The required number of parking spaces shall be calculated in accordance with the following:
 - (a) any fraction of a parking space shall be considered as one required parking space;
 - (b) where any land, building or structure is used for more than one use the number of parking spaces required shall be the sum of the parking spaces required for each use;
 - (c) parking space requirements in Section 6.15.1 do not include parking spaces used or intended to be used for vehicles which are for rent, or for sale or for delivery of goods or materials.
- (2) A parking space required herein shall be in accordance with Schedule C attached hereto and forming part of this By-law.

6.15.3 Parking and Storage of Trucks & Trailers in Residential Zone

- (1) Parking Prohibited in Residential Zone. Subject to subsection (2) below, no person shall use any land, building or structure in any Residential Zone for parking or storage of any trailer, boat or commercial motor vehicle;

- (2) Exceptions. Notwithstanding the provisions of subsection (1) above, there may be parked or stored on any lot in a Residential Zone:
- (a) any trailer, boat or commercial motor vehicle provided that same be at all times parked or stored within a completely enclosed main or accessory building,
 - (b) in addition to any trailer or boat permitted under clause (a),
 - (i) one boat not exceeding 7.2 metres in length, with or without boat trailer, and
 - (ii) not more than two recreational vehicles as defined in this by-law,for each dwelling unit on such lot, but subject in every case to the applicable regulations in Section (3) or (4).
- (3) Parking - Single or Two-Family Units. No boat or trailer permitted to be parked or stored under clause (2) on a lot containing not more than two (2) dwelling units shall:
- (1) be parked or stored in any required front yard or required side yard, except as permitted under Section (5),
 - (2) subject to sub-clause (3), be parked or stored closer than 0.6 metres to any lot line,
 - (3) be parked or stored closer than 2.4 metres to any main wall of an adjoining lot containing one or more openings from a habitable room whose floor is at or above ground level.
- (4) Parking - Multiple Dwelling Units
- (a) Every boat and trailer permitted to be parked or stored under sub-clause (b) of subsection (2) on a lot containing more than two dwelling units shall:
 - (i) be parked or stored only in parking areas or spaces additional to those otherwise required under the provisions of this by-law,
 - (ii) not be parked or stored on any required front yard or side yard setback, except as permitted under Section (5),
 - (iii) not be parked or stored closer than 1.5 metres to any lot line.
 - (b) Notwithstanding anything to the contrary in this section, the total area devoted to parking areas for all purposes, including parking and storage permitted by this section, shall not exceed thirty-five percent (35%) of the lot area.
- (5) Parking and storage of permitted boats and trailers in a required front yard or side yard setback shall be lawful in any case where, by reason of the location of buildings, lot topography or similar cause, it is impossible to park or store the same elsewhere on the lot.

6.15.4 Space for Vehicle Storage

In addition to the requirements of Section 6.15.1 where any permanent use involves the parking or storage of vehicles intended or used for sale, for rent or for delivery of goods and materials, sufficient off-street space shall be provided to accommodate such parking or storage.

6.15.5 Parking for the Disabled

Parking spaces for the disabled shall be provided and maintained in accordance with the City of Thorold "By-law to Provide Parking for Persons with Disabilities".

6.15.6 Prohibited Parking

Parking is prohibited on any lot in any zone in any place other than a parking space established in accordance with this section.

6.15.7 Location of Parking Spaces

Parking spaces or parking areas as required shall be in accordance with the following provisions:

- (a) parking spaces required for uses permitted in any zone shall be located on the same lot as such use;
- (b) parking areas shall not be located on any part of any street, sight triangle, lane or loading space;
- (c) any parking space required for a dwelling unit in an Agricultural Zone, Rural Commercial Zone, a Residential First Density Zone, a Residential Second Density Zone, a Residential Third Density Zone excepting a block townhouse dwelling, triplex dwelling and fourplex dwelling, or an Office Residential Zone may be located in a driveway, private garage or carport which is contiguous to the dwelling unit;
- (d) parking areas required in a Residential Third Density Zone or a Residential Fourth Density Zone shall be located not closer than 3.0 metres to any:
 - (i) street line,
 - (ii) window of a habitable room, except for parking space and driveway for the occupant of that room; or
 - (iii) Residential First Density or Residential Second Density Zone.
- (e) In any zone other than a Residential Zone or a Central Commercial Zone, parking areas shall be located not closer than 1.5 metres to any lot line.

