



WILLOUGHBY BY-LAW 395-1966

Consolidated to March 2023

This is a consolidated copy of the Willoughby By-law 395-1966, approved by the Ontario Municipal Board on June 28, 1971, and is intended for convenience only. For accuracy, reference should be made to the amending by-laws and schedules on file in the Clerk's Department. Further, this office consolidation is provided as a courtesy only without municipal obligation to note and certify relevant municipal, regional, provincial, and federal enactments, nor to provide updates and excerpts of amendments to the text and schedules.

Please contact the Planning Division of the Planning, Building & Development Department for interpretation.

TABLE OF CONTENTS

SECTION I AREA RESTRICTED	3
SECTION II GENERAL	3
SECTION III A PROVISIONS FOR ALL ZONES	4
SECTION III B DEFINITIONS	5
SECTION IV SCHEDULE “A”	6
SECTION V ZONING DISTRICTS	7
SECTION VI RURAL	7
SECTION VII VILLAGE RESIDENTIAL	14
SECTION VIII NIAGARA RIVER PARKWAY RESIDENTIAL	16
SECTION IX HIGHWAY COMMERCIAL	19
SECTION IXA TOURIST COMMERCIAL (TC) (By-law 79-225)	23
SECTION X INDUSTRIAL	27
SECTION XI CONSERVATION AND OPEN SPACE	31
SECTION XII PENALTY	32
SECTION XIII VALIDITY	32
SECTION XIV EXCEPTIONS	32

The Corporation of the
TOWNSHIP OF WILLOUGHBY

By-law No. 395, 1966:

Being a by-law to regulate the use
of land and the use, location,
spacing, height and area of buildings
and structures within the Township of
Willoughby.

WHEREAS by Section 30 of the Planning Act, 1960, R.S.O, Ch.296, as amended, municipalities are authorized to enact restricted area by-laws as therein defined, subject to the approval of the Ontario Municipal Board;

AND WHEREAS the Township of Willoughby is part of the Planning Area of the Niagara Falls and Suburban Area Planning Board;

AND WHEREAS it is deemed desirable to enact a by-law to implement the Official Plan of the Township of Willoughby.

The Consolidation of By-laws Nos. A-129 and A-133 (1952) and By-laws No.192 (1955), 281 (1960), 372 (1964), 390 (1965) and 392 (1965) are hereby appealed.

NOW THEREFORE the Municipal Corporation of the Township of Willoughby hereby enacts as follows:

SECTION I AREA RESTRICTED

All lands within the Corporation of the Township of Willoughby are hereby restricted in accordance with the terms of this by-law.

SECTION II GENERAL

- (1) No building or land shall hereafter be used or occupied, no building or part thereof shall be erected, moved or structurally altered unless in conformity with the zone provisions and requirements of this by-law.
- (2) Undersized lots – Nothing in this by-law shall prevent the enlargement of or addition to existing dwellings, if these dwellings are located on existing lots – held in separate ownership from adjoining parcels on the date of passing of this by-law as shown by the records of the Land Registry or Land Title Office or where such lot is created by expropriation, provided:
 - (i) That such dwelling is permitted in the zone in which said lot is located,
 - (ii) That the yard, height, coverage and all other relevant requirements of the zone are maintained.

SECTION III A PROVISIONS FOR ALL ZONES

- (1) Except as otherwise specifically permitted in this by-law, no person shall erect a building or structure in any zone except upon a lot which fronts or abuts upon (i) the Niagara Parkway or (ii) a service road of The Niagara Parks Commission or (iii) an improved street, and not more than one dwelling shall be erected on any lot; provided that the foregoing shall not apply to prevent the erection of a farm building or farm structure, which is not to be erected or used for the purpose of human habitation, upon a lot which does not front or abut upon an improved street. (By-law 79-185)
 - a. Exception (By-law 79-209)
 - i. None of the provisions of subsection 1 of section IIIA or of clause a of subsection 1 of section X shall apply to prevent the use of the land, shown on Schedule "A-8" of By-law 79-209 for the erection and use of buildings and structures on the said land for the purpose of waste stabilization ponds approved as a sewage works under The Ontario Water Resources Act.
- (2) Licenses, Permits and Other By-laws – Nothing in this by-law shall operate to relieve any person from the obligation to comply with the requirements of the Building By-law as amended, or any other by-law of the Township of Willoughby in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any by-law of the Township of Willoughby.
- (3) Height – No building shall exceed two and one-half stories or thirty-five feet in height above the average grade of the building perimeter. The height limitations of this section shall apply to all parts of buildings except silos, ventilators, skylights, water tanks, bulkheads, building chimneys, necessary mechanical appurtenances, and similar features not used for human occupancy and usually extended above the roof level, except that the total area covered by all such features shall not exceed ten percent of the roof area, and the height of any such feature shall not be more than fifteen feet above the roof level, except where required by fire regulations.
- (4) Coverage – Except as hereinafter provided in specific zone requirements, the building or buildings on a lot or parcel of land shall not cover more than thirty-three percent (33%) of the area of the said lot or parcel.
- (5) Services – Water and sewage disposal facilities for all residential development shall meet the requirements of the Welland and District Health Unit.
- (6) Accessory Buildings – Accessory Buildings are permitted in each zone where the principal use, building or structure is permitted but no accessory building including garages, carports or boathouses shall be
 - a. used for human habitation,
 - b. erected closer to a principal building than six feet,
 - c. erected closer than six feet to a lot line.

Notwithstanding the foregoing, boathouses, docks, wharves, boat landings or other similar structures may be erected on the shore line, where the said line abuts a navigable body of water, but shall not extend into or over the water more than 5 feet measured from the high water line.

(7) Parking Requirements – (a) One parking space of at least 10' x 20' together with adequate area for manoeuvre and access to public street shall be provided for each:

- (i) dwelling unit
 - (ii) guestroom of a hotel, motel or cabin
 - (iii) five seats in places of assembly, such as theatres, churches, public halls, etc.
 - (iv) four seats in restaurants
 - (v) five beds in hospitals, nursing homes
 - (vi) 300 sq. ft. of total floor area of retail store, service shops and other commercial buildings, clinics, municipal buildings and offices.
 - (vii) 300 sq. ft. in industrial buildings
 - (viii) staff member of schools
- (b) (i) Places of amusement such as Community Centres, swimming pools, golf courses, tennis courts and similar projects shall provide a parking area of not less than three times the ground floor area of the building or structure
- (ii) Except as provided for in Section X Industrial (2), (h), (b), no off-street vehicle parking shall be permitted within the required front yard and access shall be provided by not more than two driveways not exceeding 30 feet each in width.
- (iii) Driveways, loading parking areas provided in accordance with the provisions of this Section shall be paved with all-weather dust-free materials.

(8) Uses Permitted in All Zones – Nothing in this by-law shall prevent the use of any land within the defined area for:

- (a) Public Streets,
- (b) Public Parks,
- (c) Municipal or any other buildings and structures essential to the operation of any public or semi-public utility or service if in architectural harmony with adjacent uses, but shall not include plants, workshops or storage yards,

provided, however, that in all cases all other provisions of this by-law are complied with.

SECTION III B DEFINITIONS

“Accessory Buildings” shall mean a detached building, not used for human habitation, which is subordinate to and on the same lot with the main building, and shall include a private garage, carport or boathouse.

“Basement” shall mean that portion of a building between two floor levels which is partly below grade but which has less than two-fifths of its clear height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building.

“Boathouse” shall mean a building, structure or portion thereof used for the housing and care of boats.

“Cellar” shall mean that portion of a building between two floor levels which is partly below grade but which has more than two-fifths of its clear height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building.

“Dwelling Unit” shall mean a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment, complete with separate entrance, cooking and sanitary facilities.

“Floor Area” shall mean the total floor area of the building or structure at each storey, including a basement but not a cellar, measured to the outside of all outside walls, excluding any garage, open porch, open verandah or unenclosed sunroom.

“Improved Street,” wherever used in this by-law means a street which has been constructed in such a manner so as to permit its use by the general public for the passage of normal vehicular traffic on a year round basis and, in addition to the foregoing, in the case of a street that is under the jurisdiction of The Corporation of the City of Niagara Falls, the maintenance of such street has been assumed by the said Corporation and such street is eligible for subsidy purposes under The Public Transportation and Highway Improvement Act. (By-law 79-185)

“Lot” shall mean a parcel of land which fronts or abuts on a public street or Niagara Parks Commission service road, and which is occupied or to be occupied by one building and accessory building(s).

“Lot, corner” means a lot situated at the intersection of and abutting upon two or more streets, provided that the angle of intersection of such streets is not more than 135 degrees.

“Lot, interior” means a lot other than a corner lot.

