Council Direction:

Update on the new Commercial and Mixed Use Zones for the City of Hamilton’s Comprehensive Zoning By-law 05-200.

Information:

The purpose of this Report is to update Members of the Economic Development and Planning Committee on the status of the new Commercial and Mixed Use Zoning component for the City of Hamilton’s Comprehensive Zoning By-law 05-200, and to receive the information prior to its presentation at Public Information Centres for review and comment, which will also be used as the formal Public Open House as required by the Planning Act.

1.0 Background

The City of Hamilton’s new Comprehensive Zoning By-law 05-200, came into effect on May 25, 2005, and is being implemented in stages. The new Zoning By-law 05-200 is being developed in order to amalgamate all of the former Municipal Zoning By-laws to create one consistent Zoning By-law across the entire City. The first stage represented the Downtown Zones. The second stage brought forward the Open Space and Parks Zones and the third stage, the Institutional Zones. In February 2007, the first Industrial Zone, Research and Development (M1) Zone, was approved by Council and represented the start of the fourth stage of the new By-law. Staff will be making recommendations on the balance of the Industrial Zones to the Economic Development and Planning Committee in March, 2010. The Zoning By-law Reform team has now completed work on the next stage, the Commercial and Mixed Use Zones, and will be presenting the draft zones to the Public at a series of Public Information Centres (PICs), scheduled for January-February 2010.
2.0 Development and Intent of New Commercial and Mixed Use Zones

The new Urban Official Plan was adopted by City Council on July 9, 2009. The goal of the new Urban Official Plan is to establish compact, complete communities where citizens can live, work, shop, play and learn. The goal of the new Commercial and Mixed Use policies are to:

- Enhance pedestrian experience by establishing a vibrant people place;
- Encourage high density with a mixture of commercial and residential uses; and,
- Maintain vibrant commercial areas by avoiding ribbon commercial development.

The new Commercial and Mixed Use Zones take their direction from the Commercial and Mixed Use policies contained within the City’s new Urban Official Plan. There are a total of seven new Commercial and Mixed Use Zones attached as Appendix “A” to Information Report PED10001. The new Commercial and Mixed Use Zones provide for a range of retail, service, office and residential uses and establish clear and consistent regulations for these uses throughout the City’s existing commercial areas with the intent of creating the ability for higher density, mixed use areas in the future.

The new Zoning By-law is to be a “living document”, which is flexible, user friendly, and responsive to the needs of businesses and the community. The new Commercial and Mixed Use Zones establish a consistent approach to the management of the City’s commercial lands and create opportunity for intensification through mixed use zoning. In developing the zones, staff conducted extensive background research in order to help shape the direction of Commercial and Mixed Use Zones within the new Comprehensive Zoning By-law. Existing planning legislation, including the Provincial Policy Statement and the Places to Grow Growth Plan for the Greater Golden Horseshoe, existing Zoning By-laws, other municipal Zoning By-laws, existing site specific zoning as well as current trends in commercial and mixed use development were evaluated in the creation of the new Commercial and Mixed Use Zones.

While developing the new Commercial and Mixed Use Zones, staff also conducted a number of site visits in order to better understand the existing character of the City’s commercial areas and to see how the new zones would apply. Staff also visited a number of new commercial developments outside of the City to observe new trends. The Shops at Don Mills, for example, are a newly redeveloped mixed use area which has been created by “de-malling” the existing internal Don Mills mall. This new format of commercial development is being used as a model by other Municipalities trying to achieve higher density development with a mixture of commercial and residential uses.
2.1 Commercial and Mixed Use Zones – Summary

There are seven new Commercial and Mixed Use Zones, which are being brought forward for consideration at upcoming Public Information Centres: Local Commercial (C1) Zone, District Commercial (C2) Zone, Mixed Use Medium (C3) Zone, Mixed Use High (C4) Zone, Mixed Use Area (C5) Zone, Arterial Commercial (C6) Zone, and Pedestrian Predominant (C7) Zone, attached as Appendix ‘A’ to Report PED10001. The permitted uses, prohibited uses and zoning regulations were developed based on the character and desired built form and will direct future development for new mixed use areas, ensuring conformity with the new Urban Official Plan policies. Commercial Zones within the Rural Area are currently being developed by staff and will be presented in conjunction with the Rural Zones.

Local Commercial (C1) Zone

The Local Commercial (C1) Zone will apply to commercial uses, designated Neighbourhoods in the Official Plan, that serve the immediate neighbourhood, such as, convenience stores, grocery stores, professional offices, hairdressers, coffee shops, and restaurants. In order to create flexibility and opportunity for intensification, residential dwelling units are permitted above the ground floor. The built form varies between stand alone commercial and office uses to local plazas with a maximum height of three storeys. Local Commercial is limited to sites or a cluster of sites to a maximum of 4 ha of total land area.

District Commercial (C2) Zone

The District Commercial (C2) Zone will apply to larger commercial areas, designated as District Commercial within the Official Plan, that serve a wider community with a broader range of retail, service, and office uses. Typically, the District Commercial (C2) Zone is applied at major arterial intersections such as Upper James and Fennell, and includes a wide range of uses with a maximum gross floor area of 10,000 square metres per unit. The zone will allow for a stand alone commercial structures and/or multi-storey structures with office uses and residential dwelling units located above the first floor. Similar to the Local Commercial (C1) Zone, no stand alone residential uses are permitted.

Mixed Use Medium (C3) Zone

The Mixed Use Medium (C3) Zone will be applied to those areas, designated Mixed Use Medium within the Official Plan, along corridors and surrounding nodes. The Mixed Use Medium (C3) Zone will function as a larger pedestrian oriented shopping and mixed use area serving the surrounding neighbourhood and a larger community, or city-wide clientele. This zone is generally located along the corridors, adjacent to Mixed Use High (C4) Zone and in the former Municipal downtowns. Permitted uses include supermarkets, department stores, large format retailers, restaurants, offices, hotels, personal services, and residential uses that are compatible with the areas mixed-use character. Development may occur as stand alone commercial or residential buildings or as a combination in a mixed use format with a maximum height of 6 storeys.
Mixed Use High (C4) Zone

The Mixed Use High (C4) Zone will be applied to the Official Plan designated nodes, such as Limeridge Mall, The Centre on Barton, and Eastgate Square. A full range of retail, service, office and residential uses will be permitted to encourage high density commercial and mixed use development. The zone does not establish a maximum height in order to create some flexibility in the areas where high density development is most appropriate.