6.15.8 Access Driveways to Parking Spaces

Access driveways to parking spaces shall be in accordance with the following provisions:

- (a) a vacant parking space shall be readily accessible at all times for use by a vehicle, without the necessity of moving any other vehicle; except for where tandem parking is permitted by this by-law;
- (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;
- (c) a structure, having a maximum height of 3.0 metres and a maximum floor area of 5.0 square metres, may be erected on any part of a parking area for the sole purpose of sheltering parking attendants.

6.15.9 Surface Treatment of Parking Areas and Access Driveways

Parking areas and access driveways shall be constructed and maintained in the following manner:

- (a) they shall be useable at all times of the year;
- (b) the surface shall be of a granular base, crushed stone, concrete, asphalt or similar dust inhibiting material.

6.15.10 Lighting of Parking Areas

Parking areas shall be adequately lighted. Light fixtures or standards shall be arranged so that light from them is deflected away from any residential uses.

6.15.11 Exception to Parking Requirements

Notwithstanding the provisions of Section 6.15.1 lands within the Central Business District as identified on Schedule A7 shall be subject to the following:

- (a) commercial uses shall be exempted from the parking and loading requirements of this By-law;
- (b) dwelling units established prior to February 16, 1993 shall be exempt from the parking requirements of this By-law;
- (c) new dwelling units shall provide required parking in accordance with the following:
 - (i) for 1, 2 or 3 new dwelling units - 1 space per dwelling unit,
 - (ii) for 4 or more new dwelling units but not exceeding 15 units - 1.5 spaces per dwelling unit,
 - (iii) for 16 or more new dwelling units - 1.25 spaces per dwelling unit.

6.15.12 Parking in Front Yard

Within any of the Residential Zones, excepting the R4A and R4B Zones, no person shall park, permit or cause to be parked on any portion of the front yard of any lot for the purpose of parking or storing any motor vehicle, provided that this provision shall not apply to prohibit the use for

such purpose of either one properly constructed and surfaced driveway or one properly constructed and surfaced parking area which does not exceed a maximum width of 7.3 metres.

6.15.13 Provisions for Bicycle Parking Spaces

Bicycle Parking shall be provided and maintained in accordance with the following provisions:

Bicycle Parking Requirements	
Residential Apartment	6 spaces plus 0.5 spaces per dwelling unit (50% with indoor and/ or secured facilities)
Office, Light Manufacturing	2 spaces plus 0.25 spaces per 1000 square metres GFA
Warehouse, Wholesale Establishment	2 spaces plus 0.25 spaces per 1000 square metres GFA

6.16 Lot Area and/or Frontages Less Than Required

Where a registered lot having a lesser lot area or lot frontage than that required herein;

- (i) is the same as in a deed registered on or prior to the date of passing of this By-law; or
- (ii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lot, or
- (iii) is located within a registered plan of subdivision that was either registered not more than 8 years prior to the date of passing hereof, or approved in draft by the Minister of Municipal Affairs or the Regional Municipality of Niagara prior to the date of passing hereof and subsequently registered, and
- (iv) complies with all relevant regulations made under The Public Health Act, R.S.O. 1980, and The Environmental Protection Act, R.S.O. 1980, and all relevant requirements of the Regional Niagara Public Health Department, and
- (v) such parcel has a frontage of 7.6 metres minimum to an improved street,

then the said registered lot shall be deemed to conform to the requirements of this By-law with respect to lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such registered lot, or the erection, alteration or use of a permitted building or structure there upon, provided all other requirements of this by-law are satisfied.

6.17 Previous Minor Variances

Where the Committee of Adjustment has authorized a minor variance from the provisions of any by-law which is a predecessor of this By-law, such minor variance shall be deemed to be an authorized minor variance from the provisions of this By-law, provided that the provisions of this By-law are identical to, or less restrictive than, the corresponding provisions of the predecessor by-law from which the minor variance was authorized.

6.18 Building Restoration

- (a) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition any existing building or structure, provided that such strengthening or restoration does not increase the height, area, or volume or result in the change of the use of such building or structure so as to contravene the provisions of this By-law.
- (b) Nothing in this By-law shall prevent the replacement of a dwelling, which has been partially or completely destroyed by fire, an act of God or any other means, except for flooding, beyond the control of the owner, on all or part of the existing foundation.

6.19 Non-Conforming Uses**6.19.1 Continuation of Existing Uses**

The provisions of this By-law shall not prevent the use of any lot, building or structure for any use prohibited by this By-law if such lot, building or structure was lawfully used for such use on the date of the passing of this By-law, and as long as it continues to be used for that purpose.

