

The following amending
By-Laws are not repealed
or amended by By-Law 85-129

71-93

79-210

75-154

80-5

76-233

81-12

79-174

81-168

79-209

82-55

W. J. ...

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 A-129 and A-133 (1952) and By-laws No. 192 (1955), 281 (1960), 372 (1964), 390 (1965) and 392 (1965) are hereby repealed.

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) ~~Frontage on Public Street - No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a Niagara~~

*Repealed by
By-Law 79-185*

Parks Commission Service Road or upon a public street but "public street" shall not include an unopened road allowance, and not more than one dwelling may be built on any lot.

(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 *(barns permitted)*

- (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 Building" 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.

"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 centres and similar uses.

"Street" shall mean a public highway which provides a principle means of access to abutting lots.

"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 area districts or zones.

<u>ZONE</u>	<u>SYMBOL</u>
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.
Barns permitted
Public utilities, including radio and television; railway.

Deleted by By-Law 85-129 ~~Churches and places of worship, hospitals, cemeteries.~~

Deleted by By-Law 82-160 ~~Athletic and sports fields, ^{public} parks, golf courses, camping establishments (read together with the prohibitions and regulations of Camping Establishments By Law No. 352-63) other recreational uses requiring large areas of open space.~~ *Deleted by By-Law 85*

(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 centre-line of road allowance
- (f) rear yard minimum - 30 feet
- (g) side yard minimum - 15 feet

SECTION VII VILLAGE RESIDENTIAL

(1) Uses Permitted: ^{TRAILERS PROHIBITED BY 75-100 LAW}

- One family dwellings;
- Schools, educational institutions;
- Churches and places of worship;
- Hospitals, homes for the aged, doctors and dentists' offices - maximum two practitioners and assistants per building;
- Libraries;
- 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 <u>one</u> side shall be 10 feet.		
(f) Rear yard minimum -		25 feet
(g) Floor Area - dwelling, minimum -	1200 sq. ft.	

SECTION VIII NIAGARA RIVER PARKWAY RESIDENTIAL

(1) Uses Permitted: TRAILERS PROHIBITED BY LAW 75:100
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

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:-

- Arenas,
- Automobile Service Stations,
- Automobile Garages (commercial),
- Automobile Sales and Services,
- Banks,
- Churches and places of worship,
- Living accommodation being an integral part of stores - maximum 50% of total floor area,
- Exhibitions,
- Fraternal organizations or lodges,
- Libraries,
- Museums,
- Offices,
- Places of commercial entertainment or recreation,
- Recreation clubs,
- Restaurants, premises licensed for the sale of beer, wine or liquor,
- Sightseeing and tours (all sightseeing and tours must be operated within and from the premises of an established business, e.g. hotel, motel, etc.),
- Theatres,
- Tourist establishments as defined by the Tourist Establishments 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 the 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 Highway Commercial zone and a Residential zone, the said side line 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") 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 ft. 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.

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 provision of this Section, the following uses may be permitted by specific amendment only; *Following are not permitted # 431*)

- Abattoir,
- Acetylene gas manufacture,
- Asphalt manufacture or refining,
- Brick, pottery, tile, terra cotta or building block manufacture,
- Boiler works,
- Bronze, aluminum or other metal powder manufacture,
- Coke ovens,
- Crematory,
- Disinfectant, insecticide, or poison manufacture,
- Dye manufacture,
- Forge plant,
- Storage, cleaning, curing or tanning of fresh or green hides,
- Storage of gas, except for consumption on the premises,
- Grease, lard, fat or tallow rendering or refining,
- Metal foundry,
- Lime, cement, or plaster of paris manufacture,
- Match manufacture,
- Oilcloth or linoleum manufacture,
- Paint, oil, varnish, turpentine, lacquer, shellac or enamel manufacture,

- Storage of fuel or petroleum above ground,
- Caustic manufacture,
- Junk yards,
- Printing ink manufacture,
- Pyroxylin plastic manufacture or the manufacture of articles therefrom,
- Shoe backing or stove polish manufacture,
- Soap manufacture from animal fats,
- Steel furnace, blooming or rolling mill,
- Stockyards,
- Structural steel or pipe works,
- Sugar refining,
- Tar distillation or manufacture,
- Tobacco (chewing) manufacture or treatment,
- Tar roofing or waterproofing manufacture,
- Vinegar manufacture,
- Wool pulling or scouring,
- Yeast plant,
- Commercial dog kennels,
- Bus, truck or railroad freight terminals,
- Dry cleaning, rug cleaning and laundry plants,
- 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.

Repealed 7-9-93

(b) Rural Uses:

Nothing herein shall operate to prevent the continuation of Rural Uses or the erection of farm buildings or residences for the owner or staff essential to the continuation of such agricultural uses... *(7-9-93 Repealed this section)*

(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:

<u>Street</u>	<u>Required Distance Between Main Front Wall and Centre Line of the Original Road Allowance</u>
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 tread 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 tread 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 maintain loading areas on land that is not part of a highway and not 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.

SECTION XI CONSERVATION AND OPEN SPACE

(1) Permitted Uses:

- Deleted by
By-Law 85-129*
- Agricultural uses as listed under Section VI (1) (a) "Rural Zone"
 - ~~Athletic fields,~~
 - ~~Band stands,~~
 - ~~Bowling greens,~~
 - ~~Community centres,~~
 - ~~Golf courses,~~
 - ~~Public parks,~~
 - ~~Skating rinks,~~
 - ~~Swimming pools,~~
 - ~~Tennis courts.~~

(2) 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.

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.

FIRST Reading - March 7, 1966

SECOND Reading - March 7, 1966

THIRD Reading - March 7, 1966

(Signed) Harold Willick REEVE

(Signed) L. C. Hunt CLERK