Council Direction:

N/A

Information:

The City of Hamilton’s new Comprehensive Zoning By-law No. 05-200 is being implemented in stages. The first stage of the By-law came into effect in 2005 with the adoption of the Downtown Zones, which has been followed by the Open Space and Parks Zones (2006), Institutional Zones (2007), and the Industrial Zones (2010). The Zoning By-law Reform Team is currently finalizing the Rural Zones.

The Residential and the Commercial Mixed-Use Zones were being held in abeyance pending the resolution of the Urban Official Plan (OP) appeals. In July 2013, staff brought forward an uncontested motion to the Ontario Municipal Board (OMB) to have the un-appealed portion of the OP, as well as the previous settlements, brought into effect.

Therefore, staff will focus on these next two pieces of the Comprehensive Zoning By-law, which will form the next stage of the Comprehensive Zoning By-law.
This Report provides an update to Planning Committee and Council on the status and timing of the Commercial Mixed-Use Zones. The Residential Zones project update will be included in a separate Information Report.

1.0 Background:

In early 2010, draft Commercial and Mixed-Use Zones were completed, however, they could not be brought forward to a Public Meeting until the Urban Hamilton Official Plan (UHOP) had received Ministerial approval, and any OMB appeals resolved. The draft Commercial and Mixed-Use Zones take their direction from the Commercial and Mixed-Use Zones that were established as part of the Urban Hamilton Official Plan (UHOP). Since the zones implemented the UHOP, they could not be included in By-law No. 05-200 until the UHOP was in effect. The majority of the policies, schedules, maps, and appendices of the UHOP took effect on August 16, 2013.

The following is a brief outline of the progress of the Commercial and Mixed-Use Zones work that has occurred to date:

- **December 2009**: Commercial and Mixed-Use Zones were finalized and sent to internal Departments at the City of Hamilton for comments;

- **January 2010**: Report was brought forward to the Economic Development and Planning Committee for discussion and authorization of Public Information Centres;

- **January 2010**: Mail out was sent to all owners of commercially zoned properties within the City of Hamilton, including the proposed zones, mapping, definitions, general provisions, and parking, as well as any applicable special exceptions;

- **February/March 2010**: Seven Public Information Centres (PIC) and Public "Open House" (required by the Planning Act) were held (see Appendix "A");

- **February - April 2010**: Requested one-on-one meetings were held with property owners to discuss property-specific issues; and,

- **April 2010**: New Commercial and Mixed-Use Zones and zone mapping finalized for inclusion within Zoning By-law No. 05-200.
2.0 Commercial and Mixed-Use Zone Summary:

There are a total of seven new Commercial and Mixed-Use Zones: Local Commercial (C1) Zone, District Commercial (C2) Zone. The C1 and C2 Zones are meant to acknowledge the importance of Commercial to the surrounding neighbourhood and community as a whole. These two zones also allow for residential uses as long as the ground floor commercial is maintained.

The Mixed-Use Medium (C3) Zone, Mixed-Use High (C4) Zone, Mixed-Use Low (C5) Zone allow for a range of office, retail, service, and residential uses. These can be developed as either stand alone uses or in combination through Mixed-Use buildings. The Mixed-Use Zones have been applied in areas where the combination of uses can take advantage of the existing infrastructure, services, and transit system. The intent promotes intensification in these areas, as set out in the policies of the Urban Official Plan, and to allow for greater development opportunities through zoning provisions that permit greater density.

The Arterial Commercial (C6) Zone is the only zone that does not allow for residential uses. The Urban Official Plan, Arterial Commercial policies specifically prohibit residential uses recognizing that the Arterial Commercial areas are meant to accommodate motor vehicle related uses, large format commercial, including outdoor storage. The C6 Zone has been applied in areas such as Upper James Street, Rymal Road, and a portion of Centennial Parkway North. The retail uses are restricted to Building and Contracting Supply Establishments, Building and Lumber Supply Establishments, Home Furnishing Retail Establishment, and Home Improvement Establishment. The intent is to allow retail uses that require large structures and possibly outdoor storage that cannot be economically or appropriately accommodated in the other commercial areas given lot area constraints and proximity to residential land uses.