6.19.2 Repairs and Renovations

When a building or structure which was erected prior to the date of the passing of this By-law is used for a purpose not permitted in the zone in which it is situated, the said building or structure may be repaired or renovated provided that there is no expansion or enlargement of the use, building or structure or change of use.

6.19.3 Discontinuation of Use

Where a use, building or structure which was established prior to the date of the passing of this By-law has been used for a purpose not permitted in the zone in which it is situated, and said use discontinues or the building or structure has been abandoned for a period of twelve consecutive months or longer, the use shall be deemed to have ceased and the said building or structure may only be used thereafter for a use that conforms to this By-law.

6.20 Development Freeze

NOTE: Deleted by By-law 24(a)-2001.

6.21 Home Occupation/Business

No dwelling unit located in any zone may be used for a home occupation except in accordance with the following:

1. A home occupation shall not include the following business activities:
 - (a) any direct retail sale;
 - (b) any pet care or grooming use;
 - (c) any kennel;

- (d) any small engine repair use;
 - (e) any sales or service of motorized vehicles, machinery or equipment;
 - (f) any sales or installation of automotive and audio products;
 - (g) any office of a physician, dentist or drugless practitioner;
 - (h) any taxi service;
 - (i) any vehicle towing;
 - (j) any other use or uses prohibited pursuant to the PROHIBITED USES Section of this By-law;
 - (k) any use which is disruptive to a residential neighbourhood.
2. A home occupation shall be clearly subordinate to the main residential use and conducted wholly within the dwelling unit.
 3. The external appearance and the residential character of the dwelling unit shall not be altered.
 4. There shall be no exterior indication either from the appearance of the dwelling, including signage, or the volume of vehicular traffic that any such home occupation is being conducted.
 5. The minimum floor area of any home occupation shall be 7.4 square metres but in any case not exceed 25% of the dwelling unit area to a maximum of 37.2 square metres.
 6. There shall be no external display or storage of merchandise or materials.
 7. No person other than a person who resides in said dwelling unit, may be employed in the home occupation; and for purposes of this restriction, domestic servants, roomers and boarders shall not be considered residents.
 8. Not more than one home occupation is permitted in a dwelling unit.
 9. No home occupation is permitted in an accessory building or structure or private garage.
 10. No mechanical or other industrial related equipment may be used, except that which is customarily employed in a dwelling for household purposes or for a purpose normal to or reasonably consistent with the use of a dwelling as such.
 11. The home occupation shall not emit noise, vibration, fumes, odour, dust, glare or radio/television interference beyond the premises of the residential dwelling.
 12. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

13. Not more than four clients, students or customers are permitted to be serviced at a time.
14. No parking lot shall be provided for any home occupation.
15. A minimum of 1 parking space shall be provided for a home occupation, which space may be in tandem.
16. The home occupation of home daycare is permitted subject to the following additional requirements:
 - (a) maximum numbers of non-resident children - 5;
 - (b) in addition to the maximum area permitted for a home occupation, a defined fenced outdoor area is permitted in the rear yard only, for use in conjunction with a home daycare.
17. The home occupation of a hairdresser is permitted subject to the following additional requirements:
 - (a) Maximum hairdressing chairs - 1;
 - (b) Minimum parking - 2 spaces in addition to the maximum requirement for the dwelling unit (tandem parking permitted).

6.22 Home Industry

Where a home industry is permitted, it shall be subject to the requirements of the zone in which it is located, and the following:

- (a) a home industry shall be clearly subordinate to the main residential use;
- (b) a home industry may be permitted within an existing accessory building provided the maximum floor area is limited to 50 square metres;
- (c) the external appearance and the residential character of the dwelling unit shall not be altered;
- (d) the home industry shall only be carried out by an occupant of the dwelling located on the same lands as the home industry; and for purposes of this restriction, domestic servants, roomers and boarders shall not be considered residents;
- (e) there shall be no external indication, either from the appearance of any building or structure nor shall the use create or become a public nuisance with regards to noise, traffic or parking;
- (f) there is no outside display, other than a legal sign which shall not exceed 0.3 square metres in area, indicating to persons outside that the accessory building is being used as a home industry;
- (g) there shall be no external display or outside storage of goods or materials associated with the home industry;

- (h) such home industry may include upholstering, dressmaking, artisan shop, including ceramic making, sculpting and weaving, photography, carpentry shop, blacksmiths shop or an electrical shop but shall not include a Vehicle Body Shop, or a Vehicle Service and Repair Establishment, as defined herein, or a retail use which is open to the public on a regular or full-time basis;
- (i) only those retail products produced on the premises such as arts, crafts, and draperies, shall be offered for sale on the premises;
- (j) the home industry shall not generate regular or frequent delivery or pick-up of materials or commodities by commercial vehicles; and
- (k) the home industry shall comply with the parking provisions of Section 6.15.