“Lot Frontage” shall mean the horizontal distance between the side lot lines measured along a public street; where the lot abuts two streets the lesser shall be deemed the lot frontage; where the side lot lines are not parallel, the lot frontage shall be the distance between the side lot lines measured along the rear of the minimum required front yard.

“Public Park” shall mean an area set aside for public recreational purposes, controlled by a local or other government body and may include playgrounds, tennis courts, lawn bowling areas, athletic fields, swimming pools, community centre and similar uses.

“Street” shall mean a public highway which provides a principal means of access to abutting lots and includes for the purpose of this by-law, the Niagara River Parkway and its service roads. (By-law 439, 1967)

“Yard” shall mean an open, uncovered and unoccupied space adjoining a building.







SECTION IV SCHEDULE “A”

- (1) Schedule “A” entitled “Zoning Districts”, scale 1” to 2000’, attached hereto with notations and references shown thereon, is hereby declared to be part of this by-law.
- (2) District Boundaries - District boundaries as shown on Schedule “A” have been established in certain cases as property lines, Township lot lines, limits of road allowances and high water lines of creeks. Where the exact location of the boundary line is uncertain, the following provision shall apply:

Where a district boundary is indicated as parallel to any street or lot line, such boundary shall be construed as being parallel to such street or lot line, and the distance therefrom shall be according to the scale shown on Schedule "A".

SECTION V ZONING DISTRICTS

For the purposes of this by-law, the Township of Willoughby is hereby divided into the following restricted districts or zones.

ZONE	SYMBOL
Rural	
Village Residential	
Niagara River Parkway Residential	
Highway Commercial	
Industrial	
Conservation and Open Space	

SECTION VI RURAL

(1) Uses Permitted:

- a. Agricultural uses including field crops, dairy farming, hog and other animal raising; poultry raising, ranching and grazing, tree nurseries, berry or bush crops, orchards, vineyards, truck gardening, aviaries, apiaries, dog kennels and other similar uses customarily carried on in the field of agriculture.
 - b. Single family dwellings.
- Public utilities, including radio and television, railway.

(2) Rural Requirements:

- a. Site or lot area minimum holding 1 acre
- b. Frontage on a public street, minimum 200 feet
- c. Floor area – dwelling, minimum 1000 sq.ft.
- d. Height, maximum 35 feet
- e. Minimum building setback all roads 68 ft. from centreline of road allowance
- f. Rear yard minimum 30 feet
- g. Side yard minimum 15 feet

(3) Rural Exception (By-law 73-178):

- a. None of the provision of this by-law shall apply to prevent the use of the land shown hatched on Schedule "A" of By-law 73-178 or the erection and use of buildings and structures thereon for one or more of the uses permitted in subsection 1 and the following additional uses, namely:

- (i) An arena,
- (ii) A community centre,
- (iii) A community hall,
- (iv) Field houses,
- (v) Indoor and outdoor swimming pools,
- (vi) Indoor and outdoor skating and curling rinks,
- (vii) A recreational centre,
- (viii) Buildings and structures accessory to any of the foregoing.

(4) Rural Exception (By-law 75-154)

- a. None of the provisions of section VI and VIII shall apply to prevent the use of the land shown on Schedule "A" of By-law 75-154 or the erection and use of buildings or structures on the said land for the purposes of:

- (i) A food processing and packaging plant which shall not include the slaughtering of animals or fowl,
- (ii) A business office which is accessory, incidental and exclusively devoted to the operation of such food processing and packaging plant;

b. Provided:

- (i) The land to be used for the purpose aforesaid shall comprise not less than the whole of the land shown hatched on Schedule "A" of By-law 75-154;
- (ii) No part of any such building or structure shall be located otherwise than wholly within the area delineated by the broken lines on Schedule "A" of By-law 75-154;
- (iii) No part of the following areas of the said land shown on Schedule "A" of By-law 75-154 shall be used for any purpose except landscaped open space:
 - 1. The westerly 100 feet throughout from Marshall Road to the northerly boundary of the said land,
 - 2. The northerly 100 feet throughout from the westerly to easterly boundaries of the said land,
 - 3. The easterly 100 feet from the northerly boundary of the said land to a point 736.2 feet southerly therefrom,
 - 4. The easterly 20 feet between a point 736.2 feet southerly from the northerly boundary of the said land and a point 1,141.2 feet southerly from the said northerly boundary of the said land;
- (iv) No part of the following areas of the said land shown on Schedule "A" of By-law 75-154 shall be used for any purpose except landscaped open space and driveways and parking areas:

1. The southerly 125 feet between a point 100 feet easterly from the westerly boundary of the said land and a point 545.2 feet easterly from the westerly boundary of the said land,
 2. The southerly 60 feet between a point 545.2 feet easterly from the westerly boundary of the said land shown on Schedule "A" of By-law 75-154 and the easterly boundary of the said land;
- (v) Landscaped separation shall be provided along the easterly boundary of the said land except none shall be required in front of an office building with an office-type façade;
 - (vi) The landscaped open space required under this section shall be provided and maintained to the extent at least of 20 percent of the area of the said land. For the purpose of this section "landscaped open space" shall mean land which is not used for buildings, structures, parking spaces or driveways and which consists of grass, flower beds, shrubs, trees or a combination thereof;
 - (vii) No outside storage and no parking of commercial vehicles shall be permitted on any part of the said land except within the area delineated by broken lines on Schedule "A" of By-law 75-154 and unless screened from abutting property. For the purpose of this clause "commercial motor vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes motor buses and tractors used for hauling purposes on streets and highways;
 - (viii) No building or structure shall be erected or used on the said land unless and until the facilities for waste disposal have been approved by the Ministry of the Environment;
 - (ix) The height of each building or structure to be erected on the said land shall not exceed 24 feet;
 - (x) The buildings and structures erected or to be erected on the said land shall not cover, in the aggregate, more than 25 percent of the area of the said land on Schedule "A" of By-law 75-154;
 - (xi) The said land and every building and structure to be erected thereon shall be subject to development control as provided below.
- c. It shall be a condition of the development or redevelopment of the land and buildings within the defined area of the City of Niagara Falls shown on Schedule "A" of By-law 75-154 that the owner of such land enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the prohibition or the provision, regulation, maintenance and use of any or all of the following facilities and matters:
- (i) Widenings of highways that abut on the land that is being developed or redeveloped,
 - (ii) Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing including the number, location and size of such facilities and the direction of traffic thereon.
 - (iii) Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.

- (iv) Walkways and all other means of pedestrian access.
 - (v) Removal of snow from access ramps, driveways, parking areas and walkways.
 - (vi) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
 - (vii) Conveyance to the municipality, without cost, of easements required for the construction, maintenance, or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
 - (viii) Floodlighting of the land or of any buildings or structures thereon.
 - (ix) Walls, fences, hedges, trees, shrubs or other suitable ground cover to provide adequate landscaping of the land or protection to adjoining lands.
 - (x) Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material
 - (xi) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
 - (xii) Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.
- d. The facilities and matters required by By-law 75-154 shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of The Corporation of the City of Niagara Falls and in default thereof the provisions of section 469 of The Municipal Act shall apply.
 - e. The owner of the land shall enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the facilities and matters referred to in subsection 4(c).
 - f. No building permit shall be issued in respect of the said land until the plans referred to in paragraphs (xi) and (xii) of subsection 4(c) have been approved by The City of Niagara Falls and until the agreement or agreements referred to in subsection 4 (e) have been entered into.

~~(5)~~ Repealed by By-law 95-064

(6) Rural Exception (By-law 80-5)

- a. None of the provisions of By-law No. 395, 1966 of the former Township of Willoughby, now in the City of Niagara Falls, as amended, shall apply to prevent the use of the land shown on Schedule "A-12" of By-law 80-5, or the erection and use of an addition to the existing building and installation and use of the underground storage tank on the said land for the purposes of an abattoir and meat shop subject to compliance with the requirements in section 2 of Section VI of this by-law, as amended.

(7) Rural Exception (By-law 81-12)

- a. None of the provisions of subsection 1 of Section VI of By-law 395/66 shall apply to prevent the use of the land as shown on Schedule "A-13" in By-law 81-12, or the erection and use of a building on the said land for the purpose of a public

garage for the mechanical repair or equipping of farm machinery, implements, vehicles and equipment and motor vehicles subject to compliance with the requirements in subsection 2 of section VI of By-law 395/66, provided that no gasoline or other motor vehicle fuel shall be sold or offered for sale on the said land.

(8) Rural Exception (By-law 81-168)

- a. None of the provision of By-law 395, 1996 shall apply to prevent the erection and use on the land, as shown on Schedule "A-14" of By-law 81-168, of one single family dwelling in addition to the existing single family dwelling erected thereon, subject to compliance with the requirements of clauses c, d, e, f, and g of subsection 2 of section VI of By-law 395, 1996, as amended.