The seventh Commercial and Mixed-Use Zone is the Main Street Commercial (C7) Zone. The C7 Zone has been applied in very specific areas throughout the City to acknowledge the importance of pedestrian predominant design and uses. The areas where this zone was applied have been identified within the Urban Hamilton Official Plan as Pedestrian Predominant areas. Examples of such areas include King Street (Dundas); Locke Street (Hamilton); and Downtown Stoney Creek.

The policies of the Urban Official Plan require that buildings within these areas be developed with commercial uses on the ground floor and residential uses above, and be designed to be brought to the street line with a two-storey presence along the street. In most cases, the areas identified have already been developed with these principles.
3.0 Next Steps:

The proposed zones have been held in abeyance for three years. Therefore, additional work and updating of text and maps will have to be undertaken, prior to presenting these zones at a Public Meeting(s) of Planning Committee. It would also be beneficial to hold additional Public Information Centres (PIC) given the 3.5 year delay since the initial public consultations.

Q4, 2013 and Q1, 2014:
- Review all Commercial and Mixed-Use Planning Act applications from 2010 to date to determine compliance with new zones.
- Identify lands that remain under appeal (UHOP).
- Identify any issues that have arisen since April 2010.

Q2, 2014:
- March/April 2014 - Hold PICs
- Review and update zones, if necessary.
- Hold one-on-one meetings with owners, where requested.
- Hold Statutory “Open House” Meetings.
- Prepare Report and hold Statutory Public Meeting of Planning Committee to hear public delegations (no debate or decision expected).
- Staff to arrange second meeting of Planning Committee to consider proposed Zoning By-law. Staff to present Report at this meeting on public input/request for changes received.

APPENDICES:
- Appendix “A”: Public Consultation for Commercial and Mixed-Use Zones (as of April 2010)
- Appendix “B”: Draft Zones C1, C2, C3, C4, C5, C6, C7

:JH-E
Attachs. (2)
Public Consultation for Commercial and Mixed-Use Zones (as of April 2010)

In January 2010, a mail out was prepared and sent to the owners of all commercially zoned lands. This mail out consisted of a letter outlining the intent of the new Commercial and Mixed-Use Zones, the date for the Public Information Centres, and information on how the property was proposed to be zoned. Also included in the package was a computer CD that contained a draft of the following documents: the new Commercial and Mixed-Use Zones, Commercial and Mixed-Use Zone mapping, definitions, general provisions, parking regulations, special exceptions, and Holding provisions and special figures. A copy of Zoning By-law No. 05-200 was also included on the CD in order to provide some additional context to the information presented.

Seven Public Information Centres and Statutory “Open Houses” (under the Planning Act) were held in February and March 2010, to introduce the proposed Commercial and Mixed-Use zoning and receive concerns and feedback from the community. Notice of the Public Information Centres was published in the Hamilton Spectator and Hamilton Community News. For all the meetings combined, approximately 150 people attended.

The following meetings were held:

- Binbrook - Wednesday February 17, 2010  
  (Binbrook Agricultural Hall)

- Hamilton (Lower) - Thursday, February 18, 2010  
  (The Factory - Hamilton Media and Arts Centre)

- Stoney Creek - Monday February 22, 2010  
  (Stoney Creek Municipal Service Centre)

- Ancaster - Wednesday, February 24, 2010  
  (Ancaster Old Town Hall)

- Dundas - Thursday, February 25, 2010  
  (Dundas Municipal Service Centre)

- Flamborough - Monday, March 1, 2010  
  (Waterdown Legion Hall)

- Hamilton (Mountain) - Wednesday, March 3, 2010  
  (The Salvation Army Mountain Citadel)

Following the mail out and the Public Information Centres, staff received a number of comments on the draft Commercial and Mixed-Use Zones through phone, fax, email, comment sheets, and through conversations had or comments made at the PICs. Additionally one-on-one meetings were set-up with property owners who were seeking further clarification.
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