6.23 Established Building Line

Within any zone where a permitted building or structure is to be erected on a lot located between two adjacent lots on which are located existing buildings not more than 30 metres apart, such permitted building or structure may be erected closer to the street line, than required by this by-law, provided that the front yard setback of the proposed building or structure has a depth at least as great as the average depth of the front yards of said adjacent buildings and structures.

6.24 Group Homes

Where a group home is permitted, it shall be subject to the requirements of the zone in which it is located, and the following:

- (a) where a zoning category permits a group home, the following types of group homes are permitted without an amendment to this by-law:
 - (1) an Approved Home;
 - (2) a Home for Special Care;
 - (3) a Supportive Housing Program: Adult Community Health Program;
 - (4) accommodation Services for the Developmentally Handicapped;
 - (5) a Satellite Residence for Seniors;
 - (6) a Home for Physically Disabled Adults;
 - (7) a Children's Residence.
- (b) no other type of group home is permitted in any zone except by specific amendment to this by-law.

6.24.1 Regulations and Restrictions

No person shall use any land, or erect or use any building or structure for purposes of a group home except in compliance with the following regulations and restrictions:

- (1) Distance Separation Between Group Homes: a minimum of 458 metres measured from the nearest property lines;
- (2) Minimum Floor Area: 20 square metres per resident and live-in staff, but in no case less than 93 square metres;
- (3) Recreational Space: a minimum of 10 square metres per resident and live-in staff shall be provided either indoors entirely or indoors and outdoors in combination, for recreational, leisure and/ or landscape purposes;
- (4) Maximum Number of Residents Permitted (exclusive of staff):
 - (a) In any zone where residential use is restricted to a single detached family dwelling - 6,
 - (b) In any other zone - 8,
 - (c) Notwithstanding (a) and (b) above, in any Children's Residence in any zone - not more than two (2) children convicted under the Young Offenders Act.
- (5) Parking: 1 parking space per 49 square metres of floor area of habitable rooms, with a minimum of 2 parking spaces;
- (6) Signs: no outdoor sign or other visible exterior identification as a group home is permitted;
- (7) Zone Provisions: except as otherwise provided in this section, all zone provisions applicable to residential uses in the zone in which the group home is located shall apply to group homes, such provisions including but not limited to location of dwelling units, minimum lot area, minimum lot frontage, maximum ground floor area, required setbacks, minimum side and rear yards, maximum building height and landscaping, the latter to be in addition to any requirement under clause (3). Where in any zone there are different zone provisions applicable to different residential uses, the zone provisions applicable to the highest density residential use permitted in the zone shall apply to group homes in that zone.

6.25 Accessory Buildings and Structures in Residential Zones

- 6.25.1 Accessory buildings or structures are permitted in any Residential Zone subject to the following provisions:
- (a) shall not be established until or unless the main building or use to which it is accessory is established;
 - (b) no accessory building or structure shall be used for human habitation;
 - (b) shall not be used for gain or profit;
 - (d) no accessory building or structure shall be permitted in a front yard or a required exterior side yard;
 - (e) an accessory building or structure shall have a setback of 0.9 metres from an interior side lot line or a rear lot line;

- (f) no setbacks are required from an interior side lot line where an accessory building or structure on one lot shares a common wall with an accessory building or structure on an adjacent lot, provided that both accessory buildings or structures are used for the same purpose;
- (g) must be located a minimum of 1.2 metres from any other building located on the same lot;
- (h) shall not be located within or partially within, any utility easement, corridor or storm drainage swale;
- (i) the maximum lot coverage of all accessory buildings and structures on a lot is ten percent; provided that an uncovered and unenclosed swimming pool shall not be considered an accessory building or structure for purposes of this clause;
- (j) The maximum height of an accessory building is 4.5 metres, except as otherwise permitted in Section 6.6.

