

SECTION 19 - LOCAL COMMERCIAL ZONE- C1

The following provisions shall apply in all LOCAL COMMERCIAL ZONES C1:

No *PERSON* shall *HEREAFTER USE* any *BUILDING, STRUCTURE* or land nor *ERECT* any *BUILDING* or *STRUCTURE* except in accordance with the following provisions:

19.1 USES PERMITTED

19.1.1 Residential:

DWELLINGS over permitted commercial *USES (By-law 9196)*

19.1.2 Commercial:

RETAIL STORE (By-law 7670); RESTAURANT (By-law 7108); PERSONAL SERVICE ESTABLISHMENT (By-law 7670); DRY CLEANING AND LAUNDRY DEPOT; a BAKE SHOP; a CATERER, or a DELICATESSEN; a laundromat (By-law 2883); CONVENIENCE STORE; a PLACE OF WORSHIP (By-law 9439); DAY CARE FACILITY.

19.2 AREA REQUIREMENTS

19.2.1 LOT COVERAGE:

Maximum - 35 percent

19.2.2 YARD Requirements:

FRONT YARD - minimum 6.0 metres

REAR YARD - minimum 4.5 metres

SIDE YARD - a minimum *SIDE YARD* of 4.5 metres shall be required except where this Zone flanks any Commercial Zone (**By-law 7186**) or RZ ZONE.

19.2.3 Floor Area of DWELLING UNITS:

The minimum floor area for each *DWELLING UNIT* shall be in accordance with the following: (**By-law 9196**)

Bachelor - minimum 37 square metres

One Bedroom - minimum 45 square metres

Two Bedroom - minimum 55 square metres

More than Two Bedrooms - minimum 65 square metres.

19.2.4 The total floor areas of *DWELLING UNITS* over stores shall not exceed the total floor areas given over to Commercial *USES* in the same *BUILDING*. (**By-law 5024**)

19.2.5 PLANTING STRIP (By-law 2003-137)

A landscaped strip of land, not less than 3.0 metres in width, consisting of trees, in accordance with Schedule D – Recommended Trees for Use in *PLANTING STRIPS*, ornamental shrubs, lawn and flowers shall be provided and maintained in healthy growing condition along the *FRONT LOT LINE* and, in the case of a *CORNER LOT*, along the exterior *SIDE LOT LINE* except where such *LOT LINE* is crossed by an access driveway. Any such *PLANTING STRIP* may be included in the calculation of the *LANDSCAPED OPEN AREA*.

19.2.6 LANDSCAPED OPEN SPACE (By-law 2003-137)

Minimum – 10 percent of *LOT AREA*, and all *YARD* areas other than driveways, walkways and *PARKING SPACES* shall be landscaped.

19.3 EXCEPTIONS

19.3.1 Deleted by By-law 10016.

19.3.2 Deleted by By-law 11312.

19.3.3 Deleted by By-law 10656.

19.3.4 EXCEPTION

Notwithstanding the provisions of Section 19.2.2, *LOTS* 151 to 153, inclusive, Plan 45, now known as Plan 593, on the south side of Welland Street and west side of Crowland Avenue, shall be given an exemption to allow the *FRONT YARD* requirement of the *EXISTING* one-storey concrete block *BUILDING* to be reduced to 1.778 metres, the *SIDE YARD* requirements, to be reduced to 0.762 metres and the *REAR YARD* requirements, to be reduced to 0.406 metres as shown in the Site Plan Agreement authorized by By-law 7598.

(151 CROWLAND AVENUE)

19.3.5 EXCEPTION

Notwithstanding the provisions of Section 19.2.2, the lands described in Schedule "B" of By-law 8072 shall be given an exemption for the provision of a fire escape for a maximum of 1.219 metres into the *SIDE YARD* on the south side of the *BUILDING* as indicated on Schedule "C" of the Site Plan Agreement authorized by By-law 8071.

(289 LINCOLN STREET)

19.3.6 EXCEPTION

1. Notwithstanding the provisions of Section 19, the lands described in Schedule "B" of By-law 9008, shall be given an exemption to allow the *USE* of the said lands for the purposes of a gas bar for gasoline pumps which are allowed in an *AUTOMOBILE SERVICE STATION USE*, in addition to the other *C1 USES*.
2. Notwithstanding the provisions of Section 19, the lands described in Schedule "B" of By-law 9008, shall be exempted from the required *FRONT YARD* Requirement, subject to the Site Plan Agreement authorized by By-law 9007.