<table>
<thead>
<tr>
<th>Catering Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial School</td>
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<tr>
<td>Communications Etabl.</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
</tr>
<tr>
<td>Day Nursery</td>
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<tr>
<td>Dwelling Unit(s)</td>
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<tr>
<td>Financial Etabl.</td>
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<tr>
<td>Home Business</td>
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<tr>
<td>Laboratory</td>
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<tr>
<td>Medical Clinic</td>
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<tr>
<td>Motor Vehicle Etabl.</td>
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<tr>
<td>Motor Vehicle Washing Etabl.</td>
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<tr>
<td>Multiple Dwelling</td>
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<tr>
<td>Office</td>
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<tr>
<td>Personal Services</td>
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<tr>
<td>Private Club or Lodge</td>
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<td>Repair Service</td>
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<td>Restaurant</td>
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<td>Retail</td>
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<tr>
<td>Studio</td>
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<tr>
<td>Tradesperson's Shop</td>
</tr>
<tr>
<td>Transportation Depot</td>
</tr>
<tr>
<td>Veterinary Service</td>
</tr>
</tbody>
</table>

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             |

10.1.3 REGULATIONS

a) Yard Abutting a Street
   i) Minimum 1.0 metre;
   ii) Maximum 3.0 metre
### SECTION 10: COMMERCIAL ZONES

<table>
<thead>
<tr>
<th>Part</th>
<th>Description</th>
<th>Constraint</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Minimum Rear Yard</td>
<td>6.0 metres abutting a Residential or Institutional Zone property line;</td>
</tr>
<tr>
<td>c)</td>
<td>Minimum Interior Side Yard</td>
<td>3.0 metres abutting a Residential or Institutional Zone property line;</td>
</tr>
<tr>
<td>d)</td>
<td>Maximum Building Height</td>
<td>11.0 metres;</td>
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<tr>
<td>e)</td>
<td>Maximum Gross Floor Area for an Office Unit</td>
<td>500 square metres;</td>
</tr>
<tr>
<td>f)</td>
<td>Maximum Gross Floor Area for Retail</td>
<td>10,000 square metres;</td>
</tr>
<tr>
<td>g)</td>
<td>Built Form for New Development</td>
<td>In the case of buildings constructed or alterations to the exterior of existing buildings, excluding any alterations to façade, fenestration or doors, after the effective date of this By-law:</td>
</tr>
<tr>
<td></td>
<td>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,</td>
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<tr>
<td></td>
<td>ii) The minimum length of the ground floor façade shall be equal to 40% or more of the measurement of the street line and shall be subject to the following:</td>
<td></td>
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<tr>
<td></td>
<td>A. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk;</td>
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</tr>
<tr>
<td></td>
<td>B. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between a building façade and the public street.</td>
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</tr>
<tr>
<td>h)</td>
<td>Restriction of Residential</td>
<td>The following uses shall only be permitted</td>
</tr>
</tbody>
</table>
SECTION 10: COMMERCIAL ZONES

Uses within a Building above the ground floor, except for access, accessory office and utility areas:

Dwelling Unit(s)
Multiple Dwelling

i) Additional Regulations for Motor Vehicle Related Uses

   i) Notwithstanding a) above, 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.

j) Additional Regulations for Veterinary Service

   No outside runs shall be permitted.

k) 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.

l) 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.

10.1.4 DRIVE THROUGH FACILITY

In accordance with the requirements of Section 4.25 of this By-law.

10.1.5 PARKING

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

10.1.6 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.
10.1.7 HOME BUSINESS REGULATIONS

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

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
- Craftsperson Shop
- Day Nursery
- Dwelling Unit(s)
- Financial Establishment
- Funeral Home
- Home Business
- Hotel
- Laboratory
- Medical Clinic
- 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) Maximum Yard Abutting a Street 4.5 metres

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 for Office(s) 3,000 square metres;

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

g) Built Form for New Development

In the case of buildings constructed or alterations to the exterior of existing buildings, excluding any alterations to façade, fenestration or doors, 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 length of the ground floor façade shall be equal to 40% or more of the measurement of the street line and shall be subject to the following:
A. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk;

B. 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 60% 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 in any front yard or flankage yard.

