

**SECTION 33: OS ZONE - OPEN SPACE**

**33.1** 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 Open Space (OS) Zones.

**33.2 PERMITTED USES**

- Agricultural uses, excluding livestock or poultry operations
- Recreational uses and uses, buildings and structures accessory thereto
- Residential uses only to the extent necessary for the maintenance and security staff of any principal use set out in Section 33.2 hereof provided such residential uses are located on the same lot as such principal use and provided such staff is employed on the premises; and buildings and structures accessory thereto.
- Cemeteries, mausoleums and columbariums, and uses, buildings and structures accessory thereto, excluding crematoriums
- Uses permitted under the Niagara Parks Act, R.S.O. 1990 and amendments thereto in any successor legislation, or for Niagara Parks Commission purposes, only on lands under the jurisdiction of The Niagara Parks Commission

**33.3 REGULATIONS**

Minimum Lot Area	8000 sq. m.
Minimum Lot Frontage	15m
Maximum Lot Coverage	10 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	7.5m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	7.5m
Maximum Building Height	12m

**33.4 SPECIAL ADDITIONAL REGULATIONS FOR CEMETERIES,  
MAUSOLEUMS AND COLUMBARIUMS**

Notwithstanding the regulations of Subsection 33.3, the following additional special regulations shall apply.

Minimum Interior Side Yard	15m for a building and 1.5m for a monument
Minimum Exterior Side Yard	15m for a building and 1.5m for a monument
Minimum Rear Yard	15m for a building and 1.5m for a monument

**EXCEPTIONS TO THE OPEN SPACE (OS) ZONE**

**OS-31 (129-1990) College Road, south side, east of Sumner Road**

Nothing shall prevent the continuation of existing uses on the lands indicated as OS-31 on Schedule 'A', however any expansion or introduction of any new use as permitted by the Open Space (OS) zone shall be subject to review by the Town and Ministry of Natural Resources due to the site's provincial significance (Sumner Road Woodlot).

**OS-95 (129-1990) Centralia Avenue, east side, south of Garrison Road**

Notwithstanding the provisions of the Open Space zone, the use of the lands indicated as OS-95 on Schedule "A" shall be subject to the following regulations:

- (a) Cremations are not permitted.
- (b) The minimum front yard for monuments, buildings and structures shall be 30 metres. The burial of human remains shall not occur within the front yard.
- (c) A minimum 4.5 metre landscaping shall be provided and maintained where the OS-1 zone abuts the H zone.

**OS-96 (129-1990) Centralia Avenue, east side, south of Garrison Road**

Notwithstanding the provisions of the Open Space zone, the use of the lands indicated as OS-96 on Schedule "A" shall be subject to the following regulations:

- (a) The permitted uses of these lands are:
  - (i) those uses existing as of the date of this by-law's passing;
  - (ii) those works required to develop the lands for future cemetery purposes.
- (b) A minimum 4.5 metre landscaping strip shall be provided and maintained where OS-96 zone abuts the H zone.

**OS-97 (129-1990) Centralia Avenue, east side, south of Garrison Road**

Notwithstanding the provisions of the Open Space zone, the use of the lands indicated as OS-97 on Schedule "A" shall be subject to the following regulations:

- (a) These lands shall only be used for uses accessory to the uses permitted on land zoned OS-97.
- (b) A minimum 4.5 metre landscaping strip shall be provided and maintained where the OS-97 zone abuts the H zone.

**OS-100 (79-1993) 3570 Garrison Road**

These lands are zoned "Open Space OS-100 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-100 Zone" except:

- (a) that notwithstanding the list of permitted uses set out in Subsection 33.2 - Permitted Uses in the "Open Space OS Zone", the lands shown as "OS-100" in Schedule A may only be used for a golf learning and training facility

- including a mini-put golf course and driving range and uses, buildings and structures accessory thereto, and;
- (b) that a minimum of 1 parking space be provided per tee for the driving range and a minimum of 1.25 parking spaces per hole for the mini-put golf course.

**OS-111 (240-1993) 700 Gilmore Road**

These lands are zoned "Open Space OS-111 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-111 Zone" except that notwithstanding the permitted uses in Subsection 33.2, nothing shall prevent the use of these lands for a gaming premises.

**OS-127 (223-1994) 1500 Gilmore Road**

These lands are zoned "Open Space OS-127 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands shown as "Open Space OS-127 Zone" on Schedule 'A' except that in addition to the permitted uses set out in Subsection 33.2, these lands may also be used as a gaming premises with not more than 10 tables."