6.26 Requirement for Municipal Services

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon, unless:

- (a) municipal sanitary sewer and water services are available and capable of servicing the said land, building or structures; or
- (b) written approval is received from the Regional Public Health Department for the use of private sewage and water supply for any lands outside any urban boundary in the municipality. No use within the urban boundary of the municipality shall be permitted unless such use be connected to municipal sanitary sewer and water services.
- (c) adequate drainage is provided for every lot, including the provision of a secure outlet.

6.27 Bed and Breakfast Establishment

Where permitted or as illustrated on Schedule A7-1, a bed and breakfast establishment shall be subject to the requirements of the zone in which it is located and it shall:

- (a) be permitted only within a single detached dwelling;
- (b) be clearly secondary to the main residential use;
- (c) not be permitted in combination with any other type of accommodation such as roomers and boarders and lodgers and an accessory apartment or apartments;
- (d) not contain more than three (3) guest rooms with a maximum occupancy load of ten (10) persons for the subject dwelling. One (1) unrented bedroom must remain in the dwelling for the exclusive use of the owner;
- (e) not contain more than six (6) guest beds;

- (f) have an outdoor amenity space suitable for the relaxation of the guest and host family of 47.5 square metres adjacent to the dwelling, with no dimension less than six (6) metres, unless it be a bed and breakfast establishment in a historic or architecturally significant home, as such may be designated by the City of Thorold;
- (g) not increase the number of guest rooms to more than three (3) unless it first obtains a site specific zoning by-law amendment permitted such to occur and in which amendment consideration will first be given to:
 - (i) homes or dwellings designated under the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended, or any successor legislation as being of historic and/or architectural significance;
 - (ii) homes or dwellings in which the increase in the number of guest rooms will not result in the requirement of any significant alteration to the dwelling or any building addition to the dwelling, and
 - (iii) homes or dwellings that have the required area for an increase in parking spaces as such may be required by the City of Thorold;
- (h) be in a building that existed on the 4th day of April, 2000;
- (i) not be on a property which was the subject of a demolition of a building designated under the Ontario Heritage Act after the 4th day of April, 2000;
- (j) be licenced pursuant to the applicable by-law of the City of Thorold and pay an annual licensing fee to the City of Thorold in order to operate each and every year;
- (k) have off-street parking provided at the rate of one (1) space per licenced guest room and one (1) space for the main dwelling unit, with only one (1) vehicle permitted to be stacked behind the required parking space, and
- (l) front onto a public road.

6.28 Railway Setbacks

Subject to Sections 6.18 and 6.23 where a lot abuts a railway right-of-way which is illustrated on Schedule B1 and B2, no person shall erect or use any building or structure on such lot closer to the right-of-way than the following setbacks:

Right-of-way Classification	Required Setback
<u>Principal Main Line</u>	
(a) Industrial Zones	15m
(b) Other Zones	30m
<u>Principal Branch Line</u>	
(a) All Zones	15m

Spur Line

- (a) All Zones 15m

6.29 Yard Conformity

Notwithstanding the yard requirements of the R1A, R1B, R1C, R1D, R2 and R2S Zone of this By-law where a lawfully established building or structure does not conform to one or more of the yard setbacks of the By-law, the established yard setback shall be considered the required yard setback by this By-law.

6.30 Outdoor Commercial Patios

In any zone where an Outdoor Commercial Patio is permitted as an accessory use to a permitted use the following provisions shall apply:

- (a) not permitted within 36.5 metres of any residential use or residential zone;
- (b) shall not exceed 50% of the public floor area of the principal use to which the patio is accessory;
- (c) notwithstanding the provisions of the underlying zoning category, the surface area of the patio is not to exceed a height of 1.5 metres above grade;
- (d) perimeter fencing required for an outdoor commercial patio shall be a minimum of 1.07 metres in height and shall not exceed 1.83 metres in height;
- (e) the parking standard shall be the same as required for the principal use to which the patio is accessory.

6.31 Model Homes in Draft Approved Plans of Subdivision

Notwithstanding any other provision of this By-law, where a model home agreement has been executed (signed) by the owner, one or more dwelling units may be constructed on a lot prior to registration of the plan of subdivision subject to the following restrictions:

- (a) the use shall be permitted in the zone in which the dwelling is located;
- (b) the dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision;
- (c) the maximum number of model homes shall not exceed eight (8) dwelling units;
- (d) the model home shall comply with all other provisions of this By-law, as though the dwelling unit were constructed on the lot within the registered plan of subdivision;
- (e) the model home shall comply with all applicable terms and conditions of the said subdivision agreement; and
- (f) the construction of a model home shall not be permitted prior to obtaining any necessary agency permits.

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