

HIGHWAY COMMERCIAL C. H.

- G E N E R A L -

03-11-1 All structures and buildings erected, altered or used in a Highway Commercial
040/79 (CH) Zone shall conform to the regulations of this subsection.

- Permitted Uses -

03-11-2 No building or part thereof and no land shall be used, caused to be used, or be
164/91 permitted to be used for purposes other than:

- a) Restaurant, eating establishment, bar or tavern in conjunction with a restaurant or eating establishment, drive-in restaurant, dairy bar.
- b) Hotel, motel, tourist court.
- 021/01 c) Place of Assembly or Recreation.
- 131/82 d) Automobile Showroom, new and used car sales; automotive centre, trailer and marine sales including service and repair, vehicle customizing shop restricted to the installation of windshields and glass, upholstering, vinyl tops, convertible tops, trim including pin-striping, body side moulding and interior customizing; servicing, repair and sales of automotive related electronic and communication equipment, provided that all service and repair associated with any of these uses be undertaken indoors.
- 107/81 e) Business or professional offices restricted to banks, trust companies, financial institutions and radio or television broadcasting and receiving stations, outlet for the sale of beer, wine or liquor; gift shop for the sale of arts and crafts; bakery.
- 197/81 f) Farm implements dealer; outlet for equipment rental; provided that all
038/01 service and repair associated with these uses be undertaken indoors.
- 16/80 g) Garden centre; agricultural feed store; frozen food locker, food catering
038/01 establishment; printing establishment and book binders; dry-cleaning establishment; catalogue outlet; funeral home; drive-in theatre.

PERMITTED USES (continued)

- h) Service station; gas station; commercial garage; storage garage, provided that all service and repair associated with these uses be undertaken indoors; (a new commercial garage and storage garage shall not be permitted along Vincent Massey Drive after passage of By-law No. 040, 1979, but this prohibition shall not apply to any development described under Section 03 11-2(d) hereof).
- 040/79 i) Animal Hospital.
- 108/96
038/01 j) Home improvement centre, including lumber and builder's yards; carpet and/or furniture warehouse or outlet, electrical outlet.
- k) A trailer park situate on that parcel of land in part of E½ Lot 17, Concession 3, more particularly described as follows: Commencing at the southwest corner of the East Half of Lot 17, Concession 3; Thence north-westerly on a bearing of North 31 degrees 15 minutes and 30 seconds west, a distance of 396 feet (120.7 meters) more or less on a bearing of North 52 degrees 1 minute and 30 seconds east; Thence on a bearing of 31 degrees 15 minutes and 30 seconds west, a distance of 396 feet (120.7 meters) more or less to a point in the southern limit of the East Half of Lot 17, Concession 3 and; Thence on a bearing of North 52 degrees 1 minute and 30 seconds east, a distance of 125 feet (38.1 meters) plus or minus to the point of commencement; additional trailer parks shall be permitted only by site-specific rezoning and availability of adequate servicing.
- l) One residential apartment only in a portion of a commercial building, for the exclusive use of a watchman, custodian, caretaker or other employee whose residence on the premises is essential.
- m) Accessory building incidental to any of the above uses.
- 141/80 n) Because of the drainage functions of the land situated in the West ½ of Lot 12, Concession 3, lying north of the South Branch of Raisin River and south of Provincial Highway 401, no buildings or structures shall be erected on it, nor shall the parking of vehicles be permitted.
- 047/89 o) Medical laboratory/clinic and related medical offices.
- 044/89 p) A convenience store
- q) A real estate agency, insurance agency, employment agency, and travel agency.
- r) Electronic and related equipment sales and rental.

03-11-2 **PERMITTED USES (continued)**

- 94/89 s) Personal service shop restricted to barber shop, beauty salon or hairdresser, provided that where the personal service shop is to be located forms an integral part of a building used for any other use or uses permitted in a Highway Commercial Zone.

- 037/90 t) A meat/vegetable/foodstuffs market shall be permitted only on lands described as Part of Lot 12, Concession 1, City of Cornwall and lying at the southwest corner of Cumberland and Ninth Street (800 Cumberland Street, B & M Meat Market Site). Two special setbacks shall apply to this site as follows:
 - i) Side yard shall be not less than 0.9 meters (2.95 feet) on the south side
 - ii) Rear yard shall be not less than 9.1 meters (29.85 feet) on the west side.

- 167/90 u) Pharmacy/Drug store.

- 083/09 v) Dental Clinic.

- 067/17 w) Vehicle Rental Agency.

03-11-3 **PERMITTED USES** (including notwithstanding and site specific special provisions clauses)

Notwithstanding any other requirements of this Section, the following uses shall be permitted in the locations as shown:

- a) Lasalle Plaza situate at 1400 Vincent Massey Drive, provided that permitted uses are limited to those specified in subsection 03-2-2 in a Commercial 11 Zone.