(1000 ONTARIO ROAD - ALSO SEE: 5.23.1)

19.3.7 EXCEPTION

Notwithstanding the provisions of Section 19, the lands described in Schedule "B" of By-law 9119, to be developed in accordance with the Site Plan Agreement authorized by By-law 9120, shall be given an exemption to allow the *USE* of the said lands for the purposes of a *FAST FOOD OUTLET*.

(390 CROWLAND AVENUE)

19.3.8 EXCEPTION

Notwithstanding the provisions of Section 19, the following lands, designated in By-law 9219, may be used for the following *USES*:

a *HOTEL*, a *BUSINESS OFFICE*, a *CLINIC*, a taxi stand, a *PERSONAL SERVICE ESTABLISHMENT*, a *PARKING LOT* for automobiles only, a *DAY CARE FACILITY*, an *ATHLETIC/FITNESS CLUB*, a *FUNERAL HOME*.

In the City of Welland, in the Regional Municipality of Niagara, in the Province of Ontario, and being composed of part of *LOT 27*, Concession 6, in the geographic Township of Crowland, formerly in the County of Welland, now in the said City of Welland and designated as Part 1 on Reference Plan 59R-1634.

(150 PRINCE CHARLES DRIVE SOUTH)

19.3.9 Deleted by By-law 2005-48

19.3.10 C1-X1 ZONE (By-law 10656)

1. *LOTS 949 and 950*, Plan 960, former Township of Crowland, now City of Welland, known municipally as 226 Crowland Avenue and as shown on Schedule "A" attached to By-law 10656 as "Change to C1-X1 ZONE" is hereby rezoned C1-X1 ZONE.
2. The *USES* permitted in the C1-X1 ZONE shall be those permitted in the C1 ZONE with the added *USES* of a *CLINIC*, a *BUSINESS OFFICE*, a residential *USE* on the main floor of the *BUILDING* which, together with the residential *USE* above the commercial *USE*, will have a floor area in excess of the floor area devoted to the commercial *USE*.
3. The Zone Provisions of the C1-X1 ZONE shall be as follows:

<i>FRONT YARD</i> Setback	Minimum 3.0 metres
South <i>SIDE YARD</i>	0 metres
North <i>SIDE YARD</i>	Minimum 1.0 metres
<i>REAR YARD</i>	Minimum 4.5 metres
<i>LOT COVERAGE</i>	Maximum 35 percent

Floor Area for each *DWELLING UNIT*

In accordance with the following:

Bachelor - minimum 37 square metres

One Bedroom - minimum 45 square metres

Two Bedroom - minimum 55 square metres

More than Two Bedrooms - minimum 65 square metres.

4. Notwithstanding Section 5.20 and Schedule B - Geometric Design Standard for Parking, By-law 2667, the required parking for a *CLINIC* and one (1) residential unit shall be six (6) spaces, with an aisle width of 4.0 metres for 45° parking spaces.

(226 CROWLAND AVENUE)

19.3.11 C1-X2 ZONE (By-law 11015 and 11185)

1. That *LOTS* 708 through 710 inclusive, Plan 960 known municipally as 505 Lincoln Street and shown on Schedule "A" of By-law 11015 as "Change to C1-X2 ZONE" is hereby rezoned C1-X2 ZONE.
2. That the *USES* permitted in the C1-X2 ZONE shall be those permitted in the C1 ZONE and the following: a *BUSINESS OFFICE*, *CLINIC*, a *ARTIST'S STUDIO*, *DAY CARE FACILITY*, dog grooming salon, a *PERSONAL SERVICE ESTABLISHMENT*, a *SECOND HAND STORE* and a *CUSTOM WORKSHOP*.
3. That the provisions for the C1-X2 ZONE shall be those provided for in the C1 ZONE.

(505 LINCOLN STREET)

19.3.12 C1-X3 ZONE (By-law 11232) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 1999-111)

1. That Part of Part 2, Plan 59R-9399 and shown on Schedule "A" of By-law 11232 as "Change to H-C1-X3 ZONE" is hereby rezoned H-C1-X3 ZONE.
2. The *USES* permitted in the H-C1-X3 ZONE shall be the following: *RETAIL STORE*, *PERSONAL SERVICE ESTABLISHMENT*, *BAKE SHOP*, *DELICATESSEN*, laundromat, *CONVENIENCE STORE*, *CLINIC*, dog grooming salon, pet store, post office, *PRIVATE CLUB*.
3. The provisions for the H-C1-X3 ZONE shall be those provided for in the C1 ZONE.