The Official Plan requires that residential development within the Mixed Use High Density Designation must be built to a density of at least 100 units per hectare. A floor area ratio is the figure obtained when the gross floor area on a lot is divided by the lot area, and functions as a regulation that requires development be designed to achieve a particular density. The Mixed Use High (C4) Zone requires a minimum floor area ratio of 0.7 to ensure that residential development meets the density set out in the Official Plan policies.

Mixed Use Area (C5) Zone

The Mixed Use Area (C5) Zone is a moderately sized pedestrian-oriented mixed use area, designated Neighbourhoods within the Official Plan, used typically as an extension of the Mixed Use Medium (C3) Zone. The permitted uses range from convenience retail, professional offices, and personal services to low density residential. The intent is to maintain the local neighbourhood mixed use character where the built form exists and the uses are appropriate. The built form is limited to 3 storeys in either stand alone or mixed use buildings.

Arterial Commercial (C6) Zone

The Arterial Commercial (C6) Zone is an auto-oriented, primarily non-retail commercial area, which is designated Arterial Commercial within the Official Plan. The permitted uses include automobile retail and service, larger home furnishing stores, building supply, restaurants, banquet halls, commercial recreation, and warehousing. These uses are generally classified as drive-to, land expansive uses that are most appropriate along arterial roads. Residential uses are not permitted within this zone.

Pedestrian Predominant (C7) Zone

The Pedestrian Predominant (C7) Zone emphasizes the pedestrian experience in a commercial area, which are designated as Mixed Use Medium within the Official Plan. The zone has been developed to require buildings be brought to the street line, have a minimum 2 storey height with commercial uses on the ground floor while permitting office and/or residential uses above. The Pedestrian Predominant (C7) Zone has been applied in areas where built form and pedestrian integration is essential to the viability of the commercial area, such as the former Municipal Downtowns, all of the existing Business Improvement Areas, and existing commercial areas located at the north end of Upper James Street, and Brucedale and Upper Wellington Street.
2.3 Permitted Uses

Former Municipal Zoning By-laws categorized retail and commercial uses into very specific types of use. For example, shoe stores, general merchandise stores, book stores, musical instrument stores, department stores, and food stores are all listed as separate uses. Zoning By-law 05-200 defines retail as follows:

Retail Shall mean the sale or rental of goods or materials to the ultimate consumer including “convenience retail” goods, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.

It is proposed that a more generic approach to permitted uses be used that incorporate all varieties of retail, service and office uses. Consequently, the list of permitted uses within the Commercial and Mixed Use Zones is significantly shorter. The general definitions are designed to be more inclusive, flexible, and essentially broaden the scope of the permitted uses. The definitions applicable to the new Commercial and Mixed Use Zones are attached to Information Report PED10001 as Appendix “B”.

2.4 Prohibited Uses

The new Commercial and Mixed Use Zones contain prohibited uses related to commercial uses. Because the definition of retail is so broad, components of this use need to be restricted. This has been achieved through the identification of specific prohibited uses associated with retail. For example, a Garden Centre is not appropriate in all commercial and mixed use areas, though would be considered a retail use. Therefore, Garden Centres are listed as a prohibited use in those zones where the use is not appropriate.

2.5 Arts and Culture Uses

The new Urban Official Plan has promoted Arts and Culture in many of the new policies. The intent of the new Commercial and Mixed Use Zones is to allow for flexibility to allow a variety of similar uses to develop in a planned manner in specific areas as well as to acknowledge areas where redevelopment for arts and culture purposes may increase the viability of under utilized buildings. In the current Zoning By-laws, Arts and Culture type uses are over regulated. The definitions and permitted uses are very specific to each use and are regulated individually in the applicable zones. The new Comprehensive Zoning By-law has general definitions for uses, allowing greater flexibility, for example:

Studio Shall mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs.
The definition of Studio will now incorporate a variety of arts uses (painter, sculptor, dance studio etc.) and will be permitted in most of the commercial and mixed use areas.

Staff is currently working with various Arts groups (Arts Hamilton, The Arts Advisory Commission and internal departments) to ensure the new Commercial and Mixed Use Zoning allows for the future development and full potential of appropriate Arts and Culture uses.

2.6 Drive Through Facilities

In April 2009, staff presented Report PED09082 with recommendations for Drive Through Facilities. This report acknowledged that the new City of Hamilton Urban Official Plan would be implementing policies prohibiting drive through facilities in the Downtown Core, as per the Downtown Secondary Plan, and generally within the Setting Sail Secondary Plan, as well as within areas designated Pedestrian Predominant Streets. The prohibition of Drive through Facilities has been continued through the use of the Pedestrian Predominant (C7) Zone. Drive throughs are permitted in the remaining Commercial and Mixed Use Zones, and the recommendations of Report PED09082 will be included in the General Provisions Section.

In addition to the prohibition of Drive Through Facilities, the design, locational and mitigation measures, as summarized below, were developed based on the recommendations in Report PED09082. These recommendations will be implemented through specific regulations for Drive Through Facilities to be included in the General Provisions section of 05-200.

4.23 Drive Through Regulations

Notwithstanding any provision of this By-law, every drive through shall comply with the following:

a) Minimum number of stacking spaces from the service window:
   i) restaurants - 15 spaces
   ii) all other uses - 3 spaces

b) Locational specific regulations:
   i) no drive through shall be permitted to locate between any required parking area and the main entrance for the building;
   ii) no drive through lane, ingress or egress shall be permitted between the public street and the building; and,
   iii) required stacking spaces shall not be permitted in any aisle providing access to the required parking nor obstruct the ability to access a parking space.
c) Where a drive through lane abuts a Residential or Institutional Zone:
   
i) a 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line; and,
   
ii) a 1.8 metre minimum height solid board on board fence or decorative wall shall be provided and maintained along that portion of the property line that abuts a Residential Zone or Institutional Zone property line.”

2.7 Parking

Commercial parking standards were introduced into Zoning By-law 05-200 during the Downtown Zoning stage but were only associated with the Downtown Core which may be treated differently than other commercial zones. Draft parking requirements for commercial uses have been attached as Appendix “C” to Information Report PED10001. Through the development of the Commercial and Mixed Use Zones, measures of reducing required parking in certain appropriate areas have been researched. Currently, there are a few specific areas where the reduction in parking would increase the viability of the commercial area and will encourage development. The Business Improvement Areas, former Downtown Areas and possibly areas along the Rapid Transit Corridor are being discussed as possible locations for reducing parking requirements.