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, accessory office and utility areas:

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) In addition to 10.2.3 a) above, 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.

10.2.4 MOTOR VEHICLE WASHING ESTABLISHMENT
   In accordance with the requirements of Section 4.XX of this By-law.

10.2.5 DRIVE-THROUGH FACILITY
   In accordance with the requirements of section 4.25 of this By-law.

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

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

10.2.8 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

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverage Making Establishment</td>
</tr>
<tr>
<td>Catering Service</td>
</tr>
<tr>
<td>Commercial Entertainment</td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
</tr>
<tr>
<td>Commercial Recreation</td>
</tr>
<tr>
<td>Commercial School</td>
</tr>
<tr>
<td>Communications Establishment</td>
</tr>
<tr>
<td>Conference or Convention Centre</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
</tr>
<tr>
<td>Day Nursery</td>
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<tr>
<td>Educational Establishment</td>
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<tr>
<td>Emergency Shelter</td>
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<tr>
<td>Financial Establishment</td>
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<tr>
<td>Funeral Home</td>
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<td>Home Business</td>
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<tr>
<td>Hotel</td>
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<td>Laboratory</td>
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<td>Lodging House</td>
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<td>Medical Clinic</td>
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<td>Medical Office</td>
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<tr>
<td>Motor Vehicle Gas Bar</td>
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<tr>
<td>Motor Vehicle Service Station</td>
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<td>Motor Vehicle Washing Establishment</td>
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<tr>
<td>Multiple Dwelling</td>
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<tr>
<td>Office</td>
</tr>
<tr>
<td>Personal Services</td>
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<tr>
<td>Place of Worship</td>
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<tr>
<td>Private Club or Lodge</td>
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<tr>
<td>Repair Service</td>
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<tr>
<td>Residential Care Facility</td>
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<tr>
<td>Restaurant</td>
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<td>Retail</td>
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<tr>
<td>Retirement Home</td>
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<tr>
<td>Social Services Establishment</td>
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<tr>
<td>Studio</td>
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<tr>
<td>Tradesperson’s Shop</td>
</tr>
<tr>
<td>Transportation Depot</td>
</tr>
<tr>
<td>Veterinary Service</td>
</tr>
</tbody>
</table>
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 3.0 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 length of the ground floor façade shall be equal to 75% or more of the measurement of the street line.
A. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk;

B. 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  
Notwithstanding 10.3.3 a) through c) and 10.3.3 f) above, the following shall regulations shall apply,

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.

10.3.4 REGULATIONS FOR
SECTION 10: MIXED USE ZONES

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 4.25 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
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 length of the ground floor façade shall be equal to 75% or more of the measurement of the street line.

g) Minimum Residential Floor Area Ratio 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) Maximum Building Height 22 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.

10.4.5 DRIVE THROUGH FACILITY
In accordance with the requirements of Section 4.25 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
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.

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:

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Financial Establishment
h) Additional Regulations for Motor Vehicle Related Uses
   Notwithstanding 10.5.3 a) through c) above, the following shall regulations apply,
   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 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.

10.5.5 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

f) Minimum Rear Yard
7.0 metres
**SECTION 10: COMMERCIAL ZONES**

**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.
10.6 ARTERIAL COMMERCIAL (C6) ZONE

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 Entertainment
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Parking Facility
- Commercial Recreation
- 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 Establishment
- Home Improvement Supply Establishment
- Hotel
- 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 Design Business
- Tradesperson’s Shop
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 4.25 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 MAIN STREET COMMERCIAL (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 Main Street Commercial 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
- 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) 3.0 metres for the first storey, except where a visibility triangle shall be provided for a driveway access;
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 and shall be subject to the following:

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

B. No parking, driveways or aisles shall be located between a building façade and the public street.

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
SECTION 10: COMMERCIAL ZONES

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:

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

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

   - Dwelling Unit(s)
   - Multiple Dwelling

i) 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.