

**SECTION 20 - GENERAL COMMERCIAL (C2) ZONE**

**20.1** Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all General Commercial (C2) Zones.

**20.2 PERMITTED USES**

(a) COMMERCIAL USES

- Animal hospitals in wholly enclosed buildings
- Automobile Service Stations
- Car washes
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Catering establishments
- Clinics
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Motels
- Motor Vehicle Repair Shops
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Public Libraries
- Public parking garages
- Public parking lots
- Public transportation depots including bus stations and rail stations
- Religious, fraternal or public institutions
- Retail stores
- Service shops
- Studios

- Supermarkets
  - Taverns
  - Taxi establishments
  - Undertaking establishments
  - Vehicle sales and rental establishments
  - Video Outlet Sales and Rental Establishments
- (b) Dwelling units
- (c) Uses, buildings and structures accessory to any permitted commercial use.

**20.3 REGULATIONS**

Minimum Lot Area	450 sq. m.
Minimum Lot Frontage	15m
Maximum Lot Coverage	40%
Minimum Front Yard	6m
Minimum Side Yard – 4.0m except:	<ul style="list-style-type: none"> <li>(i) Where the yard abuts a Commercial Zone and access is available to the rear yard by a public or private lane, minimum nil.</li> <li>(ii) Where the yard abuts a Commercial Zone and no access is available to the rear yard except by means of the side yard, one yard shall have a minimum width of 4.0m, the other yard shall have a minimum width of nil</li> <li>(iii) Where the yard abuts a street, minimum 3.0m</li> <li>(iv) Where the yard abuts any Residential Zone, minimum 4.5m</li> </ul>
Minimum Rear Yard – 6.0m except:	<ul style="list-style-type: none"> <li>(i) Where the yard abuts a Commercial or Industrial Zone and access is available to the rear of the building on the said lot by means of a public or private lane, minimum nil</li> <li>(ii) Where the building contains residential accommodation of one or more storeys in height, minimum 10.5m</li> <li>(iii) Where the yard abuts any Residential Zone, minimum 10.5m</li> <li>(iv) Where the yard abuts a street, minimum 3.0m</li> </ul>
Maximum Building Height	2.5 storeys

**20.4 DELETED**

## **20.5 REGULATIONS FOR DWELLING UNITS**

The provisions of Subsection 18.2 shall apply.

## **20.6 REGULATIONS FOR ACCESSORY BUILDINGS**

The regulations of Subsection 18.3 shall apply.

## **20.7 DELETED**

## **20.8 REGULATIONS FOR CAR WASHES**

The regulations of Subsection 23.5 shall apply.

## **20.9 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”**

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

## **EXCEPTIONS TO THE GENERAL COMMERCIAL (C2) ZONE**

### **C2-50 (66-1993) 237 Niagara Boulevard**

These lands are zoned "General Commercial C2-50 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-50 Zone" except that in addition to the list of permitted uses set out in Subsection 20.2(a), the lands shown as C2-50 on Schedule “A” may also be used for an automobile service and repair shop carrying out only brake repair, oil changes and lubrication.

### **C2-115 (53-1994) 1101 DiPietro Street**

These lands are zoned "General Commercial C2-115 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-115 Zone" except that notwithstanding the permitted uses set out in Subsection 20.2(a), the lands shown as "C2-115" on Schedule “A” may only be used for a private club, banquet centre, gaming premise and uses, buildings and structures accessory thereto.

### **C2-157 (158-1996) 255 Garrison Road**

These lands are zoned “General Commercial C2-157 Zone” and all of the provisions that relate to lands zoned “General Commercial C2 Zone” by this by-law shall apply to those lands zoned “General Commercial C2-157 Zone” on Schedule A except that in addition to the permitted uses set out in Subsection 20.2 (a), these lands may also be used for a gas bar and car wash facility in accordance with the regulations set out in Section 22.4 and 22.5.

### **C2-160 (180-1996) 3576 Dominion Road**

These lands are zoned "General Commercial C2-160 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those

lands zoned "General Commercial C2-160 Zone" except that notwithstanding the permitted uses set out in Subsection 20.2(b), a portion of the ground floor of the existing two storey building on this property may be used for one residential dwelling unit with a floor area of not more than 49.2 square metres.

**C2-174 (48-1997) 124 Ridge Road North**

These lands are zoned "General Commercial C2-174 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-174 Zone" except that in addition to the permitted uses set out in Subsection 20.2 (a), these lands may also be used for those a motor vehicle repair shop.

**C2-185 (124-1997) 3644 Hibbard Street**

These lands are zoned "General Commercial C2-185 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-185 Zone" except:

- (a) notwithstanding the requirements of Subsection 18.2 (b)(i) a single detached dwelling may be located on the lands, and;
- (b) notwithstanding the requirements of Subsection 18.2 (c) the minimum floor area for the single detached dwelling shall not be less than 100 square metres."