In addition, the current initiative for active transportation has led a number of municipalities to implement required bicycle parking regulations. For the purposes of the Commercial and Mixed Use Zones, short term bicycle parking requirements have been included for new developments. Long term bicycle parking, provided in a secure and enclosed structure has been added as a mechanism for reducing required motor vehicle parking. Appendix “C” Section 5.7 d) outlines that required motor vehicle parking may be reduced when long term bicycle parking is provided as well as where locker, change room or shower facilities are provided and specifically accessible to the long term bicycle parking users.

Loading space requirements have not been included within the new Zoning By-law as loading needs can vary substantially depending on the type of commercial use and will be left to the detailed design stage and site plan approval requirements.

2.8 Site Specific and Holding Provisions: Evaluations

Following the development of the new Commercial and Mixed Use Zones and associated performance standards, a comprehensive review was conducted of all existing and recently approved site specific exceptions within the former Municipal Zoning By-laws. Each site specific was evaluated against the new Zones, and a series of criteria were established which helped provide the rationale for which site specific permissions would and would not be carried forward. Where a site specific was adding a use, staff compared the use against the new Commercial and Mixed Use Zones. Staff
evaluated whether the use was permitted within the new broader definitions and whether the site specific regulations were required to continue. In some cases, new site specifics were created in order to recognize specific uses which are no longer permitted as-of-right through the new Commercial and Mixed Use Zones, but for which there is merit in recognizing and was permitted in the new Urban Official Plan. The same evaluation process was used for Holding Provisions as well. In some instances, there was no information available detailing the requirements necessary to satisfy the holding provision. In these instances, the decision was to not carry it forward. There are only six Holding provisions being carried forward for the new Commercial and Mixed Use Zones.

Approximately 48 site specifics are being proposed as part of the new Commercial and Mixed Use Zoning. This number may increase based on one-on-one meetings with property owners and through an evaluation of the merits of recognizing the use on a site by site basis. In some cases, where a use was previously permitted as-of-right through the existing zoning and is no longer permitted through the new Commercial and Mixed use Zones (i.e. Motor Vehicle Sales and Service Establishments that have existed and function as a local service within residential areas) that existing use will become legal non-conforming. A legal non-conforming use is a use that is not permitted under the new Zoning By-law, but which lawfully existed prior to the new Zoning By-law being approved. Under the Planning Act, these uses have a right to continue and cannot be “zoned” out of existence. The Planning Act also contains provisions for expansion or change of use under legal non-conforming status. However, the long term intent is for that legal non-conforming use to cease and to be replaced by a use that conforms to the new Zoning By-law and Official Plan.

3.0 Official Plan Policies Affected

The new Urban Official Plan has generally provided a big picture view and policy direction as to the future of the City. In some case, more detailed policies have been implemented that provide more specific direction within the Commercial and Neighbourhoods designation. As detailed implementation of these policies is undertaken with new zoning, there may be a need to require amendments to the new Urban Official Plan to either be able to implement the intent of the policy direction or recognize situations where the existing development cannot meet the policy direction but still represents good planning. At the time the new Commercial/Mixed Use zones are brought forward to Committee and Council for approval, any necessary Official Plan amendments required to implement the new zones will be brought forward.

4.0 Consultation To-Date

The draft Commercial and Mixed Use Zones were presented at Public Information Centres in January 2009, in conjunction with the new Official Plan. Staff met with the Departmental Management Team (DMT) in February 2009 to review the new Zones and address any issues. Staff made a presentation to the Hamilton Association of Business Improvement Areas, Ancaster Community Council, Development Planning staff and Building Engineering and Zoning staff in order to outline the intent of the new
Commercial and Mixed Use Zones and to get comments from the staff who would be interpreting the new regulations.

5.0 Next Steps and Timing

With the completion of the new draft zones, staff will now commence a final round of formal consultation, both with internal departments and external agencies, beginning in December 2009. A direct mailing to all property owners of commercially zoned land will occur in January 2010, and meetings will be held with stakeholders, tenants and interested property owners through to the end of March. Staff will be holding seven Public Information Centres in February to obtain public feedback on the proposed Commercial and Mixed Use Zones. In addition, staff will be proactive by presenting and seeking input on the new zones with local stakeholder groups. It is staff's intent to bring forward the new Commercial and Mixed Use Zones for Economic Development and Planning Committee approval in the second quarter of 2010.

The Zoning By-law Reform team welcomes any input or direction from Economic Development and Planning Committee and Council, particularly as it relates to any additional consultation preferred or the identification of stakeholders who would be interested in learning more about the proposed new Commercial and Mixed Use Zones.

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Planning and Economic Development Department

SH:dkm
Attachs. (3)
SECTION 10: COMMERCIAL ZONES

10.1 LOCAL COMMERCIAL (C1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Local Commercial C1 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.1.1 PERMITTED USES

Catering Service
Commercial School
Communications Establishment
Craftsperson Shop
Day Nursery
Dwelling Unit(s)
Financial Establishment
Home Business
Laboratory
Medical Clinic
Medical Office
Motor Vehicle Gas Bar
Multiple Dwelling
Office
Personal Services
Private Club or Lodge
Repair Service
Restaurant
Retail
Studio
Tradesperson’s Shop
Transportation Depot
Veterinary Service

10.1.2 PROHIBITED USES

Notwithstanding 10.1.1 above, the following uses are prohibited, except if these uses are considered only as an accessory use to another permitted use:

Commercial Driving School
Garden Centre

10.1.2 REGULATIONS

a) Minimum Yard Abutting a Street 1.0 metre;
b) Minimum Rear Yard
6.0 metres abutting a Residential or Institutional Zone;

c) Minimum Interior Side Yard
3.0 metres abutting a Residential or Institutional Zone;

d) Maximum Building Height
11.0 metres;

e) Maximum Gross Floor Area for an Office
500 square metres;

f) Maximum Gross Floor Area per Retail Unit
10,000 square metres;

g) Restriction of Residential Uses within a Building
i) The following use shall only be permitted above the ground floor, except for access, accessory office and utility areas:
   - Dwelling Unit(s)
   - Multiple Dwelling

h) Additional Regulations for Motor Vehicle Related Uses
i) Fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot line; and,
   ii) A minimum 3.0 metre planting strip shall be required abutting any street line.

i) Additional Regulations for Veterinary Service
No outside runs shall be permitted.

j) Visual Barrier Requirements
A visual barrier shall be required only in the form of a board fence, along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line in accordance with the requirements of Section 4.19 of this By-law.
k) Outdoor Storage

i) No outdoor storage of goods, materials or equipment shall be permitted in any front yard or flankage yard.

ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

10.1.3 DRIVE THROUGH FACILITY

In accordance with the requirements of Section 4. XX of this By-law.