**OS-150 (45-1996) Hill Estates Subdivision, Stevensville**

These lands are zoned "Open Space OS-150 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-150 Zone" on Schedule "A" except that notwithstanding the permitted uses set out in Subsection 33.2 (Permitted Uses), these lands may only be used for the construction of a noise attenuation berm.

**OS-189 (187-1997) Lands south of West Main Street and west of Stevensville Road**

These lands are zoned "Open Space OS-189 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-189 Zone" on Schedule "A" except that notwithstanding the permitted uses set out in Subsection 33.2 (Permitted Uses), these lands may only be used for the construction of a noise attenuation berm/wall and landscaped area.

**OS-229 (171-2000) Garrison Road, north side @ Thompson Road, west side**

These lands are zoned "Open Space OS-229 Zone" and all of the provisions that relate to lands zoned "Open Space OS Zone" by this By-law shall apply to those lands zoned "Open Space OS-229 Zone" on Schedule "A" except that notwithstanding the requirements of Subsection 33.2 - Permitted Uses, these lands shall only be used for a storm water management facility and uses and structures accessory thereto.

**OS-291 (147-1991) Ridge Road North, east side, @ Farm Road**

These lands are zoned "Open Space OS-291 Zone" and all the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-291 Zone" except:

(a) that notwithstanding the requirements of Subsection 33.2 - Permitted Uses, these lands shall only be used for existing uses that being vacant land and an existing framed garage and tin shed, and;

(b) that notwithstanding the requirements of Subsection 33.3, the minimum lot area shall not be less than .48 hectares.

**OS-296 (129-1990) Abino Dunes Development, Point Abino Road South**

These lands are zoned "Open Space OS-296 Zone" and all the provisions that relate to lands zoned "Open Space OS Zone" by this by-law shall apply to those lands zoned "Open Space OS-296 Zone" except:

That part of the lands shown on Schedule "A" as Open Space OS Zone shall be used for no other purpose than:

(i) Maintenance buildings for the storage and repair of equipment required to maintain the subject lands;

(ii) A maximum of two dwelling units adjacent to maintenance buildings for the accommodation of maintenance staff, the location of each building to be approved by the Corporation of the Town of Fort Erie prior to construction;

(iii) Parking areas for use by visitors to the dwelling units upon the subject lands;

(iv) Recreational uses, including golf practice tees and greens, tennis courts, swimming pools, private recreational building, walking and hiking trails, lookouts and gazebos;

(v) Uses, buildings and structures accessory to the foregoing permitted uses.

**OS-336 (106-05) Black Creek Meadows, northeast corner of Baker Road and Netherby Road**

These lands are zoned Open Space OS Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-336 Zone on the attached Schedule A subject to the following special provisions:

a) Notwithstanding the list of permitted uses set out in Section 33.2 "Permitted Uses", the lands shown as OS-336 on Schedule A may only be used for a Stormwater Management Pond

**OS-337 (106-05) Black Creek Meadows, northeast corner of Baker Road and Netherby Road**

These lands are zoned Open Space OS Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-337 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses set out in Section 33.2 “Permitted Uses”, the lands shown as OS-337 on Schedule A may only be used for a Park use and buildings or structures accessory thereto.

**OS – 350 (170-05) Ridgeway Estates, southeast corner of Prospect Point Road and Thunderbay Road**

These lands are zoned Open Space OS-350 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-350 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 33.2 Permitted Uses the lands shown as OS-350 Zone may only be used for:
- Conservation and management of plant and wildlife
  - Control structures to prevent flooding and/or erosion by water or wind

**OS – 351 (170-05) Ridgeway Estates, southeast corner of Prospect Point Road and Thunderbay Road**

These lands are zoned Open Space OS-351 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-351 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 34.2 Permitted Uses the lands shown as OS-351 Zone may only be used for a stormwater management facility.

**OS-355(H) (226-05) DEE MC PROPERTIES LTD. (Bruno Dammizio), 3425 Niagara River Parkway. (awaiting OMB appeal)**

**(APPEALED TO THE OMB)**

These lands are zoned Open Space Holding OS-355(H) Zone and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space Holding OS-355(H) Zone on Schedule A subject to the following special provisions.

