

P A R T IV.2**INDUSTRIAL ZONES****GENERAL PROVISIONS SPECIFIC TO INDUSTRIAL ZONES****56. PROHIBITIONS AGAINST NOXIOUS EMISSIONS**

No building or structure shall be erected, enlarged or altered, and no land shall be used for any industrial purpose, unless:

- (1) The smoke density produced does not exceed number 1 as measured on the Ringleman Chart for more than 4 minutes in any 30 minute period,
- (2) No noxious, toxic or corrosive fumes or gas is emitted,
- (3) No dust, dirt or fly ash is emitted in excess of 7 grains per m³ of flue gas at a stack temperature of 260 degrees Centigrade,
- (4) No heat or glare is perceptible beyond the property line in question, and
- (5) Any waste products discharged into the Municipal sewerage system will not overload the system or pollute or poison the sewage disposal system.

57. BUILDING AND STRUCTURE MATERIALS

- (1) No building or structure shall be erected or used within 91.5m of the following roads unless the front and side walls of the building or structure are constructed of brick, stone, stucco on masonry (used in accordance with the National Building Code specifications) glazed block, marble, enamel or composite panels other than wood, (but not of formed or corrugated materials, not of asbestos sheeting on steel unless the exterior surface has a permanent, coloured, factory-applied finish) and no loading dock or parking space for unloading in connection with any such building or structure may be located between the front wall of the main building on a lot and the following street lines:

- The Queen Elizabeth Way, and service roads in connection therewith; Burloak Drive, Highway 25, Bronte Road, Third Line, Fourth Line, Trafalgar Road, Eighth Line, Ninth Line, Winston Churchill Boulevard, Highway No. 122, Highway No. 403 and Highway No. 5.

- (2) On industrial lots abutting other than the roads set forth in subsection (1) no building or structure shall be constructed or used unless the wall or walls of the

main building facing the road or roads are constructed of the materials described in subsection (1) but except on a corner lot, this does not apply to any detached accessory building located to the rear of the main building.

58. BUILDINGS AND STRUCTURES FRONTING ONTO CERTAIN ROADS AND THE RAILWAYS

No person shall erect or use any building or structure fronting on Burloak Drive, Highway No. 25, Bronte Road, Third Line, Fourth Line, Trafalgar Road, Eighth Line, Maple Grove Drive, Winston Churchill Boulevard, Ford Drive or Dorval Drive nearer the intersection of any highway and the Canadian National Railways right-of-way therewith than a line joining a point in the centre line of the right-of-way 61m distant from the intersection, with a point in the centre line of the road 106.5m distant from such intersection. For the purpose of this section “intersection” means the intersecting point of the centre line of the railway right-of-way with that of the highway.

59. BUFFER STRIP

No industrial land shall be used adjoining a residential zone unless a buffer strip 7.5m in width is established abutting the residential zone within 6 months of the commencement of the industrial use.

60. NON-CONFORMING USES

In an Industrial Zone where land is used for a purpose permitted in the zone but the use does not comply with the provisions of this by-law by reason only of not meeting the yard requirements, an addition may nevertheless be made to an existing building or structure or a further building or structure erected provided that every such addition and further building or structure complies with all the provisions of this by-law.

61. GATEHOUSE

Every required yard shall be open and unobstructed from the ground to the sky by any structure except in an industrial zone, a gatehouse may be erected.

62. PETROLEUM REFINING, STORING, PROCESSING AND BLENDING

Where land is used or buildings or structures are erected or used within industrial zones in accordance with the requirements of this by-law for purposes of storing, processing, refining and blending petroleum and petroleum products, the following regulations apply:

- (1) All the provisions of Part IV of this by-law, other than Section 70 insofar as it refers to “commercial gas works”,
- (2) On all boiler houses, furnaces, flares and other combustion units, the most modern devices shall be constructed and maintained in good working condition, to ensure that a minimum of smoke will be emitted,
- (3) All tanks used for the storage of crude petroleum shall be constructed and maintained with floating roofs or other types of conservation roof to control vapour loss,
- (4) All tanks used for the storage of distillates with a Reid Vapour Pressure at 38 degrees Centigrade exceeding 2.27kg shall be constructed with conservation-type roofs or shall be vented to recovery systems,
- (5) The relief vents on all operating units shall be piped either to a flare or to a recovery system,
- (6) All racks and structures for the filling of road or rail vehicles shall be constructed and operated with bottom loading pipes for the loading of any petroleum products with a Reid Vapour Pressure at 38 degrees Centigrade in excess of 2.27kg to reduce vapour losses,
- (7) All process oil water separators shall be enclosed at least as far as the first oil retention baffle to minimize the emission of vapours,
- (8) All incinerators shall be constructed and operated with smoke control or smoke eye warning of stack condition, used in conjunction with and by the owners of the oil refineries,
- (9) Any blown asphalt manufacturing plant constructed and operated shall incorporate devices for the capture of oxide vapours and oil droplets and for disposal of same by means of combustion or equally satisfactory equivalent measures, and

- (10) The rate of emission of solids from any catalytic cracking unit shall not exceed the rate of 27216 kg for any calendar month calculated on a catalytic cracking unit intake of 7000 barrels per day excluding losses due to electrical power failure, breakdown of mechanical or plant equipment of any other abnormal operating condition of temporary duration.

63. LIMITATION ON PETROLEUM REFINING, STORING, PROCESSING AND BLENDING

No land within Lots 1 to 30 inclusive of both, in Concessions 2 and 3 South of Dundas Street may be used for the purpose of storing, processing, refining and blending petroleum and petroleum products.

64. FINISH OF ACCESSORY EQUIPMENT

All metal vents, stacks, louvres, roof ventilators and the like shall be finished in a colour compatible with adjacent finished materials.

65. COMPUTATION OF YARDS

The minimum side yard along a flankage shall be 5.5m.

66. PATIOS ADJOINING RESIDENTIAL ZONES

- (1) In any industrial zone, a patio use is a permitted ancillary use to a drive-in eating establishment, restaurant or take-out eating establishment provided that the patio is not located as follows:
- a) In a yard abutting a residential zone other than the C3R Zone, or
 - b) Within any yards abutting a street if a residential zone other than the C3R Zone is located on the opposite side of the street.
- (2) Terraced or rooftop patios are not permitted on any property abutting a residential zone.

66A. GARBAGE CONTAINMENT

- (1) Garbage containers shall not be permitted within any industrial zones unless screened by garbage container enclosures and shall not be located within:

- a) A front yard;
- b) A required flankage setback;
- c) A required yard abutting a residential zone, however shall be permitted if setback from any residential zone a distance equal to the required setback of the main building. Notwithstanding the foregoing, a garbage container enclosure need not be provided if the container is located within a rear yard behind a building, and if the abutting lands are not used for the following purposes:
 - a) Public street;
 - b) Parkland;
 - c) Public walkway;
 - d) Public building;
 - e) Harbour;
 - f) Railway lines, and
 - g) Are not located in a zone which permits residential uses.

67. PARKING

(1) Parking Regulations Applying to All Industrial Zones

Where parking facilities are required or permitted for industrial uses:

- a) Parking areas, required lanes and required aisles must be located on the same lot as the main use,
- b) No charge may be made for parking and such parking shall be open to members of the public while using the premises,
- c) Where more than 1 parking area is provided for a use, convenient access must be provided between parking areas for vehicular and pedestrian traffic,
- d) Parking areas must contain individual vehicle parking spaces, according to the scale set forth in Section 67(2), each of which is to be clearly marked and maintained,
- e) No aisle may be less than 6m in width throughout,
- f) For each parking area, at least 1 lane for entrance and 1 lane for exit must be provided and where such parking area is within an industrial zone, such street or lane must extend through an industrial zone, and each lane, where separated, must be at least 3m wide but if combined may have a total width of not less than 5.5m.

- g) Individual parking spaces must be arranged so that each space has access to and from a public street or laneway unobstructed by any other parking space and so that a vehicle occupying the space is able to enter and leave the property in forward motion,
 - h) All parts of the lot other than landscaped areas and buffer strip in Industrial Zones except M2, M3 and M4 shall be constructed and maintained with a stable dustless surface of hot mix asphalt or concrete in either case to the specifications of the Town of Oakville's Public Works Department and must meet the storm drainage requirements of the Town,
 - i) Parking areas for M2, M3 and M4 industrial zones which are provided in a front yard must be constructed and maintained with a stable and dustless surface of hot mix asphalt or concrete which meets the Town of Oakville Public Works Department's specifications with provisions for drainage which comply with the requirements of the Town,
 - j) Parking areas for M2, M3 and M4 industrial zones which are provided in a side or rear yard must be maintained with a stable dustless surface, such as crushed stone, slag, gravel or cinders having an asphalt or portland cement binder or any permanent type of sealcote and wearing surface, with provisions for drainage which comply with the requirements of the Town,
 - k) Entrances and exits shall be surfaced in the same manner as the parking area,
 - l) Where the parking area adjoins a residential zone or any zone in which residences are permitted, the lighting shall be so arranged as to deflect the light from that zone,
 - m) Where a parking area or drive is in a yard that abuts any zone where residential uses are permitted, a hedgerow or evergreen shrubs of not less than 1.5m in height must be placed between the parking area and the lot line, and the remaining land between the hedgerow and the lot line must be landscaped, the whole to be maintained in a healthy growing condition free from refuse and debris;
 - n) A shelter of not more than 3m in height and not more than 4.5m² in area may be erected in the parking area for the use of attendants,
 - o) Where commercial uses are permitted in certain industrial zones the parking standard for the commercial use will apply, and
 - p) Where parking requirements are related to seating capacity and seating is by open benches, each 0.5m of open bench shall be counted as one seat.
- (2) Minimum Parking Requirements for Industrial Zones The minimum parking requirements for uses permitted in Industrial Zones shall be as follows:

<u>Zone and Use</u>	<u>Requirements</u>
a) M1, M2, M3 and M4 Zones i) Industrial Uses	- One parking space for every 18.5m ² of the first 93m ² of floor area, and 1 parking space for every subsequent 93m ² of floor area, to be used only for parking of employees' and customers' vehicles and vehicles incidental to the industrial undertaking;
ii) Banks	- One parking space for every 15m ² of leaseable floor area;
iii) Day Nursery	- One off-street parking space for each required staff member;
iv) Government office building	- 1 paved parking space for every 17.5m ² of leaseable floor area;
v) Business and Professional Office, Excluding Medical Offices	- 1 paved parking space for every 28m ² of leaseable floor area (see OMB Order 2000-140)

(3) **Parking Requirements for Disabled Persons**

Notwithstanding anything to the contrary in Subsection (2), designated parking shall be provided as follows:

a) **Use**

- Municipal buildings, stadia, arena and the like and commercial uses including hotels, motels and restaurants but excluding hospitals and medical centres;

Requirements

- Of the required parking noted in Section 67 (2), a minimum of 1 designated parking space to a maximum of 20 designated parking spaces for disabled persons based on the following:

1 designated space for the first 20 required parking spaces, 1 additional designated space for the next 80 required spaces and 1 additional designated space for each additional 100 required spaces or part thereof,

however under no circumstances shall more than 20 designated spaces be required.

Notwithstanding anything to the contrary above, where only 1 parking space is required for a site that space shall be designed to accommodate parking for the disabled but shall not be considered to be a designated space.

b) **Use**

- Medical offices

Requirements

- Of the required parking noted in Section 67 (2), a minimum of 1 designated parking space to a maximum of 20 designated parking spaces for disabled persons based on the following:

1 designated space for the first 29 required parking spaces, 1 additional designated space for the next 30 required parking spaces, 1 additional space for the next 41 required parking spaces and 1 additional designated space for each additional 100 requires spaces or part thereof, however under no circumstances shall more than 20 designated spaces be required.

Notwithstanding anything to the contrary above, where only 1 parking space is required for a site that space shall be designed to accommodate parking of the disabled but shall not be considered to be a designated space.

68. PROVISIONS FOR LIGHT INDUSTRIAL - M1 ZONE

In the M1 Zone the following uses shall be permitted:

(1) **Permitted Uses**

- a) Banks, service shops,
- b) Bakeries, printing shops,
- c) Publishing and book binding,
- d) Warehousing and storage within enclosed buildings and the assembly of

- manufactured products such as textiles, woods, paper, light metal sections, radio and television equipment and other similar products,
- e) The manufacture within enclosed buildings of radio and television equipment, drugs, cosmetics, jewellery and watches, toys, office equipment, sanitation products and any other light manufacturing operations which are not obnoxious by reason of erosion or the emission of noise, odour, dust, gas, fumes, smoke, refuse or water-carried waste,
 - f) Administrative offices directly related, incidental and subordinate to any use permitted in this section, except the use permitted under Section 68L, provided that:
 - i) The administrative offices are located on the same lot, and do not exceed 49% of the total floor area of the permitted use to which it is related.
 - g) There shall in no circumstances be any outside storage of goods or materials,
 - h) A day nursery, and
 - i) A propane transfer facility for the use of the owner or tenant of the lands.
 - j) Use of a maximum of 5% of the floor area of any individual service shop, bakery, printing shop, publishing establishment, book binding establishment, warehouse and manufacturing establishment for ancillary retail sales and display of products manufactured, repaired, warehoused or distributed at wholesale from the premises if such ancillary retail sales and display of products are contained within enclosed buildings or structures and are accessory to the principal undertaking and the sales and display areas are clearly separated from the principal undertaking by a wall at least 2.0m high, however under no circumstances shall the floor area devoted to retail sales and display exceed 93m².
 - k)
 - i) Parking areas for motor vehicles except trailers, tractors and commercial vehicles with a gross weight, as registered with the Ministry of Transportation, exceeding 3,000kg, which are ancillary to a use permitted in this Section.
 - ii) Parking areas for trailers, tractors, and commercial vehicles with a gross weight, as registered with the Ministry of Transportation, exceeding 3,000kg., are only permitted provided that they meet the following requirements:
 - (a) They do not occupy more than 40% of the total site area and

- (b) They are ancillary to an industrial use that is permitted in Section 68 herein and that is undertaken with an enclosed building on the same site.
- l) Business and Profession Offices, excluding medical offices, subject to the regulations described in Section 68(3).

(2) **Regulations**

The following regulations shall apply to uses permitted in the M1 Zone:

- a) Lot area where municipal water or sanitary sewers are not available - Minimum - 0.2ha,
- b) Front yard depth - Minimum - 15m for all lots except those lots on the southeasterly side of Speers Road from its intersection with the northeasterly limit of Lot 17, Concession 3, South of Dundas Street to a point on Speers Road 55m measured southwesterly there along from its intersection with the southwesterly limit of Block H Registered Plan 681 on which lots no part of any building shall be closer to the centre line of Speers Road than 25m, provided that where the opposite side of the street on which the lots front is a zone where residential uses are permitted it shall be 30.5m for all lots,
- c) Side yard width, each side - Minimum - 3m, except on any lot which abuts the Queen Elizabeth Way or Highway No. 401 or service roads in conjunction therewith, where the side yard shall be 6m and provided that where a side lot line is part of the boundary between the industrial zone and a zone where residential uses are permitted, the minimum distance between the side lot line and the nearest wall of a building shall be 10.5m,
- d) Rear yard depth - Minimum - 7.5m, provided that where the rear lot line is part of the boundary between an industrial zone and a zone where residential uses are permitted, it shall be 15m and where a rear lot line adjoins a railway right-of-way no rear yard shall be required, and
- e) Notwithstanding the provision of paragraphs (b) and (d) except on line, concession or service roads and roads in excess of 20m in width, the requirements are:
 - (i) Front yard depth - Minimum - 9m, provided that where the opposite side of the street on which the lot fronts is in a zone where residential uses are permitted it shall be 30.5m, and
 - (ii) Rear yard depth - Minimum - 3m, provided that where the rear lot line is part of the boundary between an industrial zone and a zone where residential uses are permitted, it shall be 15m and where a

rear lot line adjoins a railway right-of-way no rear yard shall be required.

(3) **Regulations for Business and Professional Office**

The regulations provided in Section 68(2) apply in addition to the following:

- i. Lot frontage – Minimum – 30m
- ii. Building and structure height on lots abutting a residential zone – Maximum – 11m and for buildings or structures within 23m of the boundary of the residential zone – Maximum – 5m.
- iii. On a lot abutting a residential zone, the area of window and door openings in a wall of a building facing the residential zone – Maximum – 20% of the area of the wall.
- iv. Floor area for a building containing business and professional offices excluding area of basement – Maximum – 1 times lot area.

69. PROVISIONS FOR MEDIUM INDUSTRIAL - M2 ZONE

(1) **Permitted Uses**

In the M2 Zone the following uses shall be permitted:

- a) Uses permitted in industrial M1 zones,
- b) Industrial uses within enclosed buildings which are not obnoxious by reason of the emission odour, dust, smoke, noise, gas, fumes, cinders, vibration, refuse or water-carried waste or by reason of the generation of traffic onto Town streets,
- c) A public garage from which there is no sale of automotive fuels,
- d) Railway sidings for the exclusive use of individual operations, but not including tracks for the storage, picking up, setting off or marshalling of railway cars for general use of the area, and
- e) Outside storage that is not unsightly storage, provided that the outside storage meets the following requirements:
 - (i) It does not occupy more than 40% of the total site area and
 - (ii) It is ancillary to an industrial use that is permitted in Section 69 herein and that is undertaken within an enclosed building on the same site.
- f) Use of a maximum of 5% of the floor area of any public garage for retail sales of automobile related products ancillary to the public garage use providing that the area reserved for retail sales and display of goods is

clearly separated from the principal undertaking by a wall at least 2.0m high however under no circumstances will the sale of automobiles or automobile fuels be permitted, nor shall the floor area devoted to retail sales and display exceed 93m².

- g) Trucking and transport depots, provided that not more than 40% of the total site area is occupied by the combination of outside storage, as permitted under section 69(e), and parking of trailers, tractors and commercial vehicles with a gross weight, as registered with the Ministry of Transportation, exceeding 3,000kg.
- h) Trucking and transport depots, provided that such use is conducted in conjunction with an industrial use that is permitted in Section 69 herein that is undertaken within an enclosed building on the same site, and provided that all outside storage areas and all parking areas for trailers, tractors, and commercial vehicles with a gross weight, as registered with the Ministry of Transportation, exceeding 3,000kg., cannot in combination occupy more than 40% of the total site area.

(2) **Regulations**

The regulations provided in Section 68 shall apply to uses permitted in the M2 Zone.

70. **PROVISIONS FOR HEAVY INDUSTRIAL - M3 ZONE**

(1) **Permitted Uses**

In the M3 Zone the following uses shall be permitted:

- a) Uses permitted in Industrial M2 Zone,
- b) Body repair shops and fuel, oil and ice wholesalers,
- c) Car compounds in M3 Zones in Lots 22, 23 and 24, South of Dundas Street, south of the Canadian National Railways right-of-way, only, and subject to the regulations contained in subsection (2) of this section, and
- d) Any other industrial operation (excluding abattoirs, salvage yards, second-hand goods shops, tar works, commercial gas works, smelter, tanneries, plants for the processing of waste products, either animal or fish, including blood, offal, skins, hides, bones, condemned meat or fish),
- e) Outside storage not subject to the controls enumerated in Section 69,
- f) Parking areas not subject to the controls enumerated in Section 68 and section 69,

- g) Trucking and transport depots not subject to the controls enumerated in Section 69.

(2) **Regulations**

The regulations provided in Section 68 shall apply to the uses permitted in the M3 Zone. In addition, where a lot is used for a car compound, the following regulations must be complied with:

- a) The surface of the storage area must comply with Section 67 (1) (i) and (j) of this by-law,
- b) All vehicles must be neatly stored in orderly rows separated by adequate lanes,
- c) No vehicles may be stored except within an area enclosed by a fence or wall, not less than 2.5 m in height, which has a finished appearance and is opaque over no less than 80% of its area when viewed at eye level,
- d) No part of the enclosure may be closer than 15m to a street line,
- e) Service vehicles may be parked only within the enclosure, and
- f) Parking for employees and visitors - minimum - 6 spaces