(9) Rural Exception (By-law 82-55)

- a. Notwithstanding any other provision of By-law 395, 1966, no building or structure shall be erected on the said land shown hatched on Schedule "A-15" in By-law 82-55, closer than 1 metre from the southerly boundary thereof, which said southerly boundary designates a geodetic elevation of 174.25 metres.

(10) Rural Exception (By-law 85-129)

- a. In addition to the permitted uses outlined in clause (b), subsection 1 of Section VI Rural of this by-law, the land shown shaded on Schedule "A-17" of By-law 85-129 shall also be permitted to have churches and places of worship, cemeteries, public parks, golf courses, and camping establishments licensed by The Corporation of the City of Niagara Falls as permitted uses.

(11) Rural Exception (By-law 88-314)

- a. None of the provisions of subsection 1 of section VI Rural of this by-law shall apply to prevent that use of the land, shown hatched on Schedule "A-20", or the erection and use on the said land of buildings or structures for the following purposes:

- (i) One single family dwelling with a detached garage,
- (ii) One one-storey building not exceeding 104 square metres in floor area for the purpose of a shop for the sale and repair of firearms, and
- (iii) An underground range for the firing of small arms.

Subject to compliance with subsection 2 of section VI Rural of this by-law, and clause b of subsection 11, section VI Rural of this by-law.

- b. The said underground range shall comprise a structure, either separate from or attached to or under a building of another structure, which said underground range structure:
 - (i) Is constructed either of poured concrete walls not less than 200 millimetres in thickness or concrete block walls not less than 250 millimetres in thickness and, in each case, a concrete slab top,
 - (ii) Except as provided in paragraph (iii) of this clause, is entirely below the finished grade level on all sides of such structure and has a soil cover of not less than 0.6 metres levelled over the entire top of the said structure except those parts of the top occupied by ventilation pipes,

- (iii) May have a wall or walls which extend not more than 0.4 metres above the finished grade level abutting such wall or walls, and
 - (iv) Is not more than 3,000 square metres in area.
- (12) Rural Exception (By-law 95-064)
 - a. None of the provisions of clause (1) of Section VI of this by-law shall apply to prevent the use of the land, shown hatched on plan Schedule A of By-law 95-064, from being used for the purpose of one one-family dwelling and three accessory dwelling units constructed as one two-family dwelling and one one-family dwelling which are to be used for the purpose of accommodating farm help, and one building having a total floor area of not more than 148 square metres to be used for the purpose of marketing farm products produced on site or other locally produced farm products, provided that none of the dwellings or said building used for marketing farm products shall not be located further easterly than 90 metres from the easterly limit of Willodell Road, as now established.
 - b. For the purpose of this by-law,
 - (i) “one-family detached dwelling” means the whole of a separate building which contains not more than one dwelling unit and not more than one kitchen or other facility for the preparation of meals and is occupied by not more than one family;
 - (ii) “two-family dwelling” means a building containing two dwelling units and may be either a semi-detached dwelling or a duplex dwelling;
 - (iii) “semi-detached dwelling” means a building divided vertically into two separate dwelling units, each of which is occupied by not more than one family and has two independent entrances;
 - (iv) “duplex dwelling” means a building divided horizontally into two separate dwelling units, each of which is occupied by not more than one family and has at least one independent entrance either directly from the outside or through a common vestibule.
- (13) Rural Exception (By-law 2000-039)
 - a. Notwithstanding the provisions of subsection VI(1)(b) of this by-law, no person shall erect or use any building or structure on the lands shown hatched on plan Schedule “1” in By-law 2000-039, for the purpose of a single family dwelling.
- (14) Rural Exception (By-law 2001-230)
 - a. Notwithstanding the provisions of subsection VI (1) (b) of this by-law, no person shall erect or use any building or structure on the land now shown hatched on the plan Schedule 1 in By-law 2001-230 for the purpose of a single family dwelling.
- (15) Rural Exception (By-law 2009-162)
 - a. The lands are the subject of and affected by the provisions of this by-law are described in Schedule 1 of by-law 2009-162
 - b. The permitted uses of the lands shall be the uses permitted by the Rural zone except for a single-family dwelling.
 - c. All applicable regulations of this by-law shall continue to apply to govern the permitted uses on the lands.
- (16) Rural Exception (By-law 2010-073)
 - a. The permitted uses shall be the uses permitted in a Rural zone and a machine shop.

- b. The regulations governing the permitted uses shall be:
 - (i) Maximum duration of a machine shop 3 years from May 31, 2010
 - (ii) Maximum floor area of a machine shop 335 square metres
 - (iii) The balance of regulations specified for a Rural use.
- (17) Rural Exception (By-law 2011-005)
 - a. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of by-law 2011-005.
 - b. The permitted uses shall be the uses permitted in a Rural zone and a tourist home.
 - c. The regulations governing the permitted uses shall be:
 - (i) Maximum number of bedrooms to be rented to travellers 4
 - (ii) Minimum parking 1 space per bedroom
 - (iii) The balance of regulations specified for a Rural use.
 - d. For the purpose of this subsection, "tourist home" means a single family dwelling in which bedrooms and breakfast are made available by the residents at the said dwelling for the temporary accommodation of travellers.
- (18) Rural Exception (By-law 2011-116)
 - a. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of By-law 2011-116.
 - b. The permitted uses shall be the uses permitted in a Rural zone.
 - c. The regulations governing the permitted uses shall be:
 - (i) Minimum lot area 3 hectares
 - (ii) The balance of regulations specified for a Rural use.
- (19) Rural Exception (By-law 2013-105)
 - a. The permitted uses shall be the uses permitted in a Rural zone and a home industry.
 - b. The regulations governing the permitted uses shall be:
 - (i) Minimum lot area 19 hectares including Parcel CO hatched on Schedule 1 of By-law 13-105
 - (ii) Maximum floor area of a machine shop 335 square metres
 - (iii) The balance of regulations specified for a Rural use.

For the purposes of By-law 2013-105, a "home industry" means a studio or shop for artisans, craftpersons and tradespersons, which is subordinate to and accessory to an agricultural operation or dwelling, and which shall be conducted within an accessory building or structure by the resident of the property. Such use does not include a body shop.

SECTION VII VILLAGE RESIDENTIAL

(1) Uses permitted:

- a. One family dwellings;

- b. Schools, educational institutions;
- c. Churches and places of worship;
- d. Hospitals, homes for the aged, doctors and dentists' offices – maximum two practitioners and assistants per building;
- e. Libraries;
- f. Parks, athletic and sports field, skating and curling rinks, community centres.

(2) Village Residential Requirements:

The following standards shall apply in all Village Residential Areas:

	<u>Min Lot Area</u>	<u>Min Frontage</u>
a. Where no municipal services available	20,000 sq. ft.	100 feet
b. Where municipal water only available	12,000 sq. ft.	100 feet

(For the purpose of this section, the term municipal water also includes the Douglas Town Water Supply system.)

c. Where both municipal water and sewers available:		
(i) Interior lots	6,000 sq. ft.	50 feet
(ii) Corner lots	6,000 sq. ft.	60 feet
d. Front Yard minimum		
(all county and concession roads)		35 feet
(all other roads)		25 feet
e. Side yard minimum		6 feet, except as provided for in paragraphs (i) and (ii) hereof:
	(i)	on a corner lot, the minimum side yard abutting the flanking street shall be 10 feet,
	(ii)	where no attached garage is provided for, the minimum side yard on one side shall be 10 feet
f. Rear yard minimum		25 feet
g. Floor Area – dwelling, minimum		1200 sq. ft.