- a) That notwithstanding the requirements of subsection 33.2 Permitted Uses the lands shall be limited to a golf course and the following accessory uses:
- A golf clubhouse which may include a proshop and eating establishment

- A golf academy
  - Golf course maintenance and service buildings
- b) That notwithstanding the requirements of “Section 6 – General Provisions”, subsection “6.20 (A) Parking Area Regulations” off-street parking spaces shall be provided at the following rate:
- i) A minimum of one hundred (100) parking spaces, for the golf course use and;
  - ii) One parking space for every 4 persons in an eating establishment and one parking space for every 30 square metres of floor area for any other accessory use.

**OS-359 (127-06) Crystal Ridge Landing, Northeast corner of Thunder Bay Road and Ridge Road South**

These lands are zoned Open Space OS-359 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-359 Zone on the attached Schedule A and subject to the following special provision:

- a) Notwithstanding Section 33.2 Permitted Uses the lands zoned Open Space OS-359 shall only be used for open space, conservation of the environment and stormwater management purposes.

**OS-361 (130-06) W/S OF SPEARS ROAD AND NORTH OF GARRISON ROAD**

These lands are zoned Open Space OS-361 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space Holding OS-361 (H) Zone on the attached Schedule A and subject to the following special provision:

- a) Notwithstanding Section 33.2 Permitted Uses the lands zoned Open Space Holding OS-361 (H) shall only be used for a Public Park

**OS-363 (H) (154-06) E/S SCHOOLEY ROAD, SOUTH OF ELIZABETH**

These lands are zoned Open Space OS-363 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-363 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) These lands shall be used for no other purpose than a storm water management facility.

**OS-367 (H) (191-06) Ridgeway Estates Phase 2, east side of Prospect Point Road and south side of Thunder Bay Road**

These lands are zoned Open Space OS-367 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-367 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the Permitted Uses in Section 33.2 these lands shall be used for no other purpose than a storm water channel and conservation of the natural environment.

**OS-368 (H) (191-06) RIDGEWAY ESTATES PHASE 2, EAST SIDE OF PROSPECT POINT ROAD AND SOUTH SIDE OF THUNDER BAY ROAD**

These lands are zoned Open Space OS-368 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space OS-368 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the Permitted Uses in Section 33.2 these lands shall be used for no other purpose than open space and a private community centre. For the purposes of this by-law a Community Centre shall mean: “The use of land, buildings or structures for the purposes of active and passive recreation, social gathering and other events including a day care facility”.

**OS-369 (H) (06-07) ZOOZ THEME PARK, 2821 STEVENSVILLE ROAD**

These lands are zoned Open Space Holding OS-369 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space Holding OS-369 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses in Section 14.2 the lands shown on Schedule A shall be limited to a Zoological Theme Park which may include an animal park, conservation and open space uses, recreational uses, a water park, amphitheatre, a mini-putt golf course, related education buildings, agricultural uses, an overnight campground, a veterinarian clinic, restaurants, one single detached dwelling, one accessory apartment and greenhouses.
- b) The water park shall be designed to be limited to a maximum capacity of 1000 persons.
- c) The amphitheatre shall be limited to a maximum capacity of 4500 persons and the number of major events exceeding 1000 persons shall be limited to 7 events in any one calendar year.

- d) The campground shall be limited to a maximum of 400 campsites of which 40 sites shall be permitted access to electrical, water and sewage pump-out services.
- e) All restaurants in total shall be limited to a combined maximum seating capacity of 800 persons
- f) Off-street parking for the Zoological Theme Park including all associated uses shall be provided at the rate of 2.4 spaces per acre plus 0.80 spaces per employee. The off-street parking requirement for a major event at the amphitheatre shall be at the rate of 1 space for every 4 persons in excess of the total parking required for the Zoological Theme Park. On the day scheduled for a major event the Zoological Theme Park shall close no later than 6:00 pm and the major event shall not be scheduled to start before 7:00 pm.

**OS-374 (H) (53-07) 397 GARRISON ROAD**

These lands are zoned Open Space Holding OS-374 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space Holding OS-374 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses in Subsection 33.2 Permitted Uses these lands may only be used for public walkways.

**OS-375 (H) (53-07) 397 GARRISON ROAD**

These lands are zoned Open Space Holding OS-375 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Open Space OS Zone by this by-law shall apply to those lands zoned Open Space Holding OS-375 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) That notwithstanding the list of permitted uses in Subsection 33.2 – Permitted Uses these lands may only be used for an interim stormwater management pond.