10.1.4 PARKING

In accordance with the requirements of Section 5 of this By-law.

10.1.5 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.

10.1.6 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.
10.2 DISTRICT COMMERCIAL (C2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a District Commercial (C2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.2.1 PERMITTED USES

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Conference or Convention Centre
- Crafts person Shop
- Day Nursery
- Dwelling Unit(s)
- Financial Establishment
- Funeral Home
- Home Business
- Hotel
- Laboratory
- Medical Clinic
- Medical Office
- Motor Vehicle Gas Bar
- Motor Vehicle Rental Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Multiple Dwelling
- Office
- Personal Services
- Private Club or Lodge
- Repair Service
- Restaurant
- Retail
- Social Services Establishment
- Studio
- Tradesperson’s Shop
- Transportation Depot
- Veterinary Service
10.2.2 PROHIBITED USES
Notwithstanding 10.2.1 above, the following uses are prohibited, except if these uses are considered only as an accessory use to another permitted use:

Garden Centre

10.2.3 REGULATIONS
a) Minimum Yard Abutting a Street 1.0 metre;

b) Minimum Rear Yard 6.0 metres abutting a Residential or Institutional Zone;

c) Minimum Interior Side Yard 3.0 metres abutting a Residential or Institutional Zone;

d) Maximum Building Height 15.0 metres;

e) Maximum Gross Floor Area per Retail Unit 10,000 square metres;

f) Maximum Gross Floor Area for Office(s) 2,000 square metres;

g) Built Form for New Development
   In the case of buildings constructed or alterations to existing buildings after the effective date of this By-law:

   i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,

   ii) The minimum width of the ground floor façade shall be equal to 40% or more of the measurement of the front lot line and shall be subject to the following:
A. A maximum building set back of 3.0 metres shall apply;

B. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk;

C. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between a building façade and the public street.

   iii) A minimum of 80% of the area of the ground floor façade shall be composed of windows and doors.

h) Visual Barrier Requirements

A visual barrier shall be required, only in the form of a board fence, along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line, in accordance with the requirements of Section 4.19 of this By-law.

i) Outdoor Storage

i) No outdoor storage of goods, materials or equipment shall be permitted.

   ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

j) Restriction of Residential and Office Uses within a Building

The following uses shall only be permitted above the ground floor except for access:

Dwelling Unit(s)
Office
Multiple Dwelling
k) Additional Regulations for Motor Vehicle Related Uses

i) Fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot line; and,

ii) A minimum 3.0 metre planting strip shall be required abutting any street line.

l) Additional Regulations for Veterinary Services

No outside runs shall be permitted.

10.2.3 MOTOR VEHICLE WASHING ESTABLISHMENT

In accordance with the requirements of Section 4.XX of this By-law.

10.2.4 DRIVE-THROUGH FACILITY

In accordance with the requirements of section 4.XX of this By-law.

10.2.5 PARKING

In accordance with the requirements of Section 5 of this By-law.

10.2.6 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.18 of this By-law.

10.2.7 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.
10.3 MIXED USE MEDIUM (C3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Medium (C3) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.3.1 PERMITTED USES

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Parking Facility
Commercial Recreation
Commercial School
Communications Establishment
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Educational Establishment
Emergency Shelter
Financial Establishment
Funeral Home
Home Business
Hotel
Laboratory
Lodging House
Medical Clinic
Medical Office
Motor Vehicle Gas Bar
Motor Vehicle Service Station
Motor Vehicle Washing Establishment
Multiple Dwelling
Office
Personal Services
Place of Worship
Private Club or Lodge
Repair Service
Residential Care Facility
Restaurant
Retail
Retirement Home
Social Services Establishment
Studio
Tradesperson’s Shop
Transportation Depot
Veterinary Service
10.3.2 PROHIBITED USES

Notwithstanding 10.3.1 above, the following uses are prohibited, except if these uses are considered only as an accessory use to another permitted use:

Garden Centre

10.3.3 REGULATIONS FOR ALL USES EXCEPT THOSE LISTED IN SECTION 10.3.4

a) Maximum Yard Abutting a Street 2.0 metres;

b) Minimum Rear Yard 6.0 metres abutting a Residential or Institutional Zone; and,

c) Minimum Side Yard 3.0 metres abutting a Residential or Institutional Zone; and,

d) Building Height i) Minimum 7.5 metres façade height, for any portion of a building along a street line; and,

ii) Maximum 22 metres.

e) Gross Floor Area for Office Building Shall be less than 10,000 square metres

f) Built Form for New Development In the case of buildings constructed or alterations to existing buildings after the effective date of this By-law:

i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,

ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line.

A. A maximum building set back
of 3.0 metres shall apply;

B. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk;

C. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between a building façade and the public street.

g) Visual Barrier Requirements

A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line, in accordance with the requirements of Section 4.19 of this By-law.

h) Outdoor Storage

i) No outdoor storage of goods, materials or equipment shall be permitted.

ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

i) Additional Regulations for Veterinary Services

Outside runs shall be prohibited.

j) Additional Regulations for Motor Vehicle Related Uses

i) Fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot line.

ii) A minimum 3.0 metre planting strip shall be required abutting any street line.
SECTION 10: MIXED USE ZONES

10.3.4 REGULATIONS FOR EMERGENCY SHELTER, LODGING HOUSE, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT

a) Minimum Side and Rear Yard 7.0 metres;
b) Maximum Building Height 22.0 metres;
c) Minimum Landscaped Area 10% of the lot area.
d) Maximum Capacity for Residential Care Facility and Retirement Home 50 residents
e) Location of Emergency Shelter and Residential Care Facility

i) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

ii) Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections
Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

10.3.5 DRIVE THROUGH FACILITY
In accordance with the requirements of Section 4.XX of this By-law.

10.3.6 PARKING
In accordance with the requirements of Section 5 of this By-law.

10.3.7 ACCESSORY BUILDING
In accordance with the requirements of Section 4.8 of this By-law.

10.3.8 HOME BUSINESS REGULATIONS
In accordance with the requirements of Section 4.21 of this By-law.
10.4 MIXED USE HIGH COMMERCIAL (C4) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use High Commercial (C4) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.4.1 PERMITTED USES

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Conference or Convention Centre
- Craftsperson Shop
- Day Nursery
- Emergency Shelter
- Financial Establishment
- Home Business
- Hotel
- Laboratory
- Lodging House
- Medical Clinic
- Medical Office
- Multiple Dwelling
- Office
- Personal Services
- Private Club or Lodge
- Repair Service
- Residential Care Facility
- Restaurant
- Retail
- Retirement Home
- Social Services Establishment
- Studio
- Tradesperson’s Shop
- Transportation Depot
**SECTION 10: MIXED USE ZONES**