- b) Because of the drainage functions of the lands situate in the East ½ of Lot 15, Concession 1, now in the City of Cornwall, lying south of a point 214 feet (65.2 meters) south of Tollgate Road and north of a point 400 feet (122 meters) north of Vincent Massey Drive, and in the West ½ of Lot 14, Concession 1, west of the New York Central Railway right of way, lying south of a point 215 feet (65.5 meters) south of Tollgate Road and north of a point 400 feet (122 meters) north of Vincent Massey Drive, commercial uses of this parcel are permitted provided no permanent structures are erected on it.

- 80/82 c) A convenience store shall be a permitted use on the property known as part of Lots 4 and 5, Concession 1 south of Second Street, provided that any such store shall have a floor area greater than 230m² (square meters).

03-11-3**PERMITTED USES (continued)**

- 130/86 d) A Mobile Home Park located on Part of Lot 18, Concession 3, known as the Sunset Trailer Park provided that:
- i) A maximum of 26 mobile homes are permitted on the site.
 - ii) The provisions of the Residential 50 zone will apply in respect of Minimum Yard dimensions, Mobile Home Sizes, and Parkland, except that a rear yard of 15 feet will be permitted.
 - iii) The setback for trailers on lots abutting a street will be the same as for a main building in a Highway Commercial zone.
- 179/81 e) A convenience store on Lots 61, 62 and 63, Registered Plan 138, known municipally as 1131 Brookdale Avenue.
- 018/85 f) A senior citizens' domiciliary on Part of Lot 69, Plan 240 and Part of Lot 14, Concession 2, and Part 2, Plan 52R-610, known municipally as 1545 Vincent Massey Drive.
- 118/87 g) The Neighbourhood Commercial uses shall be permitted on Part of Lot 10, Concession 2, City of Cornwall subject to the Neighbourhood Commercial zone provisions.
- 078/88 h) A convenience store, pharmacy, and barber shop/beauty salon shall be permitted on Part of Lot 70, Registered Plan 240, now Part 4 of Plan 52R 487, City of Cornwall and lying at the northwest corner of Oran Avenue and Vincent Massey Drive.
- 111/88 i) A real estate office, a travel agency, an insurance agency and an employment agency shall be permitted on Part of Lot 10, Concession 2, City of Cornwall, known commonly as the former Seaway Drive-in Theatre site.
- 010/85 j) A food supermarket shall be permitted on Part of Lots 4 and 5, Concession 1, City of Cornwall, located south of Second Street between St. Felix and Danis Avenue and north of the Courtaulds/B.C.L. Industrial Complex.
- 146/88 k) A convenience store shall be a permitted use on Part of Lot 13, Concession 3, City of Cornwall and situated at the northwest corner of the intersection of Brookdale Avenue and Highway 401.
- 148/88 l) A convenience store, real estate office, travel agency, insurance agency and an employment agency shall be permitted on Part of Lot 13, Concession 2, having Reference Plan No. 52R-3241, City of Cornwall.
- 150/88 m) The Community Commercial (C.C.) zone uses and a convenience store shall be permitted on Part of Lot 12, Concession 2, City of Cornwall, situated of the southeast corner of the intersection of Brookdale Avenue and Tollgate Road.

03-11-3 PERMITTED USES (continued)

133/91 n) Mini-storage facility shall be permitted on Part of Lot 18, Concession 3, City of Cornwall and situated at the north east corner of Highway No. 2 and Vincent Massey Drive, more specifically commencing 150 feet north of Vincent Massey Drive on the westerly limit and 225 feet on the easterly limit. All mini storage facilities shall be constructed of brick veneer.

040/92 Notwithstanding any other requirements of this section, the offices and storage yard of a tree cutting operation shall be permitted on the West Half of Lot 6, Concession 2, fronting on the east side of McConnell Avenue, provided burning of materials is prohibited, and the storage of heavy trucks, equipment and materials is limited to the screened rear yard.

021/93 Notwithstanding any other requirements of this section, a sporting goods store and related accessories shall be permitted on Part of Lot 12, Concession 1, including municipal address 1002 Cumberland Street, being lands generally north of Ninth Street West and west of Cumberland Street, and shall be subject to the following minimum requirements:

North Side yard3 metres
Frontage 14 metres

In addition, the landscaped strip required in section 01-2-1 (Parking Requirements) shall not be required along Ninth Street, and the outdoor placement of a screened garbage container shall be permitted in the front yard in a location to be approved under Site Plan Control.

151/95 Notwithstanding any other provisions of this Section, a Canadian Tire Store shall be permitted on Part of Lots 8 and 9, Concession 2, City of Cornwall and shall be subject to the following special Building and Lot Requirements:

- i) Minimum Interior Side Yard (along Tenth Street) of 1 metre;
- ii) Minimum Rear Yard of 13.5 metres;
- iii) Minimum landscape strip of 0.8 metres (in specified areas as per Site Plan);
and
- iv) Minimum Parking Stall size of 162 square feet.

013/97 Notwithstanding any other requirements of this section, retail recreation and camping vehicles sales and service, including trailer and marine sales and service shall be permitted on Part of Lot 12, Concession 3, more specifically on part of Part 18, Plan 52R-3892, lying on the east side of Brookdale Avenue south of Highway 401, City of Cornwall.

03-11-3 **PERMITTED USES (continued)**

113/91 Notwithstanding any other provisions of this section, the Highway Commercial (C.H.) setback requirements for 434 Eleventh Street West are reduced to allow for the existing buildings as follows:

- a) front yard setback from 7.5 metres to 6.7 metres;
- b) side yard setbacks from 6 metres and 18 metres to 1.1 metres and 0.5 metres respectively;
- c) rear yard setback from 17 metres to 1.5 metres.

020/98 In addition to the Highway Commercial uses, the Community Commercial (C.C.) zone uses shall be permitted on Part of Lot 12, Concession 2, City of Cornwall, situated at the southeast quadrant of Brookdale Avenue and Tollgate Road.

055/99 Notwithstanding any other provisions of this section, a water bottling and sales outlet and florist shop shall be permitted on a site-specific basis on a property municipally described as 1140 Brookdale Avenue, City of Cornwall.

085/01 Notwithstanding any other requirements of this section, a parking lot (private or public), shall be permitted on a property described municipally as 1710 McConnell Avenue, City of Cornwall.

114/01 **Special Provisions for Development in Proximity to the South Branch of the Raisin River**

Development within the flood fringe/floodplain of the South Branch of the Raisin River near Brookdale Avenue and identified specifically as sites 5a.) and 5c.) in this By-law (Part Lot 13, Concession 3), shall be subject to the applicable minimum Canadian geodetic datum elevations for buildings identified in the Comprehensive By-law (ie. Section 01-2-9). Further, development on site 5c.) shall not take place without the approval of the local Conservation Authority.

148/01 Notwithstanding any other provisions of this section, a Garden Centre including the sale of fruits, vegetables, plants, Christmas trees, crafts, and related gardening products shall be permitted on Part of the East half of Lot 19, Concession 3, City of Cornwall and municipally known at 2405 Vincent Massey Drive and shall be subject to the following special Building and Lot Requirements:

- i) Minimum Exterior Side Yard of 11 metres;
- ii) Minimum Interior Side Yard of 4 metres;
- iii) Minimum Front Yard of 5 metres for the storage compound only;
- iv) Outside Storage and display of materials shall be permitted in the front yard provided it is screened from public view by a suitable buffer or fence as partly established in sub-section 03-11-8 and is stored in an orderly fashion.

03-11-3 PERMITTED USES (continued)

021/04 In addition to the Highway Commercial uses and standards, the Community Commercial (C.C.) zone uses shall be permitted on Part of Lot 12, Concession 2, City of Cornwall, situated at the southeast quadrant of Brookdale Avenue and Tollgate Road.

106/04 Notwithstanding any other provisions of this Section the only Permitted Uses on Part of the East half of Lot 13, Concession 2, in part known Municipally as 1610 Brookdale Avenue and representing two abutting merged lots (1610 Brookdale - ± 0.47 acres and immediately abutting vacant lot to north - ± 0.23 acres) totalling ± 0.7 acres in size shall be:

- a) restaurant, eating establishment (licensed or non-licensed), drive-in restaurant, dairy bar but shall not include freestanding bars and/or taverns;
- b) place of assembly or recreation;
- c) business or professional offices restricted to banks, trust companies, financial institutions, gift shop for the sale of arts and crafts, bakery;
- d) medical laboratory/clinic and related medical offices;
- e) convenience store;
- f) a real estate agency, insurance agency, employment agency, and travel agency;
- g) personal service shop restricted to barber shop, beauty salon or hairdresser, provided that where the personal service shop is to be located forms an integral part of a building used for any other use or uses permitted in this modified Highway Commercial zone; and
- h) pharmacy/drug store.

The above site-specific permitted uses shall be subject to the following special Building and Lot Requirements:

- i) Minimum Lot Area2,428 sq. metres (0.6 acres)
- ii) Minimum Lot Frontage 33.5 metres (110 ft.)
- iii) Minimum Rear Yard18 metres (59 ft.)
- iv) Minimum Side Yard to northern property line
.....18 metres (59 ft.)
- v) Minimum Side Yard to southern property line
..... 7 metres (23 ft.)
- vi) Maximum Main Building Square Meterage
..... 418 sq. metres (4,500 sq. ft.)
- vii) Maximum Lot Coverage for all structures combined as a total square meterage

In addition, no outside storage of materials or goods and only 1 contained garbage receptacle shall be permitted on-site and to be setback not less than 9 metres (29.5 ft.) from any residential zone.

03-11-3

PERMITTED USES (continued)

131/04

That Notwithstanding, any other provision of Section 03-11-2, "Permitted Uses"

A Private Senior's Residence containing one main building, shall be permitted on Part of Lot 15, Concession 1, City of Cornwall, more particularly Part of Part 1 on Reference Plan 52R-3499 municipally known as 1755 Vincent Massey Drive and one acre to the west being Parts 1 and 2, Plan 52R-3745. The zoning standards applicable to the Highway Commercial zone shall apply to any new construction.

132/04

In addition to the Highway Commercial uses and standards, the Community Commercial (C.C.) zone uses shall be permitted on Part of Lot 12, Concession 2, City of Cornwall, situated at the northeast quadrant of Brookdale Avenue and Tollgate Road.

206/04
214/06

Notwithstanding anything else in the By-law, the following site-specific exceptions be applied to the northern 8.6 acres of land (to be severed) of an approximately sized 17.6 acre parcel on Part of the West half of Lot 12, Concession 3, City of Cornwall, being at the southeast corner of Brookdale Avenue and Cornwall Centre Road:

206/04
214/06

- i) Minimum Front Yard Setback 30.5 metres (100 feet)
- ii) Special Minimum South Side Yard Setback from property line for any septic system 61 metres (200 feet)
- iii) Minimum (south) Side and Rear Yard Setbacks
..... 61 metres (200 feet)
- iv) Minimum Landscape Strip on (south) side and Rear Yard
..... 15.24 metres (50 feet)
- v) No service station or commercial garage (including a truck stop) save and except service activity ancillary and directly associated with an automobile dealership, shall be permitted in this specific location.

03-11-3

PERMITTED USES (continued)

169/07

Notwithstanding any other provisions/requirements of this Section, the Community Commercial (C.C.) zone uses, save and except that of a food supermarket store, shall be permitted on Part of Lot 12, Concession 1 municipally known as 750 Cumberland Street (Site 1) and 800 Cumberland Street (Site 2). Further that the lot frontage along Cumberland for Site 1 (750 Cumberland Street) shall be permitted at 14.71' and the lot area shall be permitted at 24,145 square feet.

All provisions and special standards for side yard, rear yard and uses, as detailed in By-law 037/90 shall still apply to Site 2 (800 Cumberland Street) however, the Community Commercial uses shall also be added.

10/08

Notwithstanding any other provision of this Section, all permitted uses identified in the regular Community Commercial (C.C.) zone including a "Specialty Food Market" but excluding that of a "Food Supermarket/Supermarkets", shall be permitted on a 9-acre parcel described municipally as 691 Brookdale Avenue, together with adjacent lands described as Part 1 on Reference Plan 52R-2395 and Part 1 on Plan 52R-4073 and commonly referred to as the International Business Plaza.

050/08 Notwithstanding any other provisions/requirements of this Section, the Community Commercial (C.C.) Zone uses, save and except that of a food supermarket store, shall be permitted on Part of Lot 12, Concession 1, municipally known as 410 Seventh Street West. In addition, a pool/spa retail operation, including a related warehouse and a well drilling component shall be permitted.

Further, that the lot area shall be recognized at 3,530 square metres (38,000 square feet), while the western side yard and the rear yard shall be permitted at 1.5 metre (5.0 feet). Finally, the 3 metre (10 foot) landscape provision shall be permitted at zero (0) along the front yard.

086/08 Notwithstanding any provisions/requirements of this Section, the Community Commercial (C.C.) Zone uses, save and except that of a food supermarket store, shall be permitted on Part of Lot 12, Concession 2, municipally known as 1395 Rosemount Avenue. In addition, a pool/spa retail operation, including a related warehouse and a well drilling component shall be permitted together with the existing specified industrial and professional offices at the date of the passing of this By-law.

083/09 Notwithstanding any provisions/requirements of this Section, the property legally described as Part of Lot 14, Concession 1, being Part of Part 1 on Plan 52R-5274, municipally known as 810 Second Street West, including the proposed lot addition in the rear, be rezoned from Manufacturing 20 (MFR 20) to Highway Commercial (C.H.). Further that the lot frontage along Second Street West shall be permitted at 33.2 metres (109 feet) and the lot area shall be 1,567.2 square metres (16,870 square feet).

03-11-3 PERMITTED USES (continued)

101/09 Notwithstanding any other provision/requirement of the Section 03-11-03 Highway Commercial, a commercial hockey school with ancillary dormitory shall be permitted with 77 parking spaces on site as being sufficient on Part of Lots 13 and 14, Concession 2 and Part of Lot 68 on Registered Plan No. 240 as shown on Plan 52R-3504, municipally known as 1539-1541 Vincent Massey Drive.

161/09 Notwithstanding any other provisions of this By-law, a Holding (H) category shall apply to the Highway Commercial (CH) Zoning on Lots 46, 47 and 48, Registered Plan No.138 being the rear lots of the property at 1123-1125 Brookdale Avenue, City of Cornwall.

The Holding (H) category should not be removed until such time as the following items are completed to the satisfaction of Council:

- 1) Submission of an appropriate Site Plan for the future commercial use to specifically address issues of lot grading, fencing, noise and drainage.
- 2) That no commercial access be proposed to and from Hebert Street, as per the previous Ontario Municipal Board (OMB) decision in 1983.
- 3) That no transport trucks be permitted on this subject site, as per the previous OMB decision in 1983.

- 162-09 Notwithstanding any other provision of this Section, all permitted uses identified in the regular Community Commercial (C.C.) zone including a "Specialty Food Market" ,but excluding that of a 'Food Supermarket/Supermarkets', shall be permitted on an approximately sized 7 acre combined parcel described municipally as 1236 (former Brookshell Motors dealership) and 1232 (CarStar) Brookdale Avenue, City of Cornwall. The 'Specialty Food Market' may include a 'Bulk Barn' totalling a GLA of 8,000 square feet.
- 192-09 Notwithstanding any other provision of this Section a "Travelling (Temporary) Recreational Vehicle/Trailer Park Facility" shall be permitted on Part of the West Half of Lot 17, Concession 3, municipally known as 2140 and 2150 Vincent Massey Drive.
- i) All minimum yard setbacks for the park use(s) on 2150 Vincent Massey Drive shall be six (6) metres. In addition, the present setbacks for existing trailers at 2140 Vincent Massey Drive shall be considered to be legal on the date of passing of this By-law. Any new Recreational Vehicle trailer sites/uses at 2140 shall have all minimum yard setback(s) of six (6) metres. In the event of a merging of the two (2) subject lots the side yard setback requirement which would have been applied between the two abutting lots shall cease.
 - ii) No more than a maximum of nine (9) new Recreational Vehicle/trailer lots shall be permitted at 2150 Vincent Massey Drive. A maximum of seven (7) existing trailers at 2140 Vincent Massey Drive shall be considered as permanent.
- 192/09 (continued)
- ii) As a minimum, a Privacy Fence (6 feet in height) shall be required for the development along the west side yard and effective rear yard of 2150 Vincent Massey Drive, in accordance with the applicable provision(s) of the Fence By-law.
 - iii) No (temporary) Travelling Recreational Vehicles/Trailers shall be permitted at the development for a greater aggregate period than six (6) months, in any calendar year. Such Recreational Vehicles/Trailers cannot be stored on site, when not in use, beyond the maximum six (6) month time period.
 - iv) Travelling (temporary) Recreational Vehicles/Trailers shall only gain ingress to and egress from the site from Vincent Massey Drive.
- 2010-003 Notwithstanding anything else in this By-law, the property legally described as Part of the West Half of Lot 17, Concession 2, legally described as Parts 9,10,11 and 12 on Plan 52R-7196 situated at the northwest portion of the parcel commonly referred to as the former Domtar Wood Room/Parking Lot , with frontage on Seventh Street West, be rezoned from Manufacturing 20 (MFR 20) to Highway Commercial (CH) with a site specific exception for a minimum east side yard setback of 18 metres and a maximum west side yard setback of 4 metres.

- 2011-107 Notwithstanding anything else in this By-law, the property located at 2220 Vincent Massey Drive be rezoned from Highway Commercial (C.H.) Zone to Highway Commercial (C.H.) Zone with a site specific exception to permit a Specialty Food Store (including organically produced foods) of no more than 1,000 square feet, together with an ancillary place of residency.
- 2012-140 Further notwithstanding to the provisions as outlined in Bylaw 106/04 the following uses/provisions shall apply to the development site on the East Half of Lot 13, Concession 2, municipally known as 1610 Brookdale Avenue:
- i) An Oil Change Facility shall be permitted use;
 - ii) No outside storage associated with this use shall be permitted;
 - iii) No extended client or derelict vehicle parking shall be permitted associated with this use;
 - iv) Subject to all applicable Provincial Standards for Environmental remediation, in this case, for example, if any (on-site) contamination is determined due to the former Auto Body or other historic commercial use on-site; and
 - v) Subject to fulfilling the agreed upon Servicing Cost Recovery as per the comments from the Engineering Department and at time of this development.
- 2013-022 Notwithstanding any other provision/requirement of the Permitted Uses Section 03-11-03 Highway Commercial, the following uses shall apply **save for and except** the following to the property situated on the East Half of Lot 7, Con 7, being Lots 19-25 and Part of Lots 26, 27 and 30 on Registered Plan 119 , municipally know as 1030 McConnell Avenue :
- i) drive thru car –wash
 - ii) drive in restaurant
 - iii) bars/taverns
 - iv) vehicle customizing shop
 - v) new and used car sales
 - vi) hotel/motel
 - vii) tourist court
 - viii) farm implement dealer
 - ix) drive-in theatre
 - x) commercial garage
 - xi) storage garage
 - xii) animal hospital
- 2013-022 Notwithstanding anything else in this By-law, the property located at 1030 McConnell shall be subject to the following special Building and lot Requirements:
- i) Minimum Front Yard Setback of 16.0 metres (along 11th to the gas pump canopy)
 - ii) Minimum Interior Side Yard of 5.0 metres (along east limit of parcel) and
 - iii) Minimum Rear yard of 7.0 metres (along Bousquet Avenue).
- 2014-174 Notwithstanding anything else in this Section, multiple buildings shall be permitted at 3250 Brookdale Avenue, on Part of Lot 13, Concession 3, and that the following standards are to be used based on the identified aggregate Goss Leasable Area (GLA) of the development of the development. This site may be

developed with Multiple Buildings/Development Pads and for the purpose of this section the aggregate GLA of the development shall be used to determine its lot occupancy. The remaining zone standards are to be applied to the overall development, as a wholly combined unit, as opposed to individual buildings/pads.

2015-034

Notwithstanding anything else in the By-law, the following revised site-specific exceptions be applied to the approximately 8.9 acre parcel on Part of West ½ of Lot 12, Concession 3, City of Cornwall, being at the northeast quadrant of Brookdale Avenue and Highway 401:

- a) Minimum Front Yard Setback – 30.5 metres (100 feet) (no change);
- b) Remove the Special Minimum south side yard setback from property line for any septic system – 61 metres (200 feet) in its entirety;
- c) Remove the Minimum (south) side yard setbacks – 61 metres (200 feet) in its entirety but maintain it for the rear yard;
- d) Remove the Minimum landscape strip on (south) side yard of 15.24 metres (50 feet) and utilize the regular Highway Commercial (CH) standard, but maintain special standard for the rear yard;
- e) Add a “Gas Bar” as a permitted use, but maintain remainder of (Section V) which reads: no service station or Commercial garage (including a truck stop) save and except service activity ancillary and directly associated with an automobile dealership, shall be permitted in this specific location;
- f) The following standards are to be used based on the identified aggregate Gross leasable Area (GLA) size of the specific aggregate High Commercial (CH) complex. This lot zone CH may be developed with Multiple Buildings/Development Pads for the purposes of this section, the aggregate (GLA) of the development shall be used to determine its Lot Occupancy. The remaining zone standards are to be applied to the overall development, as a wholly combined unit, as opposed to individual buildings/pads.

2015-032

Notwithstanding anything else in the By-law, the following site-specific exceptions be applied to the approximate 3.9 acre parcel, municipally described as 3105 Brookdale Avenue lying on part of the west half of Lot 12, Concession 3, City of Cornwall, being at the northeast quadrant of Brookdale Avenue and Highway 401, and immediately north of the Highway 401 interchange.

- a) Special minimum rear yard setback from property line for any septic system – 61 metres (200 ft.);
- b) Special minimum rear yard setback – 61 metres (200 ft.);
- c) Minimum landscape strip on rear yard – 15.24 metres (50 ft.);
- d) No service station or commercial garage (including a truck stop) save and except a “gas bar” or service activity ancillary and directly associated with an automobile dealership, shall be permitted in this specific location; and
- e) The following standards are to be used based on the identified aggregate Gross Leasable Area (GLA) size of the specific aggregate highway commercial complex.

The lot zoned Highway Commercial (CH) may be developed with multiple buildings/development pads and for the purposes of this section the aggregate GLA of the development shall be used to determine its lot occupancy. The remaining zoning standards are to be applied to the overall development, as a wholly combined unit, as opposed to individual buildings/pads.

- Standards -

BUILDING AND LOT REQUIREMENTS

03-11-4 MINIMUM LOT AREA AND FRONTAGE

- a) No building shall be erected on a lot of less than 4,000 square metres in area nor less than 60 metres (196.85 feet) in frontage.
- b) Where a commercial lot, as shown by the records of the Registry and Land Titles Office, having a lesser frontage or area than that required, is held under distinct and separate ownership from adjoining building lots at the time of the passing of this by-law, a commercial structure may be erected or used on such smaller building lot provided it conforms to all other requirements of this by-law.
- c) No commercial use shall front on Hebert Street.

068/97 Notwithstanding Minimum Lot Area and Frontage requirements of this Section, the following provisions shall apply to development on Part of Lot 9, Concession 2, City of Cornwall, situated between Tollgate Road, Kinnear Court, Pitt Street and Sunset Boulevard:

Minimum Lot Area 3,237 square metres
Minimum Lot Frontage 30 metres

03-11-5 MINIMUM YARD DIMENSIONS

- a) Front yard17 metres where parking is provided in the front yard; 7.5 metres where parking is not provided in the front yard;
- b) Side yard 6 metres on one side and 9 metres on the other side; 18 metres where a side yard abuts a Residential zone; where a side yard abuts a public street, the provisions applicable to FRONT YARDS shall apply. Single or duplex units in a Tourist Court shall be separated by not less than 3 metres
- c) Rear yard15 metres where parking is provided in the rear yard; 9 metres where parking is not provided in the rear yard; 18 metres where a rear yard abuts a Residential zone; where a rear yard abuts a public street, the provisions applicable to FRONT YARDS shall apply.

134/93 Minimum 1.2 metre side yard setback on the north side of the property at 1107 Brookdale Avenue (being Lots 53 and 57, Registered Plan No. 138).

128/00 A minimum setback along the C.N. Rail Mainline Corridor of 30 metres shall be required. This setback is applicable to all Highway Commercial (C.H.) and Neighbourhood Commercial (C.N.) zone permitted uses.

BUILDING AND LOT REQUIREMENTS

037/02 Notwithstanding any other requirements of these sections special provisions shall be on a site-specific basis to Lots 8, 9 and 10, Registered Plan Number 117 and Part of Lot 10, Concession 3, City of Cornwall, respectively, as follows:

- i) Minimum Lot Frontage (along Pitt Street) 53 metres (174 feet);
- ii) Minimum (interior) Side Yard (north side) 1.8 metres (6 feet); and
- iii) No basements shall be constructed under any building, nor shall any habitable floor area be constructed at an elevation of less than 58.47 metres Canadian Geodetic Datum (C.G.D.). In addition, any opening in foundation(s) shall have minimum elevation of 58.77 metres C.G.D.

03-11-6 PARKING REQUIREMENTS

108/96 Notwithstanding the provisions of subsection 01-3-3, parking is permitted on front and side yards, provided that a landscaped strip of a minimum 3 metres in width is maintained along the front lot line exclusive of designated entrances.

03-11-7 OUTSIDE STORAGE

- a) No part of a lot shall be used for outside storage of materials or equipment except as provided in this section. (Outdoor displays of new or used vehicles are not considered as outside storage of materials or equipment).
- b) Outside storage of materials or equipment shall be permitted only for the following uses:

- Centre for the sale and service of marine equipment;
- Farm Implement dealer;
- Home Improvement centre;
- Vehicle customizing shop;
- Garden Centre;

197/81
16/80

Commercial garage and Storage garage, as it relates to property presently owned by Gunther Paschek and operated as Fairview Garage, situate in Part of Lot 16, Concession 1, and which property may be more particularly described as follows: Premising that the bearings hereinafter mentioned are astronomic and refer to the meridian through the International Boundary Monument #11.

OUTSIDE STORAGE (continued)

Commencing at a point in the southern limit of the Concession Road Allowance between the First and Third Concessions, as widened, distant 404.75 feet measured westerly thereon from the eastern limit of said lot; thence south 52 degrees, 06 minutes west, along the said southern limit of Road Allowance, a distance of 291.70 feet; thence south 17 degrees 13 minutes, 30 seconds east, a distance of 104.94 feet to the northern limit of the relocated #2 Highway; thence south 86 degrees, 57 minutes, 30 seconds east, along the said northern limit of highway, a distance of 386.09 feet; thence north 31 degrees, 52 minutes west, a distance of 353.12 feet to the point of commencement.

- c) Where outdoor storage of materials and equipment is permitted, such storage shall only be located on any side or rear yard provided that it is stored in an orderly fashion and that the storage area is screened from public view by a suitable buffer or fence as established in subsection 03-11 8.
- d) No outdoor storage of materials or equipment is permitted on a lot which abuts a residential zone. However, where such a storage function is essential to the operation of the commercial enterprise, no side or rear yard storage is permitted within 15 metres of the lot line abutting the residential zone.

03-11-8

LANDSCAPING, BUFFERING, FENCING

205/81

- a) Where a side or rear yard of a commercial lot abuts a residential zone, a screening fence built of acceptable materials having a minimum 1.86 metres shall be required.
- b) Front, side and rear yards will be landscaped throughout with the exception of that portion which may be developed for parking or storage purposes.

03-11-9

REGULATIONS APPLICABLE TO TRAILER PARKS

- a) The Trailer park shall be laid out in lots for single occupancy recreational vehicles at a density of not more than 35 lots per hectare.
- b) No recreational vehicle lot shall be located less than 7.5 metres from any boundary of the Trailer park.
- c) Not less than 10 per cent of the gross area of the Trailer park shall be reserved for recreational purposes exclusive of required buffer strips.
- d) Accessory uses permitted in a Trailer park include a single family dwelling for the owner or manager of the Trailer park, subject to the regulations applicable in a Residential 10 zone; an accessory building incidental to and necessary for the operation of the Trailer park; a playground, picnic area or other recreational use accessory to the Trailer Park.

03-11-10 **PROPERTIES AND THE RELATED USES SUBJECT TO A HOLDING (H) CATEGORY**

146/88 Notwithstanding any other provisions of this By-law a Holding (H) category shall apply to the following uses on Part of Lot 13, Concession 3, City of Cornwall:

- i) Business or professional offices restricted to banks, trust companies, financial institutions and radio or television broadcasting and receiving stations, outlet for the sale of beer, wine or liquor; gift shop for the sale of arts and crafts; bakery.
- ii) Home improvement centre, including lumber and builder's yards; carpet and/or furniture warehouse or wholesale outlet, electrical wholesale outlet.
- iii) Restaurant, eating establishment, bar or tavern in conjunction with a restaurant or eating establishment, drive-in restaurant, dairy bar.
- iv) Hotel, motel, tourist court.
- v) Place of assembly or recreation, including a fraternal organization, bowling alley, poolroom, dance hall, skating rink, roller skating rink, golf range, par-3 golf course, miniature golf course, a privately owned club for racketball, handball, squash, lawn bowling, tennis, badminton or other athletic facilities operated for profit.

The Holding (H) category should not be removed until such time as full Municipal services are available to the site.

013/97 Notwithstanding any other provisions of this By-law a Holding (H) category shall apply to all Highway Commercial (C.H.) uses, except retail recreation and camping vehicles sales and service, including trailer and marine sales and service, on lands described as Part of Lot 12, Concession 3, being part of Part 18, Plan 52R-3892, City of Cornwall.

The Holding (H) category should not be removed until such time as the following items are completed to the satisfaction of Council:

- i) Installation and hook-up of full Municipal services along Brookdale Avenue;
- ii) Completion of a Market Impact Study;
- iii) Completion of a Traffic Impact Study; and
- iv) Entering into an Agreement identifying landowner responsibility for paying for installation of services as mentioned in #i).

021/04 Notwithstanding any other provisions of this By-law, a Holding (H) category shall be applied to all C.H./C.C. permitted uses on that portion of property generally measuring approximately 110 m (361 ft.) frontage along Brookdale Avenue by approximately 30 m (98.5 ft.) depth on Part of Lot 12, Concession 2, City of Cornwall and commonly referred to as the front part of the Home Depot site (Block A), as set out in Schedule "A" attached hereto.

The Holding (H) category should not be removed until such time as the following item(s) are completed to the satisfaction of Council:

- i) Preliminary Site Plan layout depicting the siting and use description of any proposed development and associated parking/access/landscaping and buffering, for example(s).

In addition, it is not the intent of this Holding (H) category to restrict access (driveways) to the Home Depot development.

161/09

Notwithstanding any other provisions of this By-law, a Holding (H) category shall apply to the Highway Commercial (CH) Zoning on Lots 46, 47 and 48, Registered Plan No.138 being the rear lots of the property at 1123-1125 Brookdale Avenue, City of Cornwall.

The Holding (H) category should not be removed until such time as the following items are completed to the satisfaction of Council:

- 1) Submission of an appropriate Site Plan for the future commercial use to specifically address issues of lot grading, fencing, noise and drainage.
- 2) That no commercial access be proposed to and from Hebert Street, as per the previous Ontario Municipal Board (OMB) decision in 1983.
- 3) That no transport trucks be permitted on this subject site, as per the previous OMB decision in 1983.

03-11-11 **LOT OCCUPANCY**

133/90

The total area of all Buildings shall not exceed 30% of the area of the lot.

03-11-12 **ACCESSORY BUILDINGS/ ACCESSORY STRUCTURE**

067/17

092/98

On any lot the total area of accessory buildings (commercial) shall not exceed 10 per cent of the area of the lot. Accessory buildings (commercial) are to be used for storage purposes only. Any accessory buildings containing any part of a commercial operation must meet main building setbacks.

116-10

The accessory building shall be setback 3 metres from the side and rear yards if the property is in a commercial zone. If there is a residential zone or zone containing residential permitted uses adjacent to the site, excluding a residential apartment for a watchman, custodian, caretaker or employee whose residence on the premises is essential, then the main building setbacks of the commercial zone for the accessory structure shall prevail.

The maximum height should be set at 4.58 metres "at top of roof peak".