**C2-186(H) (174-1997) Ridgeway Road (east side) @ Erie Road**

These lands are zoned "General Commercial Holding C2(H)-186 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by that by-law shall apply to those lands zoned "General Commercial Holding C2-186(H) Zone" on Schedule A. Once the Holding has been removed after the owners have addressed the concerns of the Regional Niagara Public Works Department and entered into a development agreement with the Municipality, the development of these lands shall comply with all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law except that:

- (a) In addition to the uses permitted in the C2 Zone, the lands indicated as C2-186(H) on Schedule "A" may also be used for apartment houses in accordance with the provisions of Section 15 RM2 Zone of this By-law and in addition, the following special regulations shall apply:
  - More than one apartment building shall be permitted on the same lot.
  - The total number of dwelling units on the Crystal Beach Park Limited properties situated on the east and west side of Ridgeway Road shall not exceed 550 units.
  - Maximum building height shall not exceed 3 storeys for the apartment houses.
  - The lands may also be used for the construction of not more than 123 single detached modular dwelling units situated on individual leased sites.
  - A recreational complex including buildings and structures accessory thereto may be constructed on the lands serving the single detached modular dwelling units.
- (b) notwithstanding the requirements of Subsection 20.3, the following regulations shall apply to the single detached modular dwelling units:

- minimum site frontage 12.1 metres, and 14 metres on a corner lot
  - minimum site area 260 square metres.
  - maximum site coverage - 45%.
  - minimum front yard - 1.5 metres.
  - minimum exterior side yard - 3 metres.
  - minimum rear yard - 3 metres except that where a rear yard abuts a residential zone or lot line, the minimum rear yard shall be not less than 6.7 metres.
  - minimum floor area - 42 square metres.
  - maximum building height - 2 storeys.
  - minimum distance between dwelling units - 3 metres or as required by the Ontario Building Code, whichever is greater.
- (c) notwithstanding the requirements of Subsection 6.5, the sites shall not be required to have frontage on a public street.
- (d) the front lot line of the site shall be the line that divides the site from the private lane but in the case of a corner site, the shorter line abutting the private lane shall be deemed to be the front line and the longer line abutting the private lane shall be deemed to be the exterior side line.
- (e) notwithstanding the requirements of Subsection 18.2 (c), Regulations For Dwelling Units Permitted In Commercial Zones, C1, C2, C3, C5 and C7, single detached modular dwelling units shall be permitted on these lands.
- (f) notwithstanding the requirements of Subsection 6.4 (c), unenclosed porches, balconies, steps and patios, covered or uncovered may project into a required rear yard a maximum distance of 1.5 metres provided that in the case of porches, steps or patios, such uses are not more than 1.3 metres above grade. Uncovered decks or patios may project into a required rear yard provided they are not more than .6 metres above grade.

**C2-191 (34-1998) 191 Garrison Road**

These lands are zoned “General Commercial C2-191 Zone” and all of the provisions that relate to lands zoned “General Commercial C2 Zone” by this by-law shall apply to those lands zoned “General Commercial C2-191 Zone” on Schedule “A” except that in addition to the permitted uses set out in Subsection 20.2 (a) these lands may also be used for a gasoline bar in accordance with the regulations for gasoline bars set out in Subsection 22.4.”

**C2-197 (72-1998) 3255 Snyder Street**

These lands are zoned “General Commercial C2-197 Zone” and all of the provisions that relate to lands zoned “General Commercial C2 Zone” by this By-law shall apply to those lands zoned “General Commercial C2-197 Zone” on Schedule “A” except that in addition to the permitted uses set out in Section 20.2(a), these lands may also be used for a gasoline bar in accordance with the regulations for gasoline bars set out in Subsection 23.4.

**C2-242 (118-2001) 3653 Dominion Road**

These lands are zoned "General Commercial C2-242 Zone" and all of the provisions that relate to land zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-242 Zone" on Schedule “A”, except:

- (a) that notwithstanding the permitted uses of Subsection 20.2 these lands may only be used for retail sales, personal service shop, gift shop, a dwelling unit and uses, buildings and structures and accessories thereto."
- (b) that notwithstanding the regulation of Subsection 20.3, the permitted uses shall only be established within existing buildings. Additions to existing buildings shall be permitted in accordance with the regulations of Subsection 20.3.

**C2-275 (129-1990) Erie Road (south side) west of Ridgeway Road**

In addition to the uses permitted in the C2 Zone, the lands indicated as C2-275 on Schedule "A" may also be for apartment houses in accordance with the provisions of Section 15 "RM2 Zone" of this By-law and in addition, the following special regulations shall apply:

- (a) More than one apartment building shall be permitted on the same lot.
- (b) The total number of dwelling units of both properties situate on the east and west side of Ridgeway Road shall not exceed 550.
- (c) Maximum building height shall not exceed 3 storeys.