10.4.2 PROHIBITED USES

Notwithstanding 10.4.1 above, the following uses are prohibited, except if these uses are considered only as an accessory use to another permitted use:

- Garden Centre

10.4.3 REGULATIONS FOR ALL USES EXCEPT THOSE LISTED IN SECTION 10.4.4

- a) Maximum Yard Abutting a Street 2.0 metres;
- b) Minimum Rear Yard 6.0 metres abutting a Residential or Institutional Zone; and,
- c) Minimum Side Yard 3.0 metres abutting a Residential or Institutional Zone; and,
- d) Minimum Building Height 7.5 metres
- e) Gross Floor Area For Office Building Shall be less than 10,000 square metres
- f) Built Form for New Development In the case of buildings constructed or alterations to existing buildings after the effective date of this By-law:
  - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,
  - ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line.
- g) Minimum Residential Floor Space Index
  - i) 0.7; and
ii) For any residential development within 20 metres of the southerly lot line of the properties located at 760, 770, 792, 800 Queenston Road, 7 Greenford Drive i) above, shall not apply and building height shall be limited to a maximum of 6 storeys.

h) Visual Barrier Requirements
A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line, in accordance with the requirements of Section 4.19 of this By-law.

i) Outdoor Storage
i) No outdoor storage of goods, materials or equipment shall be permitted.

ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

j) Additional Regulations for New Commercial Parking Facility
In the case of a commercial parking facility developed after the effective date of this By-law, such facility:

i) Shall only be contained within a building; and,

ii) With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.

k) Additional Regulations for Veterinary Services
No outside runs shall be permitted.
10.4.4 EMERGENCY SHELTER, LODGING HOUSE, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

a) Minimum Side and Rear Yard 7.0 metres;

b) Minimum Landscaped Area 10% of the lot area.

c) Maximum Capacity for Residential Care Facility and Retirement Home 50 residents

d) Location of Emergency Shelter and Residential Care Facility

i) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

ii) Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to
SECTION 10: MIXED USE ZONES

accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

10.4.5 DRIVE THROUGH FACILITY
In accordance with the requirements of Section 4.XX of this By-law.

10.4.6 PARKING
In accordance with the requirements of Section 5 of this By-law.

10.4.7 ACCESSORY BUILDING
In accordance with the requirements of Section 4.8 of this By-law.

10.4.8 HOME BUSINESS REGULATIONS
In accordance with the requirements of Section 4.21 of this By-law.
SECTION 10: COMMERCIAL ZONES

10.5 MIXED USE AREA (C5) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Area C5 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.5.1 PERMITTED USES

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Craftsperson Shop
- Day Nursery
- Duplex Dwelling
- Dwelling Unit(s)
- Emergency Shelter
- Financial Establishment
- Funeral Home
- Home Business
- Hotel
- Laboratory
- Lodging House
- Medical Clinic
- Medical Office
- Motor Vehicle Gas Bar
- Motor Vehicle Service Station
- Multiple Dwelling
- Office
- Personal Services
- Place of Worship
- Private Club or Lodge
- Repair Service
- Residential Care Facility
- Restaurant
- Retail
- Retirement Home
- Single Detached Dwelling
- Semi-Detached Dwelling
- Social Services Establishment
- Studio
- Tradesperson’s Shop
- Transportation Depot
- Veterinary Service
SECTION 10: COMMERCIAL ZONES

10.5.2 PROHIBITED USES

Notwithstanding 10.5.1 above, the following uses are prohibited, except if these uses are considered only as an accessory use to another permitted use:

Garden Centre

10.5.3 REGULATIONS FOR ALL USES EXCEPT THOSE LISTED IN SECTION 10.5.4

a) Maximum Yard Abutting a Street  2.0 metres;

b) Minimum Rear Yard  6.0 metres;

c) Minimum Side Yard  3.0 metres;

d) Maximum Building Height  11.0 metres;

e) Visual Barrier Requirements  A visual barrier shall be required, only in the form of a board fence, along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line in accordance with the requirements of Section 4.19 of this By-law.

f) Outdoor Storage

i) No outdoor storage of goods, materials or equipment shall be permitted in any front yard or flankage yard. This shall not, however, prevent the display of goods or materials for retail purposes.

ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

g) Restriction of Uses within a Building  The following uses shall not be permitted in any portion of the building except within the ground floor facing the street:
SECTION 10: COMMERCIAL ZONES

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Financial Establishment
Repair Service
Veterinary Service

h) Additional Regulations for Motor Vehicle Related Uses

i) Fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot line.

ii) A minimum 3.0 metre planting strip shall be required abutting any street line.

i) Additional Regulations for Veterinary Service

Outside runs shall be prohibited.

10.5.4 EMERGENCY SHELTER, LODGING HOUSE, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

a) Minimum Lot Width 30.0 metres;

b) Minimum Side and Rear Yard 7.0 metres;

c) Maximum Building Height 22.5 metres;

d) Minimum Landscaped Area 10% of the lot area.

e) Maximum Capacity for Residential Care Facility and Retirement Home Shall not exceed 50 residents.

f) Location of Emergency Shelter and Residential Care Facility

i) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be
ii) Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

10.5.5 SINGLE DETACHED DWELLING, AND DUPLEX DWELLING REGULATIONS

a) Minimum Lot Area
   i) 330.0 square metres for an interior lot;
   ii) 360.0 square metres per unit on a corner lot.

b) Minimum Lot Width
   i) 12.0 metres for an interior lot;
   ii) 15.0 metres for a corner lot.

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard
   1.2 metres

e) Minimum Flankage Yard
   3.0 metres
SECTION 10: COMMERCIAL ZONES

f) Minimum Rear Yard 7.0 metres

g) Maximum Building Height 11.0 metres

10.5.6 SEMI-DETACHED DWELLING REGULATIONS

a) Minimum Lot Area
   i) 210.0 square metres for each semi-detached dwelling unit on an interior lot;
   ii) 240.0 square metres for a corner lot.

b) Minimum Lot Width for Unit
   i) 7.5 metres for each dwelling unit on an interior lot.
   ii) 9.3 metres shall be required for a corner unit.

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard 1.2 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

e) Minimum Flankage Yard 3.0 metres

f) Minimum Rear Yard 7.0 metres

g) Maximum Building Height 11.0 metres

10.5.7 PARKING

In accordance with the requirements of Section 5 of this By-law.

10.5.8 ACCESSORY BUILDING

In accordance with the requirements of Section 4.8 of this By-law.