(1) Village Residential Exception (By-law 2004-168)

- a. None of the provisions of clause (1) of Section VII Village Residential of this by-law, shall apply to prevent the use of the land shown hatched on Schedule 1 of By-law 2004-168, or the use of the building, existing on the date which By-law 2004-168 is passed, for the purpose of restaurants and retail stores, except in compliance with the following regulations:
 - (i) Maximum floor area 515 sq. metres

(ii)	Maximum parking and manourvering area	16% of the lot area
(iii)	Minimum landscaped open space	80% of the lot area which shall include a 9 metre wide strip parallel to and along the Lyon's Creek Road road allowance, save and except for any driveways or entrances
(iv)	Outside storage	None permitted

SECTION VIII NIAGARA RIVER PARKWAY RESIDENTIAL

(1) Uses Permitted:

Single Family Dwellings

(2) Niagara River Parkway Residential Requirements:

- | | | |
|----|--------------------------------------|-----------------------------|
| a. | Minimum Frontage | 100 feet |
| b. | Minimum side yard | 12 feet |
| c. | Minimum rear yard | 30 feet |
| d. | Minimum floor area dwelling | 1500 sq. ft. |
| e. | If service road already established: | |
| | i. | Minimum front yard 75 feet |
| | ii. | Minimum lot depth 220 feet |
| f. | If no service road established: | |
| | i. | Minimum front yard 105 feet |
| | ii. | Minimum lot depth 250 feet |

(3) Niagara River Parkway Exception (By-law 75-154)

- b. None of the provisions of this by-law shall apply to prevent the use of the land shown on Schedule "A" of By-law 75-154 or the erection and use of buildings or structures on the said land for the purposes of:
 - (i) A food processing and packaging plant which shall not include the slaughtering of animals or fowl,
 - (ii) A business office which is accessory, incidental and exclusively devoted to the operation of such food processing and packaging plant;
- c. Provided:
 - (i) The land to be use for the purpose aforesaid shall comprise not less than the whole of the land shown hatched on Schedule "A" of By-law 75-154;

- (ii) No part of any such building or structure shall be located otherwise than wholly within the area delineated by the broken lines on the aforesaid plan Schedule "A" of By-law 75-154;
- (iii) No part of the following areas of the said land shown on Schedule "A" of By-law 75-154 shall be used for any purpose except landscaped open space:
 - 1. The westerly 100 feet throughout from Marshall Road to the northerly boundary of the said land,
 - 2. The northerly 100 feet throughout from the westerly to easterly boundaries of the said land,
 - 3. The easterly 100 feet from the northerly boundary of the said land to a point 736.2 feet southerly therefrom,
 - 4. The easterly 20 feet between a point 736.2 feet southerly from the northerly boundary of the said land and a point 1,141.2 feet southerly from the said northerly boundary of the said land;
- (iv) No part of the following areas of the said land shown on Schedule "A" of By-law 75-154 shall be used for any purpose except landscaped open space and driveways and parking areas:
 - 1. The southerly 125 feet between a point 100 feet easterly from the westerly boundary of the said land and a point 545.2 feet easterly from the westerly boundary of the said land,
 - 2. The southerly 60 feet between a point 545.2 feet easterly from the westerly boundary of the said land and the easterly boundary of the said land;
- (v) Landscaped separation shall be provided along the easterly boundary of the said land except none shall be required in front of an office building with an office-type façade;
- (vi) The landscaped open space required under this section shall be provided and maintained to the extent at least of 20 percent of the area of the said land. For the purpose of this section "landscaped open space" shall mean land which is not used for buildings, structures, parking spaces or driveways and which consists of grass, flower beds, shrubs, trees or a combination thereof;
- (vii) No outside storage and no parking of commercial vehicles shall be permitted on any part of the said land except within the area delineated by broken lines on Schedule "A" of By-law 75-154 and unless screened from abutting property. For the purpose of this clause "commercial motor vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes motor buses and tractors used for hauling purposes on streets and highways;
- (viii) No building or structure shall be erected or used on the said land unless and until the facilities for waste disposal have been approved by the Ministry of the Environment;
- (ix) The height of each building or structure to be erected on the said land shall not exceed 24 feet;

- (x) The buildings and structures erected or to be erected on the said land shall not cover, in the aggregate, more than 25 percent of the area of the said land on Schedule "A" of By-law 75-154;
 - (xi) The said land and every building and structure to be erected thereon shall be subject to development control as provided below.
- d. It shall be a condition of the development or redevelopment of the land and buildings within the defined area of the City of Niagara Falls shown on Schedule "A" of By-law 75-154 that the owner of such land enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the prohibition or the provision. Regulation, maintenance and use of any or all of the following facilities and matters:
 - (i) Widenings of highways that abut on the land that is being developed or redeveloped,
 - (ii) Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon.
 - (iii) Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
 - (iv) Walkways and all other means of pedestrian access.
 - (v) Removal of snow from access ramps, driveways, parking areas and walkways.
 - (vi) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
 - (vii) Conveyance to the municipality, without cost, of easements required for the construction, maintenance, or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
 - (viii) Floodlighting of the land or of any buildings or structures thereon.
 - (ix) Walls, fences, hedges, trees, shrubs or other suitable ground cover to provide adequate landscaping of the land or protection to adjoining lands.
 - (x) Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material
 - (xi) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
 - (xii) Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.
- e. The facilities and matters required by this subsection shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of The Corporation of the City of Niagara falls and in default thereof the provisions of section 469 of The Municipal Act shall apply.

- f. The owner of the land shall enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the facilities and matters referred to in subsection 4(e).
 - g. No building permit shall be issued in respect of the said land until the plans referred to in paragraphs (xi) and (xii) of subsection 4(e) have been approved by The City of Niagara Falls and until the agreement or agreements referred to in subsection 4(e) have been entered into.
- (2) Niagara River Parkway Residential Exception (By-law 96-270)
- a. None of the provisions of Section VIII of this by-law shall apply to prevent the existing dwelling on the land shown hatched on plan Schedule “A” of By-law 96-270 from being used for the purpose of a tourist home containing not more than 2 rooms for tourists.
- (3) Niagara River Parkway Residential Exception (By-law 2003-055)
- a. None of the provisions of subsection VIII(1) of this by-law shall prevent the use of the land shown hatched on the plan Schedule 1 of By-law 03-055, or the use of a single family dwelling thereon, for the purpose of a tourist home containing not more than three bedrooms for tourists, except in compliance with the following regulations:
 - (i) Minimum number of required parking spaces for a tourist home 1 space per bedroom
 - (ii) Parking area The required parking spaces shall be located within the rear yard not less than 50 metres from the rear lot line and not less than 6 metres from all side lot lines.
 - b. For the purpose of this by-law, “tourist home” means a single family dwelling in which bedrooms and breakfast are made available by the residents of the said dwelling for the temporary accommodations of travellers.

SECTION IX HIGHWAY COMMERCIAL

(1) Uses Permitted:

Uses, the nature of which is to serve the travelling public with recreational, commercial and accommodation facilities shall include:

- a. Arenas,
- b. Automobile Service Stations,
- c. Automobile Garages (commercial),
- d. Automobile Sales and Services,
- e. Banks,
- f. Churches and places of worship,
- g. Living accommodation being an integral part of stores – maximum 50% of total floor area,

- h. Exhibitions,
- i. Fraternal organizations or lodges,
- j. Libraries,
- k. Museums,
- l. Offices,
- m. Places of commercial entertainment or recreation,
- n. Recreation clubs,
- o. Restaurants, premises licensed for the sale of beer, wine or liquor,
- p. Sightseeing and tours (all sightseeing and tours must be operated within and from the premises of an established business, e.g. hotel, motel, etc.),
- q. Theatres,
- r. Tourist establishments as defined by the Tourist Establishment Act which includes a cabin establishment, a cottage establishment, a hotel or hotel establishment, a motel, a tourist home but excluding a tourist outfitters camp and a trailer establishment.

(2) Highway Commercial Requirements:

- a. Maximum Lot Coverage: Buildings, accessory buildings, and structures shall not occupy more than 20% of any lot or parcel of land.
- b. Front Yard: No part of any building shall be constructed, altered, used or maintained at a distance of less than forty feet (40'0") from a public highway, street or road, provided that on Queen Elizabeth Way, a setback of 250 feet shall be required from the centre line of the original right-of-way to the main front wall of the building.
- c. Side Yard:
 - (i) Minimum ten feet required each side;
Minimum side yard on corner lot, not less than minimum front yard required on flanking street.
 - (ii) Where a side lot line is a boundary between a Highway Commercial zone and a Residential zone, the said side line shall be not less than 30 feet within which a five foot treed buffer strip and/or a close boarded fence, or suitable alternative, to a height of not less than four feet nor more than six feet shall be provided.
- d. Rear Yard:
 - (i) No part of any building shall be less than twenty-five (25'0") from any rear boundary line of the lot or parcel on which the building is situated.
 - (ii) Where a rear lot line is a boundary between a Highway Commercial zone and a Residential zone, the said rear line shall be not less than 40 feet within which a five foot treed bufferstrip and/or a close boarded fence, or suitable alternative to a height of not less than four feet nor more than six feet shall be provided.

(3) Highway Commercial Exception (By-law 70-42)

- a. None of the provisions of this By-law shall apply to prevent the use of the land shown hatched on Schedule "A-1" of By-law 70-42 for the establishment of a new and used car lot.
- b. Notwithstanding any of the provisions of this by-law, the land shown hatched on Schedule "A-1" of By-law 70-42 shall not be used and no building shall be erected thereon nor used for any other purpose except for the purpose of a new and used car lot.
- c. The said land shown hatched on Schedule "A-1" of By-law 70-42 shall be subject to all applicable requirements contained in By-law 395, 1966, and shall be subject to the following additional requirements:
 - i. No part of any building shall be erected on the said land at a distance less than 190 feet from the lot line along Sodom Road nor at a distance less than 45 feet from Willick Road.
 - ii. Ingress and egress to and from the said land shown hatched on Schedule "A-1" of By-law 70-42 shall be restricted to one 25-foot-wide driveway on Willick Road.
 - iii. The boundary of the said land shown hatched on Schedule "A-1" of By-law 70-42 shall be landscaped to a depth of 15 feet with the exception of the driveway providing ingress and egress from Willick Road. The landscaping shall consist of grass, with the exception of the landscaped strip along Sodom Road, which shall be planted with a private hedge not less than 3 feet and not more than 5 feet in height.

(4) Highway Commercial Exception (By-law 76-233)

- a. Notwithstanding the Highway Commercial designation, the land shown hatched on the plan Schedule "A-5" of By-law 76-233 shall not be used and no buildings or structures shall be erected thereon nor used for any purpose except for one or more of the following purposes namely a motel, restaurant, a retail store, fruit stand and gasoline bar or automobile service station and except in accordance with the provisions and requirements contained in this by-law, and the following additional requirements:
 - i. No part of any building shall be located on the said land closer than:
 - 1. 50 feet from the westerly boundary of the said land being the easterly limit of Sodom Road as widened,
 - 2. 60 feet from the southerly boundary of said land being the present northerly limit of Sherk Road,
 - 3. 20 feet from the easterly boundary of the said land, or
 - 4. 10 feet from the northerly boundary of the said land
 - ii. No gasoline pump or pump island is located on the said land closer than 25 feet from any boundary of the said land;
 - iii. Landscaped open space is provided and maintained on the said land to the extent at least 5% of the area of the said land;
 - iv. The height of any building shall not exceed 35 feet,
 - v. No motor vehicle is parked or stored on the said land for more than 7 consecutive days;
 - vi. The said above-described land shown on Schedule "A-5" of By-law 76-233 and every building to be erected thereon shall be subject to development

control as provided in subsection 4(c) below. Without in any way limiting the provisions of subsection 4(a), no person shall use the said land shown hatched on the plan Schedule "A-5" of By-law 76-233 or any part therefor any building or structure erected thereon for the purpose of a car wash.

- b. For the purpose of subsection 4(a),
 - i. "automobile service station" means a building or place where gasoline, lubricants and new accessories for motor vehicles are stored and kept for sale and where motor vehicles may be lubricated, washed or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are performed but does not include a car wash;
 - ii. "car wash" means a building or structure containing one or more wash bays, coin operated or attended to by staff, wherein cars are mechanically washed;
 - iii. "gasoline bar" means a building or place where gasoline is kept for sale with or without lubricants and accessories for motor vehicles but where no servicing, repair, or equipping of motor vehicles is carried on;
 - iv. "landscaped open space" means land which is not used for buildings, structures, driveways or other paved areas and which consists of grass, flower beds, shrubbery or a combination thereof.
 - v. "retail store" includes and antique barn.
- c. It shall be a condition of the development or redevelopment of the land and buildings within the defined area of the City of Niagara Falls as shown on Schedule "A-5" of By-law 76-233 that the owner of such land enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the prohibition or the provision, regulation, maintenance and use of any or all of the following facilities and matters:
 - i. Widening of highways that abut on the land that is being developed or redeveloped.
 - ii. Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon.
 - iii. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
 - iv. Walkways and all other means of pedestrian access.
 - v. Removal of snow from access ramps, driveways, parking areas and walkways.
 - vi. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
 - vii. Conveyance to the municipality, without cost, of easements required for the construction, maintenance, or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
 - viii. Floodlighting of the land or of any buildings or structures thereon.

- ix. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
 - x. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.
 - xi. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
 - xii. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.
- d. The facilities and matters required shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of The Corporation of the City of Niagara Falls and in default thereof the provisions of section 469 of The Municipal Act shall apply.
 - e. The owner of the land shall enter into one or more agreements with The Corporation of the City of Niagara Falls dealing with the facilities and matters referred to in subsection 4(c).
 - f. No building permit shall be issued in respect of the said land until the plans referred to in paragraphs (xi) and (xii) of subsection 4(c) have been approved by The Corporation of the City of Niagara Falls and until the agreement or agreements referred to in subsection 4 (e) have been entered into.

SECTION IXA TOURIST COMMERCIAL (TC) (By-law 79-225)

(1) Uses permitted:

No person shall use any land within the area shown hatched on the said plan Schedule "A-11" in By-law 79-225 or erect or use any building or structure thereon for any purpose except one or more of the following permitted uses:

- a. Automobile service station
- b. Bake shop
- c. Bank, Trust Company, Credit Union
- d. Beer, wine or liquor store
- e. Car wash
- f. Clothing store
- g. Community building
- h. Drive-in restaurant including a fast food take-out service
- i. Drug store
- j. Food store
- k. Gasoline bar
- l. Handcraft store
- m. Hotel
- n. Motel
- o. Office, provided that the total rentable floor area for all offices within the said area shall not exceed 2, 750 square metres
- p. Personal service shop
- q. Post office
- r. Premises licenced under The Liquor Licence Act
- s. Private club

- t. Recreational uses
- u. Restaurant
- v. Souvenir store
- w. Tobacco store
- x. Trailer camp

(2) Tourist Commercial Requirements:

No person shall use any lot or parcel of land within the area shown hatched on the said plan Schedule "A-11" of By-law 79-225 or erect or use any building or structure thereon except in accordance with the following requirements and regulations:

- a. Subject to clauses b and c, no part of any building or structure shall be located on such lot or parcel of land closer than:
 - (i) 35 metres from the centre line of any highway under the jurisdiction of The Regional Municipality of Niagara,
 - (ii) 25 metres from the centre line of any highway under the jurisdiction of The Corporation of the City of Niagara Falls,
 - (iii) 10 metres from any other boundary of such lot or parcel of land;
- b. No gasoline pump or pump island shall be located on such lot or parcel of land closer than 10 metres from the limit of any highway or any other boundary of the said land;
- c. Canopies on any building or structure and any in-ground swimming pools which are not more than 0.3 metres above the average finished grade levels may be located closer to the highways and boundaries than the distances specified in clause a above but no such canopy or swimming pool shall be located closer than 7 metres from the limit of any such highway or any other boundary of any such lot or parcel of land;
- d. Landscaped open space shall be provided and maintained on such lot or parcel of land to the extent of at least of 20% of the area of such lot or parcel of land;
- e. The percentage of area of each such lot or parcel of land covered by the ground level area of all buildings and structures thereon shall not exceed 40 percent;
- f. The maximum height of any building or structure shall not exceed 12 metres;
- g. The owner or occupant of every building or structure to be erected or used for any of the purposes listed in Table 1 of this clause shall provide and maintain a parking area which shall be located on the same lot or parcel of land occupied by such building or structure. The said parking area shall contain individual parking spaces of at least 27.87 square metres each inclusive of access area to the extent at least prescribed in said Table 1 for the respective classes of uses, buildings or structures set out therein. Where a building, structure or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for each such use or purpose.

Table 1

Class of Use, Building or Structure	Minimum Parking Space Requirements
Bank, office	1 parking space for each 25 square metres of gross leasable floor area

Barbershop or hairdressing establishment	3 parking spaces plus 1 additional parking space for each chair above 3
Car Wash	7 parking spaces continuous in-line per bay
Drive-in Restaurant or Fast-Food take-out Service	25 parking spaces plus 1 parking space for each 5 seats within the building or structure
Hotel	1 parking space for each two bedrooms plus 1 parking space for each 5.5 square metres of floor area used as a place of assembly
Motel	1 parking space for each 1.3 motel units
Premises licenced under The Liquor Licence Act if not part of a motel or hotel	1 parking space for each 5 seats
Premises licenced under The Liquor Licence Act if part of a motel or hotel	1 parking space for each 10 seats
Restaurant if not part of a motel or hotel	1 parking space for each 5 seats
Restaurant if part of a motel or hotel	1 parking space for each 10 seats
Retail establishment, laundromat and personal service shop up to and including a gross leasable floor area of 450 square metres	1 parking space for each 25 square metres of gross leasable floor area
Retail establishment exceeding gross leasable floor area of 450 square metres	1 parking space for each 18 square metres of gross leasable floor area on the main sales floor plus 1 parking space for each 45 square metres of gross leasable floor area on every other floor
Uses, Buildings and Structures permitted by this by-law other than those listed in this schedule	1 parking space for each 40 square metres of floor area

h. No person shall erect or use any building or structure on any parcel of land within the area shown hatched on the said plan Schedule "A-11" in By-law 79-225 unless such municipal services as are set out below are available to service the said land, building or structure:

- (i) A sanitary sewerage system,
- (ii) A storm sewerage system, and
- (iii) A water supply system.

(3) For the purpose of subsections 1 and 2 of this section,

- a. "Automobile Service Station" means a building or place where gasoline, lubricants and accessories for motor vehicles are stored or kept for sale, or where motor

vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include a car wash, a public garage auto body or a public garage mechanical;

- b. "Car Wash" means a building or structure containing one or more wash bays, coin operated or attended to by staff, wherein cars are mechanically washed;
- c. "Community Building" means a building use for community activities, including, but not so as to restrict the generality of the foregoing, arts, crafts, physical, social, charitable and educational facilities, and not used for any commercial purposes;
- d. "Gasoline Bar" means a building or place where gasoline is kept for sale with or without lubricants and automobile accessories but where no servicing, repair or equipping of motor vehicles is carried on and does not include a car wash;
- e. "Hotel" means a commercial building providing temporary accommodation for travellers or transients on a year round basis and having at least two storeys and 20 bedrooms for guests, a public dining room and public meeting rooms and with all rooms and facilities on each floor connected by an inside corridor or corridors and which may be licenced under The Liquor Licence Act, 1975;
- f. "Landscaped Open Space" means a portion of the lot area which is not used for buildings, structures, parking areas or driveways and which consists of grass, flower beds, trees, shrubbery and other landscaping, including any surfaced walk, patio, pool or similar amenity or a combination thereof;
- g. "Mobile Home" means a dwelling unit that is designed to be made mobile and to be transported, after it has been constructed and manufactured, to a mobile home site to provide a permanent residence for not more than one family and which is suitable for occupancy as a dwelling unit at the time it is placed on the mobile home site except for a minor and incidental unpacking and assembly operations, placement on a mobile home stand and connection to utilities;
- h. "Motel" means a building or buildings or part thereof consisting of a number of motel units and catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals and which may be licenced under The Liquor Licence Act, 1975, but does not include a hotel;
- i. "Motel Unit" means a room or suite of a motel which is capable of being rented separately and which has its own bathroom;
- j. "Office" means a room or suite of rooms designated, intended or used for the conduct of a profession, occupation or business, but shall not include a veterinarian office, the retailing of merchandise, the manufacturing, repairing or storage of goods or any assembly hall, place of entertainment, "body rub parlour" as defined in The Municipal Act, or pin ball or electronic game machine establishment;
- k. "Personal Service Shop" means a barber's, hairdresser's or hairstyling shop, a dressmaker's shop, a shoe repair shop, a tailor's shop, a self-service laundry or depot for the collection of dry cleaning and laundry;
- l. "Public garage, auto body" means a building or place used as a motor vehicle repair shop including auto body repairs and spray painting and where automobile fuels or lubricants may be stored or kept for sale and where mechanical repairs washing or cleaning of motor vehicles may be carried on but does not include a car wash;

- m. "Public garage, mechanical" means a building or place used for the mechanical repair or equipping of motor vehicles and where any sale of automobile fuels or lubricants is incidental to the main use and where the washing and cleaning of motor vehicles may be carried on but does not include a public garage auto body, a car wash or a automobile service station;
- n. "Pinball or electronic game machine establishment" means a building or part of a building in which 3 or more pinball or other mechanical or electronic game machines are kept for use in pursuance of a trade, calling, business or occupation;
- o. "Private Club" means a building or part of a building use as a meeting place for members of a charter organization including a lodge or fraternal organization but does not include a motorcycle club;
- p. "Recreational Uses" means a use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, curling rinks, athletic fields, golf courses, golf driving ranges, miniature golf courses, picnic areas, swimming pools, day camps, community centres, and all similar uses, together with necessary and accessory buildings and accessory structures but does not include (i) a track for the racing of animals, motor vehicles, motorcycles, go-karts, snowmobiles or other vehicles, machines or conveyances, or (ii) a carnival show, circus, merry-go-round, miniature or switchback railway, carousel, ferris wheel, roller coaster or other mechanical amusement ride of device;
- q. "Trailer Camp" means a parcel of land containing two or more trailer sites which is used for temporary or seasonal occupancy by trailers, recreational vehicles and tents and which is under single management and ownership and includes all accessory buildings and accessory structures incidental to the operation thereof.

SECTION X INDUSTRIAL

(1) Permitted Uses:

a. Industrial:

Industrial uses shall include those manufacturing, converting, altering, finishing, fabricating or assembling of products establishments which do not emit obnoxious sound, odour, dust, fumes, vibration or smoke and which are not hazardous to the surrounding uses.

A commercial undertaking or business office, necessary to serve the industrial area or incidental to an industrial operation, including storage warehouses and wholesale business,

A dwelling may be erected for a caretaker, watchman or other similar person employed on the premises concerned and such person's family provided that the requirements of Section VII are complied with.

Notwithstanding any provisions of this Section, the following uses are prohibited (By-law 439, 1967):

a. Abattoir,

- b. Acetylene gas manufacture,
- c. Asphalt manufacture or refining,
- d. Brick, pottery, tile, terra cotta or building block manufacture,
- e. Boiler works,
- f. Bronze, aluminum or other metal powder manufacture,
- g. Coke ovens,
- h. Crematory,
- i. Disinfectant, insecticide, or poison manufacture,
- j. Dye manufacture,
- k. Forge plant,
- l. Storage, cleaning, curing or tanning of fresh or green hides,
- m. Storage of gas, except for consumption on the premises,
- n. Grease, lard, fat or tallow rendering or refining,
- o. Metal foundry,
- p. Lime, cement, or plaster of paris manufacture,
- q. Match manufacture,
- r. Oilcloth or linoleum manufacture,
- s. Paint, oil, varnish, turpentine, lacquer, shellac or enamel manufacture,
- t. Storage of fuel or petroleum above ground,
- u. Caustic manufacture,
- v. Junk yards,
- w. Printing ink manufacture,
- x. Pyroxylin plastic manufacture or the manufacture of articles therefrom,
- y. Shoe backing or stove polish manufacture,
- z. Soap manufacture from animal fats,
- aa. Steel furnace, blooming or rolling mill,
- bb. Stockyards,
- cc. Structural steel or pipe works,
- dd. Sugar refining,
- ee. Tar distillation or manufacture,
- ff. Tobacco (chewing) manufacture or treatment,
- gg. Tar roofing or waterproofing manufacture,
- hh. Vinegar manufacture,
- ii. Wool pulling or scouring,
- jj. Yeast plant,
- kk. Commercial dog kennels,
- ll. Bus, truck or railroad freight terminals,
- mm. Dry cleaning, rug cleaning and laundry plants,
- nn. Any use which is conducted so as to cause or result in the dissemination of noise, vibration, odor, dust, smoke, gas or fumes, or other pollutant beyond the lot on which such use is conducted.

b. Repealed by By-law 71-93

c. Public Uses:

Public uses shall include all public utilities and essential services excepting

schools.

(2) Industrial Requirements:

- a. Maximum Lot Coverage: Buildings, accessory buildings, and structures shall not occupy more than 30% of any lot or parcel of land.
- b. Front Yard: No part of any building shall be constructed, altered, used or maintained at a distance of less than forty feet (40'0") from a public highway, street or road boundary, provided that on the streets named below, the following setbacks shall apply:

Street	Required Distance Between Main Front Wall and Centre Line of the Original Road Allowance
Reixinger Road	103 feet
Lyon's Creek Road	103 feet
Queen Elizabeth Way	205 feet

- c. Side Yard:
 - (i) No part of any building shall be less than fifteen feet (15'0") from any side boundary line of the lot or parcel on which the building is situated.
 - (ii) Where a side lot line is a boundary between an Industrial zone and a Residential zone, or a Highway Commercial zone, the said side yard shall be not less than 30 feet within which a five foot treed bufferstrip and/or a close boarded fence, or suitable alternative, to a height of not less than four feet nor more than six feet shall be provided.
- d. Rear Yard:
 - (i) No part of any building shall be less than twenty-five (25'0") feet from any rear boundary line of the lot or parcel on which the building is situated.
 - (ii) Where a rear lot line is a boundary between an Industrial zone and a Residential zone or a Highway Commercial zone, the said rear yard shall not be less than 40 feet within which a five foot treed bufferstrip and/or a close boarded fence, or suitable alternative, to a height of not less than six feet nor more than ten feet shall be provided.
- e. Signs: On any lot no more than one sign facing each street on which the lot abuts and announcing the name of the company or companies located in the building, and a brief statement of its activities. The total area of such signs shall not exceed sixty square feet in area, nor extend above the roof level of the building, nor shall any free-standing sign have any dimensions exceeding ten feet, nor any part thereof be more than 12 feet above ground level. Such signs shall not be

illuminated by exposed light sources or be intermittent or revolve in operation. There shall be no exterior spot lighting or other illumination of any such sign that would cause any glare observable from a residential district.

On any lot no more than one "For Sale" or "To Let" sign not to exceed twenty-five square feet in area.

- f. Loading Facilities: The owners or occupants of every building or structure used for manufacturing, storage or commercial purposes, or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise, shall provide and main loading areas on land that is not part of a highway and no part of the required parking, in such a manner and to such an extent as to render unnecessary any obstruction of, or interference with, traffic upon any street or alley by reason of any loading or unloading operations.
 - g. Open Storage:
 - (i) Open storage other than the temporary parking of vehicles in accordance with Section X (h) (b) of this by-law shall not be permitted in any front or side yard required by this by-law.
 - (ii) No material shall be piled higher than the height of the treed bufferstrip and/or fence if the said strip and/or fence is required under subsection (d) (ii) of this Section.
 - h. Landscaping:
 - (a) All lands within 250 feet of the centre line of the Queen Elizabeth Way shall be landscaped with at least lawn and ornamental shrubs.
 - (b) Front yards required in accordance with the provisions of this by-law shall be landscaped with at least lawn and ornamental shrubs except that provision may be made for:
 - i. Not more than two driveways, (maximum width of 30'0" each).
 - ii. Limited area for visitor parking occupying not more than 25% of the required front yard.
 - i. Paving: Driveways, loading and parking areas provided in accordance with the provisions of this section shall be paved with all-weather dust-free materials.
- (3) Industrial Exception (By-law 79-209)
- a. None of the provisions of subsection 1 of section IIIA or of clause a of subsection 1 of section X shall apply to prevent the use of the land, shown on Schedule "A-8" of By-law 79-209 for the erection and use of buildings and structures on the said land for the purpose of waste stabilization ponds approved as a sewage works under The Ontario Water Resources Act.

SECTION XI CONSERVATION AND OPEN SPACE

(1) Permitted Uses:

- Agricultural uses as listed under Section VI (1) (a) "Rural Zone"

(2) s (By-law 85-129) Conservation and Open Space Requirements:

- i. Minimum Lot Area – 5 acres
- ii. Minimum frontage – 400 feet
- iii. Minimum front yard – 35 feet
- iv. Minimum rear yard – 30 feet
- v. Minimum side yard – 15 feet

Notwithstanding the foregoing, the area and frontage requirements shall not be applicable to bona fide public open space uses.

(3) Conservation and Open Space Exception (By-law 85-129)

- a. In addition to the permitted uses of subsection (1), section XI of this by-law, the lands shown as hatched on Schedule "A-17" in By-law 85-129, athletic fields, band stands, bowling greens, community centres, golf courses, public parks, skating rinks, swimming pools and tennis courts

(4) Conservation and Open Space Exception (By-law 88-273)

- a. None of the provisions of subsection (1) and (2) of section XI Conservation and Open Space of this by-law, shown hatched on Schedule "A-21" in By-law 88-273, shall prevent the use of the land shown on Schedule "A-21" for the erection and use of one single family dwelling, subject to compliance with the following:
 - i. No part of such single family dwelling erected on the said land closer to the northerly boundary thereof, being the southerly limit of Lyon's Creek Road, as not established, than 13 metres,
 - ii. No part of such single family dwelling shall be erected on the said land at a greater distance measured southerly from the said northerly boundary thereof, being the southerly limit of Lyon's Creek Road as now established, than 24 metres,
 - iii. No part of such single family dwelling shall be erected on the said land to the westerly boundary thereof than 5 metres or closer to the easterly boundary thereof than 40 metres,
 - iv. The height of such single family dwelling shall not exceed 10 metres,
 - v. No part of any door, window or other opening in such single family dwelling shall be made, provided or installed at a geodetic elevation of less than 174.55 metres above City of Niagara Falls datum,
 - vi. No part of any septic tile bed and septic system to be installed in connection with such single family dwelling shall be placed or installed at a geodetic elevation of less than 174.55 metres above City of Niagara Falls datum,
 - vii. No earth, sand, gravel, rubbish or other fill shall be placed or dumped on the said land at a greater distance measured southerly from the said

northerly boundary thereof, being the southerly limit of Lyon's Creek Road, as now established, than 54.86 metres.

(5) Conservation and Open Space Exception (By-law 96-270)

- a. None of the provisions of Section XI of this by-law shall apply to prevent the existing dwelling on the land shown hatched on plan Schedule "A" of By-law 96-270 from being used for the purpose of a tourist home containing not more than 2 rooms for tourists.

SECTION XII PENALTY

Any person convicted of a breach of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding the sum of \$300.00 for each offence, exclusive of costs.

SECTION XIII VALIDITY

This by-law shall come into force upon receiving the approval of the Ontario Municipal Board.

SECTION XIV EXCEPTIONS

- (1) By-law 439, 1967: Notwithstanding the provisions of Section VIII (1), nothing herein will prevent the operation of a general store and snack bar, and the letting of apartments above it on part of Lot 19, Broken Front Concession, located at the west corner of the Niagara River Parkway and Black Creek Road, provided that the Niagara River Parkway Residential Requirements are complied with, with the exception of the minimum front yard requirement.
- (2) By-law 2002-023: Notwithstanding the provisions of subsection 6 (c) of Section IIIA Provisions for All Zones, 2 (a), (b), (e), and (f) of Section VI Rural and in addition to the regulations contained in subsection 2 of Section VI Rural of this by-law, no person shall use the land described in Schedule A of By-law 2002-023 and shown hatched and designated Rural (R) on Schedules 1 to 7 inclusive, or erect or use any buildings or structures thereon for a single detached dwelling and accessory buildings, except in compliance with the following provisions:

(a) Minimum lot area	1 hectare
(b) Minimum lot frontage	60 metres
(c) Minimum front yard depth	20 metres
(d) Minimum rear yard depth	15 metres
(e) Maximum lot coverage	10%

(f) Minimum buildings setback from the bank of any watercourse 15 metres

(g) Minimum Distance Separation Formula All single detached dwellings shall comply with the Minimum Distance Separation Formula prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs

(h) Location of accessory buildings Only in the side or rear yards

(i) Subsections 2(a) and (b) of By-law 2002-023 shall not apply to a lot of record which existed prior to the passage of By-law 2002-023 having a lesser lot area and/or lot frontage than that required by those subsections provided that it has a minimum lot area of 0.4 hectares and a minimum lot frontage of 60 metres or as approved by the City's Committee of Adjustment prior to the passage of By-law 2002-023

(3) By-law 2002-023: Notwithstanding the provisions of subsection 1 and 2 of Section XI Conservation and Open Space of By-law 395/66, no person shall use the land shown shaded and designated CO on Schedules 1 to 5 and 7 of By-law 2002-023, for any purpose, except conservation purposes, or permit any building or structure to be erected on the land or permit soil, sand, gravel, rubbish, or other similar material to be placed or dumped, or remove any soil or regrade any of the land except for public services.

a. Where the boundary of the land described in section 2 of By-law 2002-023 shown and shaded CO on Schedules 1 to 5 and 7 in By-law 2002-023, refers to a floodplain line only, the location of such line shall be definitively determined by the Niagara Peninsula Conservation Authority and the CO designation shall refer to such line. Should the CO designation be different from that shown on Schedules 1 to 5 and 7 in By-law 2002-023, then section 1 of By-law 2002-023 shall apply to the lands not identified as floodplain by the Niagara Peninsula Conservation Authority.

(4) By-law 2003-048: Notwithstanding the provisions of subsection (6) (c) of Section IIIA – Provisions for All Zones, subsections (2) (a), (e), (f) and (g) of Section VI – Rural, and in addition to the regulations contained in subsection (2) of Section VI – Rural of this by-law, no person shall use the land described in section 1 of By-law 2003-48 and shown hatched and designated Rural (R) on the plan Schedule 1 attached hereto, or erect or use any buildings or structures thereon for any purpose except for a single-detached dwelling and accessory buildings and structures, and except in compliance with the following provisions:

a. Minimum lot area 1 hectare

b. Minimum front yard depth 20 metres

c. Minimum rear yard depth 20 metres

d. Minimum exterior side yard width 20 metres

e. Minimum interior side yard width 10 metres

- f. Maximum building coverage 10%
 - g. Location of accessory buildings and structures Rear yard or interior side yard
 - h. Minimum setback from all lot lines for accessory buildings and structures 5 metres
 - i. Minimum setback from the bank of a watercourse for a dwelling and accessory buildings and structures 15 metres
 - j. Minimum setback from any hedgerow or woodlot for a dwelling and accessory buildings and structures 5 metres
 - k. Maximum fence height and minimum fence setback from the Canadian Niagara Power Company right-of-way 2 metres, setback a minimum 0.3 metres from right-of-way boundary
 - l. Notwithstanding the "Lot Frontage" definition contained in Section IIIB-Definitions of By-law 395/66, for the purposes of By-law 2003-48, the "Lot Frontage" definition contained in Section III B – Definitions of By-law 2003-48, shall not mean the horizontal distance between the side lot lines measured along Miller Road
 - m. For the purposes of By-law 2003-48, for any lot having portions within both the Rural (R) zone and Conservation and Open Space (CO) zone, the zoning provisions shall apply to the whole of the lot for the purpose of calculating minimum lot area and maximum building coverage.
- (5) By-law 03-048: Notwithstanding the provisions of subsection (1) and (2) of Section XI – Conservation and Open Space of this by-law, no person shall use the land described in Section 1 of by-law 2003-048 and shown hatched and designated Conservation and Open Space (OS) on Schedule 1 of By-law 2003-48, for any purpose except conservation and open space purposes, or permit any buildings or structures to be erected on the land or permit soil, sand, gravel, rubbish or other similar material to be placed or dumped, or remove any soil or trees, or regrade any of the land.
- (6) Site-Specific Exception (By-law 2011-117)
- a. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of By-law 2011-117.
 - b. The lands shall be identified as two parcels, known as parcel Rural (R) and Parcel Conservation and Open Space (CO).
 - c. The permitted uses of Parcel R shall be agricultural uses as defined in clause 1(a) of Section VI Rural of this by-law.
 - d. The permitted uses for Parcel CO shall be:
 - i. Existing agricultural uses as defined in clause 1(a) of Section VI Rural of this by-law.
 - ii. Conservation Use
 - iii. Forestry use

- iv. Wildlife management
 - v. Works of a Conservation Authority
 - e. The regulations governing the permitted uses on parcel R shall be:
 - i. Minimum lot area The whole of the lands shown on Schedule 1 of By-law 2011-117 save and except for any part that may be required to be dedicated for the purpose of a road widening
 - ii. The balance of regulations specific for a Rural use.
 - f. The regulations governing the permitted uses on Parcel CO shall be:
 - i. Buildings and structures no buildings or structures are permitted unless for floor control purposes in accordance with the regulations of the Conservation Authority having jurisdiction and/or appropriate government agency. Bridges will be allowed subject to the approval of the Conservation Authority and/or appropriate government agency.
 - g. For the purposes of By-law 2011-117:
 - i. "Conservation use" means the use of land and/or water for the purpose of planned management of natural resources.
 - ii. "Forestry use" means the general growing, harvesting and management of woodlots, and without limiting the generality of the foregoing, includes the growing and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products produced on the same lot.
 - iii. "Works of a Conservation Authority" means projects undertaken by a Conservation Authority to protect or enhance areas under their control.
- (7) Site Specific Exception (By-law 2012-128)
- a. The lands that are the subject of and affected by the provisions of this by-law are described on Schedule 1 of By-law 2012-128.
 - b. The lands shall be identified as two parcels, known as parcels Rural (R) and Conservation and Open Space (CO).
 - c. The permitted uses of Parcel Rural (R) shall be single family dwellings and accessory buildings and structures
 - d. The regulations governing the permitted uses on Parcel Rural (R) shall be:
 - i. Lot area interpretation None of the regulations shall prevent the portion of a lot in Parcel Conservation and Open Space (CO) from being used to calculate minimum lot area and maximum lot coverage
 - ii. Minimum lot area 1 hectare
 - iii. Minimum front yard depth 20 metres
 - iv. Minimum rear yard depth 20 metres
 - v. Minimum interior side yard width 10 metres

- vi. Minimum exterior side yard width 20 metres
 - vii. Maximum lot coverage 10%
 - viii. Location of accessory rear yard or interior side yard buildings and structures
 - ix. Minimum setback for 5 metres accessory buildings and structures
 - x. The balance of regulations specified for a Rural use.
- e. No person shall erect any building, structure or fencing on the Parcel Conservation and Open Space (CO) or permit any soil, sand, gravel, rubbish or other similar material to be placed or dumped, or remove any soil or trees or regrade any part of Parcel Conservation and Open Space (CO).

FIRST Reading – March 7, 1966

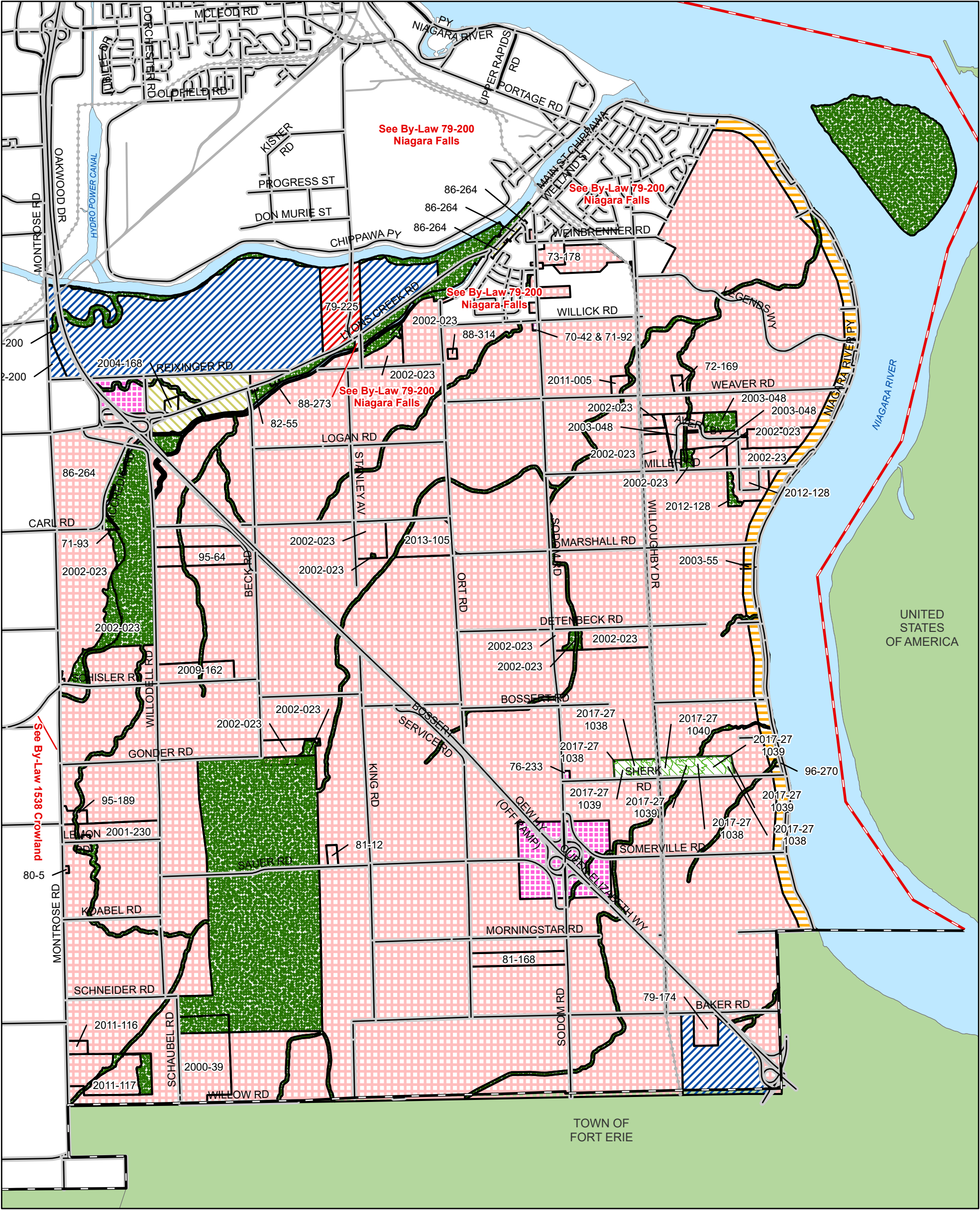
SECOND Reading – March 7, 1966

THIRD Reading – March 7, 1966

(Signed) Harold Willick
REEVE

(Signed) L.C. Hunt
CLERK

ZONING BY-LAW 395
as amended by By-law 82-160 & 85-129
Updated to March 2023



CLASSIFICATION OF ZONES

WILLOUGHBY BY-LAW 395

- CONSERVATION - OPEN SPACE
- ENVIRONMENTAL PROTECTION AREA
- HIGHWAY COMMERCIAL
- INDUSTRIAL

LEGEND

- NIAGARA RIVER PARKWAY RESIDENTIAL
- RURAL
- TOURIST COMMERCIAL
- VILLAGE RESIDENTIAL
- OTHER

UTILITY

- Rail
- Hydro
- Municipal Boundary
- International Border - U.S.A.
- Other Municipality; United States of America

Power Canal; Reservoir; Rivers