(300 DAIMLER PARKWAY)

19.3.13 C1-X4 ZONE (By-law 11232 and 2005-87) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 1999-111)

1. That Part of Part 2, Plan 59R-9399 and shown on Schedule “A” of By-law 11232 as “Change to H-C1-X4 ZONE” is hereby rezoned H-C1-X4 ZONE.
2. The *USES* permitted in the H-C1-X4 ZONE shall be the following: *GOLF COURSE*, club house, pro shop, *RESTAURANT*, platform tennis courts and accessory uses.
3. The provisions for the H-C1-X4 ZONE shall be those provided for in the C1 ZONE.

(289 DAIMLER PARKWAY)

19.3.14 Deleted by By-law 2004-29.

19.3.15 C1-X6 ZONE (By-law 11235)

1. That *LOTS* 32, 37, 38 and 39, and Part of *LOTS* 29, 30 and 36, Plan 556 known municipally as 188-196 Maple Avenue and shown on Schedule “A” of By-law 11235 as “Change to C1-X6 ZONE” is hereby rezoned C1-X6 ZONE.
2. That the *USES* permitted in the C1-X6 ZONE shall be those permitted in the C1 ZONE and the following: *BUSINESS OFFICE*, *ARTIST’S STUDIO*, *DAY CARE FACILITY*, dog grooming salon, *CUSTOM WORKSHOP*, *CLINIC* and *PRIVATE CLUB*.
3. That the provisions for the C1-X6 ZONE shall be those provided for in the C1 ZONE.

(188-196 MAPLE AVENUE)

19.3.16 C1-X7 ZONE (By-law 11312)

1. That *LOT* 147, Plan 673 known municipally as 453 Thorold Road and shown on Schedule “A” of By-law 11312 as “Change to C1-X7 ZONE” is hereby rezoned C1-X7 ZONE.
2. The *USES* permitted in the C1-X7 ZONE shall be: *PERSONAL SERVICE ESTABLISHMENT CONVENIENCE STORE*, *RETAIL STORE*, *BUSINESS OFFICE*, *BUSINESS SERVICE ESTABLISHMENT*, *DAY CARE FACILITY*, one (1) residential *DWELLING UNIT* in the rear of the *EXISTING BUILDING* not to exceed 50 percent of the *GROSS FLOOR AREA* of the *BUILDING*.
3. The provisions for the C1-X7 ZONE shall be those provided for in the C1 ZONE.
4. Notwithstanding Section 5.20.1 of By-law 2667, the minimum width of an ingress/egress for two-way vehicular access is 4.2 metres.

(453 THOROLD ROAD)

19.3.17 C1-X8 ZONE (By-law 1999-96)

1. That *LOTS* 2187 and 2188, Plan 984 known municipally as 305 St. George Street and shown on Schedule "A" of By-law 1999-96 as "Change to C1-X8 ZONE" is hereby rezoned C1-X8 ZONE.
2. That the *USES* permitted in the C1-X8 ZONE shall be those permitted in the C1 ZONE and the following: custom picture framing shop; a portion of a residential *DWELLING UNIT* may be located on the ground floor not to exceed 30 percent of the *GROUND FLOOR AREA*.
3. That the provisions for the C1-X8 ZONE shall be those provided for in the C1 ZONE save and except the minimum *FRONT YARD* shall be 0.7 metres.

(305 ST. GEORGE STREET)

19.3.18 C1-X9 ZONE (By-law 1999-122)

1. That Part of *LOT* 1, Concession 11, former Township of Pelham being part of Part 1, Plan 59R-5926 known municipally as 8 Sumbler Road and shown on Schedule "A" of By-law 1999-122 as "Change to C1-X9 ZONE" is hereby rezoned C1-X9 ZONE.
2. That the *USES* permitted in the C1-X9 ZONE shall be those permitted in the C1 ZONE and the following: *CLINIC, BUSINESS OFFICE*.
3. That the provisions for the C1-X9 ZONE shall be those provided for in the C1 ZONE.