10.5.9 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.
No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Arterial Commercial C6 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.6.1 PERMITTED USES

- Adult Entertainment
- Beverage Making Establishment
- Body Rub Parlour
- Building or Contracting Supply Establishment
- Building and Lumber Supply Establishment
- Catering Service
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Recreation
- Commercial Parking Facility
- Commercial School
- Conference or Convention Centre
- Craftsperson Shop
- Equipment and Machinery Sales, Rental and Service Establishment
- Farm Implement Dealership
- Funeral Home
- Garden Centre
- Home Furnishing Retail
- Home Improvement Supply Establishment
- Hotel
- Equipment Sales, Rental and Service Establishment
- Laboratory
- Major Recreational Equipment Sales, Rental and Service Establishment
- Motor Vehicle Gas Bar
- Motor Vehicle Parts and Accessory Sales Establishment
- Motor Vehicle Rental Establishment
- Motor Vehicle Sales and Service Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Repair Service
- Restaurant
- Surveying, Engineering, Planning or
SECTION 10: COMMERCIAL ZONES

10.6.2 REGULATIONS

a) Minimum Yard Abutting a Street

3.0 metres;

b) Minimum Rear Yard

6.0 metres abutting a Residential or Institutional Zone property line;

c) Minimum Side Yard

6.0 metres abutting a Residential Zone or Institutional Zone property line;

d) Visual Barrier Requirements

A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line in accordance with the requirements of Section 4.19 of this By-law.

e) Minimum Planting Strip

3 metres in width shall be required across all lot lines adjacent to a street and lot lines abutting a Residential or Institutional Zone property line.

f) Additional Regulations for Motor Vehicle Related Uses

i) Fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot line.

ii) A minimum 3.0 metre planting strip shall be required abutting any street line.

10.6.3 DRIVE THROUGH FACILITIES

In accordance with the requirements of Section 4.XX of this By-law.

10.6.4 PARKING

In accordance with the requirements of Section 5 of this By-law.

10.6.5 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.
10.7 PEDESTRIAN PREDOMINANT (C7) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Pedestrian Predominant C7 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.7.1 PERMITTED USES

Beverage Making Establishment  
Catering Service  
Commercial Entertainment  
Commercial Parking Facility  
Commercial Recreation  
Commercial School  
Communications Establishment  
Craftsperson Shop  
Day Nursery  
Dwelling Unit(s)  
Financial Establishment  
Home Business  
Hotel  
Medical Clinic  
Medical Office  
Multiple Dwelling  
Office  
Personal Services  
Private Club or Lodge  
Repair Service  
Restaurant  
Retail  
Studio  
Tradesperson’s Shop  
Transportation Depot

10.7.2 PROHIBITED USES

Notwithstanding 10.7.1, the following uses are prohibited, even as an accessory use:

Drive Through Facility  
Garden Centre

10.7.3 REGULATIONS

a) Maximum Building Setback  
i) 2.0 metres for the first storey, except where a visibility triangle shall be provided for a driveway access;
SECTION 10: COMMERCIAL ZONES

ii) 6.0 metres for that portion of a building providing an access driveway to a garage.

b) Minimum Side Yard 3.0 metres abutting a Residential or Institutional Zone property line;

c) Minimum Rear Yard Minimum 6.0 metres abutting a Residential or Institutional Zone property line;

d) Built Form for New Development In the case of buildings constructed or alterations to existing buildings after the effective date of this By-law:

i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;

ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line;

e) Building Height i) Minimum 7.5 metres façade height, for any portion of a building along a street line; and,

ii) Maximum 11.0 metres.

f) Visual Barrier Requirements A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown D5 Zone or Downtown D6 Zone property line in accordance with the requirements of Section 4.19 of this By-law.

g) Outdoor Storage i) No outdoor storage of goods, materials or equipment shall be permitted.

ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.
h) Restriction of Uses within a Building

i) The following uses shall not be permitted in any portion of the building except within the ground floor facing the street:

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Recreation
- Financial Establishment
- Repair Service

ii) The following use shall only be permitted above the ground floor, except for access, accessory office and utility areas:

- Dwelling Unit(s)
- Multiple Dwelling

h) Additional Regulations for new Commercial Parking Facility

In the case of a commercial parking facility developed after the effective date of this By-law, such facility:

i) Shall only be contained within a building; and,

ii) With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.

10.7.4 PARKING

In accordance with the requirements of Section 5 of this By-law.

10.7.5 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.

10.7.6 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.
SECTION 3: DEFINITIONS

In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and the converse. In this By-law, the word “shall” is to be construed as being always mandatory and not directory.

Note: Definitions identified by *italics* are either new or are existing within Zoning By-law 05-200, but are being amended as part of the new Commercial and Mixed Use Zones.

**Adult Entertainment**

Shall mean a use which provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations provided on the premises and shall include a Body Rub Parlour.

**Agricultural Supply Establishment**

Shall mean the use of land, buildings or structures for the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in agriculture.

**Beverage Making Establishment**

Shall mean a commercial establishment where individuals produce beverages for personal use and consumption off the premises.

**Body Rub Parlour**

Shall mean a use which includes kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person’s body or part thereof, performed, offered or solicited in pursuance of a trade, calling, business, but shall not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered.

**Building or Contracting Supply Establishment**

Shall mean land, building or structure, in which building, construction or home improvement materials are stored, wholesaled and may include accessory retail.

**Building and Lumber Supply Establishment**

Shall mean a retail store predominantly selling a combination of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, gardening products, and home design products.

**Catering Service**

Shall mean a use where food and beverages are prepared for consumption off-site, but are not served on the premises or for immediate take-out consumption.
SECTION 3: DEFINITIONS

Commercial Entertainment
Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, performing arts theatres, bingo halls, dance club, cultural events but shall not include an amusement arcade or adult entertainment parlour.

Commercial Parking Facility
Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include an accessory parking lot to a principal use of the property located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided.

Commercial Recreation
Shall mean the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and shall include but not be limited to such facilities as racquet courts, fitness clubs, billiard parlour, bowling alley, golf course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.

Commercial School
Shall mean a school where academic, vocational or technical subjects are taught and which is operated on a financial profit basis but shall not include an educational establishment.