**C2-276 (229-1992) Crystal Beach Tennis and Yacht Club**

These lands are zoned "General Commercial C2-276 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this by-law shall apply to those lands zoned "General Commercial C2-276 Zone" except:

- (a) that notwithstanding the requirements of Subsection 20.2 - Permitted Uses, these lands shall only permit:
  - not more than 171 single detached dwellings and uses, buildings and structures accessory thereto;
  - not more than 1 recreational complex and uses, buildings and structures accessory thereto;
- (b) that notwithstanding the requirements of Subsection 20.3 - Regulations, the following regulations shall apply to the single detached dwellings:
  - Minimum Lot Frontage - as created by registered plan of subdivision.
  - Minimum Lot Area 375.00 sq. m
  - Maximum Lot Coverage 40%
  - Minimum Front Yard 4.6 m
  - Minimum Interior Side Yard Nil
  - Minimum Interior Side Yard for Detached Garages Nil
  - Minimum Exterior Side Yard 4.6 m
  - Minimum Rear Yard 7.5 m
  - Minimum Rear Yard for Lots 1-22 Inclusive as shown on Schedule A of By-law 229-92 9.2 m
  - Minimum Floor Area
    - 1 storey dwelling 60.00 sq. m
    - 1½ storey or split level dwelling 75.00 sq. m
    - 2 or 2½ storey dwelling 80.00 sq. m

- Maximum Height

9m measured from the average grade level to the midpoint between the eaves and the ridge, but in no case shall the ultimate height measured from average grade level to the peak of the highest roof be greater than 12m.

- Minimum Distance between Dwelling Units 3.048 m
- Minimum Distance between Detached Garages 6.1 m
- Minimum Rear Yard for Detached Garages 1.5 m
- Maximum Building Height for Detached Garages 5.0 m
- Minimum Exterior Side Yard for Detached Garages 4.6 m

- (c) that notwithstanding the requirements of Subsection 6.5, the lots shall not be required to have frontage on a public street;
- (d) that notwithstanding the requirements of Subsection 5.151, the front lot line shall be the lot line that divides the lot from the private lane, but in the case of a corner lot, the shorter lot line abutting the private lane shall be deemed to be the front lot line and the longer lot line abutting the private lane shall be deemed to be an exterior side lot line;
- (e) that notwithstanding the requirement of Subsection 18.2 (c) - Regulations for Dwelling Units Permitted in Commercial Zones C1, C2, C3, C5 and C7, single detached dwellings shall be permitted on those lands;
- (f) that notwithstanding the requirements of Subsection 6.40 (c), unenclosed porches, balconies, steps and patios covered or uncovered, may project into any front yard or rear yard a maximum distance of 1.5 metres provided that in the case of porches, steps or patios, such uses are not more than 1.3 metres above ground. Uncovered decks or patios may project into any rear yard provided they are not more than .6 metres above grade.

**C2-311 (228-2002) 2648 Stevensville Road**

These lands are zoned "General Commercial C2-311 Zone" and all of the provisions that relate to lands zoned "General Commercial C2 Zone" by this By-law shall apply to those lands zoned "General Commercial C2-311 Zone", except:

- a) that notwithstanding the provisions of Subsection 18.2(b), a ground floor apartment is permitted on the property in conjunction with a gas bar.
- b) that in addition to the Permitted Uses as set out in Subsection 20.2 these lands may also be used for a gas bar.

**C2-364(H) (167-07) 33 PRINCESS STREET**

**PURSUANT** to the decision of the Ontario Municipal Board, dated August 24<sup>th</sup>, 2007 under Board Order Number 2390, OMB Case Number PL070057 and OMB File Number R070012 the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

**THAT** By-law 129-90 is amended by adding to “Section 20-General Commercial C2 Zone”, “Subsection-Exceptions to the General Commercial C2 Zone, Exception C2-364 (H) Zone” the following Special Provision:

- (b) That notwithstanding the regulations of Section 6.49 - Outdoor Patios Associated With Eating Establishments and/or Taverns Subsection (a) and (b) an attached outdoor patio/deck shall be permitted on the east side of the existing hotel not closer than 3.43 metres to the rear lot line and subject to the following Special Provisions:
  - i. That music or entertainment of any kind, live or recorded is not permitted on the outdoor patio/deck including anything emanating from the hotel building;
  - ii. That the existing outdoor asphalt patio is closed;
  - iii. That no alcoholic beverages be served and/or consumed after 10:00 p.m. on the outdoor patio/deck;
  - iv. That the outdoor patio/deck area is screened with a solid privacy fencing from the abutting residential area to the north.