(8 SUMBLER ROAD)

19.3.19 C1-X10 ZONE (By-law 1999-180, 2001-164)

1. That Part of *LOT* 27, Concession 6, former Township of Crowland being Parts 6 and 11, Plan 59R-5728 and Part 1, Plan 59R-3870, known municipally as 95 Lincoln Street and shown on Schedule "A" of By-law 1999-180 as "Change to C1-X10 ZONE" is hereby rezoned C1-X10 ZONE;
2. The *USES* permitted in the C1-X10 ZONE shall be those permitted in the C1 ZONE and the following:
 - (a) *ATHLETIC/FITNESS CLUB*;
 - (b) A gas bar which may be located only on Part 1, Plan 59R-3870;
 - (c) *BUSINESS OFFICE (By-law 2001-164)*;
 - (d) *CLINIC (By-law 2001-164)*;
3. The provisions for the C1-X10 ZONE shall be those provided for in the C1 ZONE.

(95 LINCOLN STREET)

19.3.20 C1-X11 ZONE (By-law 2005-48)

1. That Lot 669 and Part of Lots 664, 665, 666, 667 and 668, Plan 610 being Part 1 on Plan 59R-9602, known municipally as 447 Niagara Street and shown on Schedule "A" attached to By-law 2005-48 as "Change to C1-X11 ZONE" is hereby rezoned C1-X11 ZONE;
2. The uses permitted in the C1-X11 ZONE shall be limited to the following: an accountant, an architect, a banking facility (ATM), a beauty salon, a barber shop, a card and gift store, a chiropractor, a clothing store, a computer store, a dentist, a doctor, an engineering office, financial planners, a florist, an insurance office, a lawyer, a photo studio, a photo and copy shop, a picture frame shop, a postal sub-station, a real estate office, a sporting goods store, a stock brokerage, a tanning salon, a beauty boutique, a therapist, a travel agent, a paint store and a home decorating store;
3. The provisions of the C1-X11 ZONE shall be those provided for in the C4 ZONE save and except as follows:
 - no BUILDING shall exceed one STOREY in height;
 - no BUILDING shall exceed a GROUND FLOOR AREA of 511 square metres;
 - the minimum south REAR YARD shall be 2.4 metres;
 - the minimum westerly SIDE YARD shall be 2.4 metres;

(447 NIAGARA STREET)

19.3.21 C1-X12 ZONE (By-law 2008-83)

1. That Lots 931 and 932, Registered Plan 40, now known as Plan 960, known municipally as 298 Crowland Avenue and shown on Schedule "A" attached to By-law 2008-83 as "Change to C1-X12 ZONE" is hereby rezoned C1-X12 ZONE.
2. The USES permitted in the C1-X12 ZONE shall be those permitted in the C1 ZONE and a SECOND HAND STORE.
3. The ZONE provisions for the C1-X12 ZONE shall be those provided for in the C1 ZONE.

(298 CROWLAND AVENUE)

19.3.22 C1-X13 ZONE (By-law 2014-90, 2015-59)

1. That Part Blocks V and Z, Plan 1649, NP564 and shown on Schedule "A" attached to By-law 2014-90 as "Change to C1-X13 ZONE" is hereby rezoned C1-X13 ZONE.
2. That the USES permitted in the C1-X13 ZONE shall be limited to BUSINESS OFFICES, DAY CARE FACILITY, Respite Care, and DWELLINGS over permitted commercial USES.
3. That the provisions of the C1-X13 ZONE shall be those provided for in the C1

ZONE save and except as follows:

Minimum FRONT YARD	2.8 metres
Minimum North SIDE YARD	1.7 metres
PLANTING STRIP	1.7 metres along the north LOT LINE
	2.8 metres along the FRONT LOT LINE
Minimum East YARD	2.0 metres (By-law 2015-59)
Minimum South YARD for the Roofed Garbage Enclosure	2.0 metres (By-law 2015-59)
Maximum Number of Respite Care Beds	40 (By-law 2015-59)

4. Notwithstanding Section 5.9 the Garbage & Refuse Storage shall be contained within a BUILDING. **(By-law 2015-59)**
5. Notwithstanding Section 5.20 of By-law 2667, as amended a minimum of 13 spaces shall be required for the Respite Care. **(By-law 2015-59)**

(152 AND 170 HELLEMS AVENUE AND 131 YOUNG STREET)