Communications Establishment
Shall mean an establishment used for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

Conference or Convention Centre
Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Craftsperson Shop
Shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

Day Nursery
Shall mean a facility licensed under the Day Nurseries Act which receives more than 5 children who are not of...
common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceed 24 hours, where children are
a) under eighteen years of age in the case of a day nursery for children with a development disability, and
b) under ten years of age in all other cases, but shall not include part of a school provided for under the Education Act

**Educational Establishment**

Shall mean a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university

**Equipment and Machinery Sales, Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, for the display, sale, lease or rental of commercial or industrial equipment and machinery and shall include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair, painting and service of such equipment and machinery

**Farm Implement Dealer**

Shall mean land, structures or buildings used for the display and sales of new and/or second hand farm implements and includes the servicing, repair, cleaning, polishing, painting and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements

**Financial Establishment**

Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services

**Funeral Home**

Shall mean a building or structure or part thereof, used for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of corpses for internment or cremation and may include a chapel or a crematorium

**Garden Centre**

Shall mean the use of land, building, structure, or part thereof, for the display and sale of plans, gardening and landscaping supplies and equipment.

**Home Business**

Shall mean a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence

**Home Furnishings Retail Establishment**

Shall mean the sale or rental of goods within a fully enclosed building of furnishings, supplies, materials, fixtures, tools, or textiles meant for household improvement.
SECTION 3: DEFINITIONS

Home Improvement Supply Establishment
Shall mean a retail store predominantly selling a focused range of building supplies such as paints, carpets, tiles, bathroom fixtures, lighting fixtures and similar products.

Hotel
Shall mean a commercial establishment used for temporary rental sleeping accommodation for travelers and which may offer other facilities such as personal service establishments, restaurants, retail stores, conference or convention facilities, exhibition facilities, commercial entertainment or commercial recreation and for the purposes of this By-law a motel, motor hotel or an apartment hotel shall be deemed to be a “hotel”

Major Recreational Equipment Sales and Service Establishment
Shall mean the use of land, building, structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle Sales and Service Establishment.

Medical Clinic
Shall mean a building, or part thereof, which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries or other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery

Medical Office
Shall mean a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services

Motor Vehicle Gas Bar
Shall mean a use on a lot, where fuel or lubricants are offered for sale but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Repair Establishment, Motor Vehicle Wrecking Establishment or a Motor Vehicle Service Station

Motor Vehicle Rental Establishment
Shall mean a premise where motor vehicles are stored and rented to the public

Motor Vehicle Sales and Service Establishment
Shall mean a use within a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station
SECTION 3: DEFINITIONS

Motor Vehicle Service Station

Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, Motor Vehicle Washing Establishment, and/or a Motor Vehicle Wrecking Establishment.

Motor Vehicle Stacking Space

Shall mean an area devoted to the waiting or queuing of motor vehicles accessing a drive through facility, separate from any aisle providing access to and from any parking area.

Motor Vehicle Washing Establishment

Shall mean a building or structure or part thereof, used for either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing.

Office

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include an Industrial Administrative Office, and Surveying, Engineering, Planning or Design Business but shall not include a Medical Clinic, or a Medical Office.

Personal Services

Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

Place of Worship

Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory cemetery, day nursery and educational or recreational uses.

Private Club or Lodge

Shall mean a building or part of a building used for social, literary, cultural, political, educational, or recreational purposes which is operated for the exclusive use of members and their guests and not open to the general public on an equal basis, but shall not include a fitness club or a Labour Association Hall.
SECTION 3: DEFINITIONS

Repair Service
Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.

Restaurant
Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor License Act.

Retail
Shall mean the sale or rental of goods or materials to the ultimate consumer which shall include but may not be limited to building or contract supply establishment, convenience retail goods and home furnishing retail, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.

Social Services Establishment
Shall mean a building in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.

Studio
Shall mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modeling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs.

Surveying, Engineering, Planning or Design Business
Shall mean a building or part of a building in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services.

Tradesperson’s Shop
Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter’s shop, contractor’s shop, electrician shop, painter’s shop, plumber’s shop and other shops that provide an installation service.

Transportation Depot
Shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall also include courier service facilities.
SECTION 3: DEFINITIONS

Veterinary Service

Shall mean a use within a wholly enclosed building or part thereof, where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor accommodation related to treatment and/or recovery and pet grooming but shall not include a kennel.

Warehouse

Shall mean the use of land, building or structure, or part thereof, for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Scrap Yard and Towing Establishment.
SECTION 5: PARKING

Where this By-law requires the provision of parking facilities, no lands shall be used and no building shall be used or erected in any zone unless there are provided and maintained facilities for parking in accordance with the following regulations and Parking Schedules, unless otherwise specifically provided for in this By-law.

Note: Parking requirements identified by *Italics* are either new or are existing within Zoning By-law 05-200, but which are being amended as part of the new Commercial and Mixed Use Zones.

5.2.1 LOCATION OF LOADING FACILITIES

The location of loading doors and associated loading facilities shall be subject to the following:

a) Shall not be permitted within a Front Yard;

b) Shall not be permitted in any yard abutting a street, except where screened from view; and,

c) Shall provide a 3 metre wide planting strip and a visual barrier in accordance with Section 4.19 along any Residential Zone or Institutional Zone.

5.6 PARKING SCHEDULES

c) Parking Schedule for Commercial and Mixed Use Zones

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Single Detached Dwelling,</td>
<td>1 for each dwelling unit</td>
</tr>
<tr>
<td>Semi-Detached Dwelling,</td>
<td></td>
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<tr>
<td>Duplex Dwelling</td>
<td></td>
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<tr>
<td>Dwelling Unit</td>
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<tr>
<td>Multiple Dwelling Street Townhouse Dwelling</td>
<td>1 for each dwelling unit, except where a</td>
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<td>dwelling unit is 50 square metres in gross</td>
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<td>floor area or less, in which case, parking</td>
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<td>shall be provided at a rate of 0.3 spaces for each such unit.</td>
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</tbody>
</table>
### SECTION 5: PARKING

<table>
<thead>
<tr>
<th>Residential Care Facility, Emergency Shelter, Corrections Residence, Lodging House, Retirement Home</th>
<th>1 for each 3 persons accommodated or designed for accommodation.</th>
</tr>
</thead>
</table>

#### ii. Institutional Uses

<table>
<thead>
<tr>
<th>Long Term Care Facility</th>
<th>1 for each 3 patient beds.</th>
</tr>
</thead>
</table>

| Day Nursery | i. 1 for each 125.0 square metres of gross floor area which accommodates such use.  
ii. Notwithstanding i. above, no parking shall be required where a Day Nursery is located within an Education Establishment. (By-law 07-321, November 14, 2007) |
|---|---|

<table>
<thead>
<tr>
<th>Place of Worship</th>
<th>1 for every 10 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use. (By-law 08-227, September 24, 2008)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Hospital</th>
<th>1 for each 100.0 square metres of which gross floor area which accommodates such use.</th>
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</table>

<table>
<thead>
<tr>
<th>Social Services Establishment</th>
<th>1 for each 30.0 square metres of gross floor area which accommodates such use.</th>
</tr>
</thead>
</table>

#### iii. Educational Uses

<table>
<thead>
<tr>
<th>Elementary School</th>
<th>1.25 for each classroom.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Secondary School</th>
<th>3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium</th>
</tr>
</thead>
</table>
### University, College
5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium or 5 spaces for every classroom plus 1 space for each 23.0 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in the greater requirement.

### iv. Commercial Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Entertainment</td>
<td>1 for each 20 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Agricultural Supply Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates retail and 1 for each 100.0 square metres of gross floor area, which accommodates warehousing.</td>
</tr>
<tr>
<td>Beverage Making Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>4 per lane, not including restaurant</td>
</tr>
<tr>
<td>Building or Contracting Supply Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Building and Lumber Supply Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Catering Service</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Cinema</td>
<td>1 for every 6 persons accommodated for such use.</td>
</tr>
</tbody>
</table>
## SECTION 5: PARKING

<table>
<thead>
<tr>
<th>Commercial Entertainment</th>
<th>1 for each 30 square metres of gross floor area, which accommodates such use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Motor Vehicle Sales, Rental and Service Establishment</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use 2 for each service bay.</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use unless otherwise listed.</td>
</tr>
<tr>
<td>Commercial School</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Conference or Convention Centre</td>
<td>1 for each 30.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Driving Range/Mini Golf</td>
<td>1.5 per tee or hole</td>
</tr>
<tr>
<td>Equipment Sales and Service Establishment</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Farm Implement Dealer</td>
<td>1 for each 30.0 square metres of gross floor area which accommodates retail area.</td>
</tr>
<tr>
<td>Financial Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Fitness Club</td>
<td>1 for each 15.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Business Type</td>
<td>Parking Requirement</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1 for each 25 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Garden Centre</td>
<td>1 for each 30 square metres of gross floor area, which accommodates retail and 1 for each 100.0 square metres of gross floor area, which accommodates warehousing.</td>
</tr>
<tr>
<td>Golf Course</td>
<td>6 for each hole</td>
</tr>
<tr>
<td>Home Furnishing Retail</td>
<td>1 for each 50 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Home Improvement Supply Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 for each guest suite (By-law 07-043, February 15, 2007)</td>
</tr>
<tr>
<td>Laboratory</td>
<td>1 for each 50 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Major Recreational Equipment Sales and Service Establishment</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Marina</td>
<td>1 for each boat slip</td>
</tr>
<tr>
<td>Medical Clinic, Medical Office</td>
<td>1 for each 16 square metres of gross floor area</td>
</tr>
<tr>
<td>Motor Vehicle Gas Bar</td>
<td>1 for each 25 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Motor Vehicle Rental Establishment</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>
### SECTION 5: PARKING

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Sales and Service Establishment</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use 2 for each service bay.</td>
</tr>
<tr>
<td>Motor Vehicle Service Station</td>
<td>4 for each service bay (By-law 07-043, February 15, 2007)</td>
</tr>
<tr>
<td>Motor Vehicle Washing Establishment</td>
<td>1 for each 30 square metres of gross floor area, 2 for every manual washing bay plus 2 stacked spaces and 2 for each automatic washing bay plus 7 stacking spaces.</td>
</tr>
<tr>
<td>Office</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use. (By-law 07-043, February 15, 2007)</td>
</tr>
<tr>
<td>Personal Service Establishment</td>
<td>1 for each 16 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Private Club or Lodge</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Repair Service</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 for each 20 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Retail</td>
<td>0 where a retail use is less than 450 square metres; 1 for each 17 square metres for a retail use between 450 square metres and 4,000 square metres; and 1 for each 50 square metres for a retail use greater than 4,001 square metres of gross floor area</td>
</tr>
</tbody>
</table>
 SECTION 5: PARKING

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Theatre</td>
<td>1 for each 10 persons accommodated.</td>
</tr>
<tr>
<td>Tradesperson’s Shop</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Other Commercial Uses not</td>
<td>1 for each 30 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Listed Above</td>
<td></td>
</tr>
</tbody>
</table>

e) Notwithstanding Subsection c) herein, for any use within a Pedestrian Predominant C7 Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Section 5.6 c) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above shall only apply to the increased gross floor area of the building.

f) Notwithstanding Subsections a) and c) herein, there is no minimum parking requirement for sites located within a Local Commercial C1 Zone, Mixed Use Medium C3 Zone, Mixed Use High C4 Zone, and Mixed Use Area C5 Zone, located within 150 Metres of the following transit streets:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>King Street</td>
<td>Dundurn Street</td>
<td>Main Street East</td>
</tr>
<tr>
<td>Main Street East</td>
<td>King Street</td>
<td>Queenston Traffic Circle</td>
</tr>
<tr>
<td>Queenston Road</td>
<td>Queenston Traffic Circle</td>
<td>Centennial Parkway</td>
</tr>
<tr>
<td>James Street</td>
<td>Burlington Street</td>
<td>St. Joseph’s Drive</td>
</tr>
</tbody>
</table>
5.7 BICYCLE PARKING

a) Locational Requirements:

i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.

ii) Short-term Bicycle Parking Space shall be located in a bicycle parking area at grade.

b) Bicycle parking shall be provided in the minimum quantity specified in Column 2, hereunder for each use listed in Column 1, subject to the provisions of c) herein:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Short-term Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>5</td>
</tr>
<tr>
<td>ii) Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>5</td>
</tr>
<tr>
<td>Hotel</td>
<td>None</td>
</tr>
<tr>
<td>Office</td>
<td>5</td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
<td>None</td>
</tr>
<tr>
<td>Recreation</td>
<td>10</td>
</tr>
<tr>
<td>Commercial Entertainment</td>
<td>10</td>
</tr>
</tbody>
</table>
### SECTION 5: PARKING

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Short-term Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>iii) Institutional Uses</td>
<td></td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>2 for each classroom</td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>5</td>
</tr>
<tr>
<td>Medical Office</td>
<td>5</td>
</tr>
<tr>
<td>Religious Institutions</td>
<td>5</td>
</tr>
</tbody>
</table>

c) For any office, personal service establishment, restaurant, or retail establishment less than 150 square metres no bicycle parking space(s) shall be required.

d) Notwithstanding Section 5.6 a) and c), the required motor vehicle parking may be reduced in accordance with the following regulations:

i) 1 space for every 4 long term bicycle spaces provided; or,

ii) 1 space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces.