

## **SECTION 20 - SHOPPING COMMERCIAL ZONE- C2**

The following provisions shall apply in all SHOPPING COMMERCIAL ZONES C2:

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

### **20.1 USES PERMITTED**

**20.1.1** All *USES* permitted in C1 ZONES and the following:

#### **20.1.2 Commercial:**

a *RENTAL STORE*; an *ARTIST'S STUDIO*; a *PERSONAL SERVICE ESTABLISHMENT*; a *DRY CLEANING AND LAUNDRY DEPOT*; a *CAR WASHING ESTABLISHMENT*; an *AUTOMOBILE SERVICE STATION*; a bowling alley; *BUSINESS OFFICES*; a *DISTILLATION ESTABLISHMENT*, a *CLINIC (By-law 6298)*; *SHOPPING CENTRES (By-law 8279)*; an *ATHLETIC/FITNESS CLUB (By-law 9439)*; a *DEPARTMENT STORE (By-law 9621)*; a *SUPERMARKET (By-law 9621)*; a *PROPANE EXCHANGE STATION (By-law 2003-137)*, *PET GROOMING ESTABLISHMENT (By-law 2010-99)*

### **20.2 AREA REQUIREMENTS**

#### **20.2.1 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.

**20.2.1 A** 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)**

#### **20.2.2 YARD Requirements:**

*FRONT YARD* - minimum 12 metres

*REAR YARD* - minimum 7.5 metres

*SIDE YARD* - a minimum *SIDE YARD* of 7.5 metres shall be required except where this Zone flanks any Commercial Zone **(By-law 7186)** or RZ ZONE.

#### **20.2.3 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*.

**20.2.4 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.

**20.3 EXCEPTION**

NOTWITHSTANDING anything *HEREIN* contained, the C3 *USES* shall be allowed for the lands described in By-law No. 3586, being composed of part of *BLOCK E* according to Registered Plan 26 for the said City of Welland and parts of Lincoln Street and King Street, and more particularly described as follows:

COMMENCING in the north limit of *BLOCK E* being the south limit of Lincoln Street (formerly Water Street) at a point distant 48.768 metres more or less westerly from the north-east angle of said *BLOCK E*;

THENCE south and parallel to the east limit of said *BLOCK E* and the west limit of King Street in and along the west limit of the properties of McColl Frontenac Oil Company Limited, Sun Oil Company Limited and Shell Oil Company Limited 209.334 metres more or less to the south limit of the Shell Oil Company Limited property;

THENCE east along the south limit of Shell Oil Company Limited property 48.768 metres more or less to a point in the east limit of *BLOCK E* and the west limit of King Street; THENCE continuing east 10.058 metres, more or less, to the centre line of King Street;

THENCE north in and along the centre line of King Street, 249.884 metres to a point marking the intersection of the centre line of King Street and the centre line of that portion of Lincoln Street (formerly Water Street) running west from King Street;

THENCE west along the centre line of Lincoln Street 58.826 metres more or less, to a point;

THENCE south 10.058 metres to the place of beginning.

**(By-law 3586)**

***(399 AND 477 KING STREET – WEST SIDE OF KING STREET SOUTH OF LINCOLN STREET TO THE DEPTH OF 48.768 METRES)***

**20.3.1 By-law 4485 repealed by By-law 9921.**

**20.4 Repealed by By-law 1999-131.**

**20.5** Notwithstanding the provisions of Section 20, the lands described in Schedules "B-8" and "B-10" of By-law 6608 and the lands described in By-law 5544 and 5618 shall permit parking purposes only.

**(BLOCK 'G', PLAN M-75 - (PART OF SEAWAY MALL OPPOSITE TO LANCASTER DRIVE) AND NORTH-WEST CORNER OF SEAWAY MALL LANDS)**

- 20.6** Notwithstanding the provisions of Section 20, the lands described in By-laws 5375 and 5526 shall permit C3 *USES*. Also Part of *LOT 229*, former Township of Thorold and Part of *BLOCK F*, Plan 59M-75 located east of Lancaster Drive, south of Jefferson Court East and as shown on Schedule "A" of By-law 10486 as "Change to C2 ZONE with C3 *USES*" is hereby rezoned C2 ZONE with C3 *USES*.

**(ALL OF SEAWAY MALL ZONED C2 WHICH IS NOT COVERED BY 20.5)**

- 20.7** Notwithstanding the provisions of Section 20.2.2, the lands described as rezoning from C1 to C2 in Schedule "B" of By-law 6715 shall be exempt from the required *REAR YARD*, subject to site plan agreement and amending site plan agreement, authorized by By-laws 6714 and 7030. **(By-law 7040)**

**(601 SOUTHWORTH STREET)**

- 20.8** Notwithstanding anything in this Section, the lands described in By-law 7307 shall be used only for a *CLINIC* and/or *BUSINESS OFFICES*.

**(457 THOROLD ROAD)**

- 20.9** Notwithstanding the provisions of Section 20 *LOTS 9* to 14, inclusive, and *LOTS 41* to 46, inclusive, according to Registered Plan 22 for the Township of Crowland now in the City of Welland, now known as Plan 944 on the east side of Wellington Street, shall be given an exemption to allow a Service or Repair Shop Class "B". **(By-law 7390)**

**(10 WELLINGTON STREET)**

- 20.10** Notwithstanding anything contained in Section 20, the *BUILDING* situated on the lands described in Schedule "B" of By-law 6274 shall be used only for *BUSINESS OFFICES* and/or a *CLINIC*. **(By-law 7421)**

**(75 LINCOLN STREET)**

- 20.11** Notwithstanding the provisions of Section 20, the lands described in By-law 7886 shall be used for the purpose of a *SHOPPING CENTRE* only.

**(WESTERN PART OF NORTHTOWN PLAZA ON THOROLD ROAD)**

- 20.12** Deleted by By-law 10347.

- 20.13** Notwithstanding the provisions of Section 20, the lands described in Schedule "B" of By-law 8340 shall be used only for a *BUSINESS OFFICE*, with ancillary *USES* for the benefit of employees only, and for an accompanying parking area.

**(555 PRINCE CHARLES DRIVE - NORTHERN PART ONLY)**

- 20.14** Notwithstanding the provisions of Section 20, the lands described as part of *LOT 252*, former Township of Thorold, now in the City of Welland, known municipally as 325 Thorold Road and shown on Schedule "A" of By-law 9852 shall be given an exemption to permit a pet store and a *FAST FOOD OUTLET*.

**(NORTHTOWN PLAZA ON THOROLD ROAD)****20.15 C2-X1 ZONE (By-law 10212) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 10420)**

1. That Part of *LOT* 230, former Township of Thorold now in the City of Welland shown on Schedule "A" attached to By-law 10212 as "Change to H-C2-X1 ZONE" is hereby rezoned H-C2-X1 ZONE.
2. That the *USES* permitted in the C2-X1 ZONE shall be those permitted in the General Commercial Zone (C3).
3. That the Zone Provisions of the C2-X1 ZONE shall be those of the C2 ZONE.
4. That notwithstanding Section 5.7 of By-law 2667 - *FRONTAGE* On A *STREET* - the subject lands shall be exempted from the provision of having *FRONTAGE* on a *STREET*.

**(TACO BELL - 806 NIAGARA STREET)****20.16 C2-X2 ZONE (By-law 10513) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 10638)**

1. That *LOT* 151, Plan 637, City of Welland known municipally as 471 Thorold Road and as shown on Schedule "A" of By-law 10513 as "Change to H-C2-X2 ZONE" is hereby rezoned H-C2-X2 ZONE.
2. That the *USES* permitted in the C2-X2 ZONE shall be those permitted in the Shopping Commercial Zone (C2).
3. That the Zone Provisions of the C2-X2 ZONE shall be those of the Shopping Commercial Zone (C2) save and except the Minimum *FRONT YARD* shall be 11.8 metres.
4. That notwithstanding Section 5.21 (e) (ii) of By-law 2667, the subject lands shall be exempted from the requirement of providing a fence on the easterly property line within the *FRONT YARD*.

**(471 THOROLD ROAD)****20.17 C2-X3 ZONE (By-law 1999-24)**

1. Part of *BLOCK* 'Y', Plan 564 known municipally as 20 Hagar Street and shown on Schedule "A" of By-law 1999-24 as "Change to C2-X3 ZONE" is hereby rezoned C2-X3 ZONE.
2. The *USES* permitted in the C2-X3 ZONE shall include:

*SALES AND RENTAL GARAGE; CATERER; BUSINESS SERVICE ESTABLISHMENT; VOCATIONAL TRAINING CENTRE; CONTRACTOR'S ESTABLISHMENT (no outdoor storage); HOME DECORATING STORE; HOME IMPROVEMENT STORE; Auction Hall; AUTOMOBILE PARTS/SUPPLIES SALES ESTABLISHMENT; COMMERCIAL SCHOOL; ARTIST'S STUDIO; PERSONAL SERVICE ESTABLISHMENT; BUSINESS OFFICE; CLINIC; DAY CARE FACILITY; ATHLETIC/FITNESS*

*CLUB; Dog Grooming Salon; RETAIL STORE; RESTAURANT; DRY CLEANING AND LAUNDRY DEPOT; BAKE SHOP; DELICATESSEN; Laundromat; CONVENIENCE STORE; SECOND HAND STORE; CUSTOM WORKSHOP*

3. The provisions for the C2-X3 ZONE shall be as follows:

Minimum <i>FRONT YARD</i> Setback	12 metres
Minimum <i>REAR YARD</i> Setback	5.2 metres
Minimum South <i>YARD</i> Setback	13.5 metres
Minimum North <i>YARD</i> Setback	3.0 metres

**(20 HAGAR STREET)**

**20.18 C2-X4 ZONE (By-law 2000-157, 2003-26)**

- That *LOTS* 2, 3, 10 to 17 and Parts of *LOTS* 4 to 9, Plan 592; Parts of *LOTS* 4, 5 and 6, Plan 614; and Part of Connaught Avenue closed by By-law 11296, known municipally as 440 Niagara Street and shown on Schedule "A" of By-laws 2000-157 and 2003-26 as "Change to C2-X4 ZONE" are hereby rezoned C2-X4 ZONE;
- The *USES* permitted in the C2-X4 ZONE shall be those permitted in the C2 ZONE and a *FAST FOOD OUTLET*;
- The provisions for the C2-X4 ZONE shall be those permitted for in the C2 ZONE except as follows:
 

Minimum South <i>REAR YARD</i> Setback (for existing easterly building only)	0.8 metres
Minimum South <i>REAR YARD</i> Setback (for existing westerly building only)	1.76 metres
Minimum Setback from Zimmer Lane	21.0 metres
Minimum Setback from Niagara Street	7.5 metres
- Notwithstanding Section 2.80 (a) *FRONT LOT LINE* – the north *LOT LINE* adjacent to Thorold Road shall be considered the *FRONT LOT LINE*.

**(440 NIAGARA STREET)**

**20.19 C2-X5 ZONE (By-law 2003-21)**

- That Part of Block E, Plan 574, known municipally as 425 King Street and shown on Schedule "A" of By-law 2003-21 as "Change to C2-X5 ZONE" is hereby rezoned C2-X5 ZONE;
- The *USES* permitted in the C2-X5 ZONE shall be those permitted in the C2 ZONE and the following: a *MOTOR VEHICLE REPAIR SHOP CLASS "A"*; a *SERVICE OR REPAIR SHOP CLASS "A" OR "B"*; a *SALES AND HIRE*

*GARAGE*; and a *FAST FOOD OUTLET*;

3. The provisions for the C2-X5 ZONE shall be those provided for in the C2 ZONE.

**(425 KING STREET)**

**20.20 C2-X6 ZONE (By-law 2003-173)**

1. That part of Lot 251, former Township of Thorold, now in the City of Welland, known municipally as 180 Fitch Street and shown on Schedule "A" to By-law 2003-173 hereto as "Change to C2-X6 ZONE" is hereby rezoned C2-X6 ZONE;
2. The uses permitted in the C2-X6 ZONE shall be those permitted in the C2 ZONE and the following: *SALES OR RENTAL GARAGE, MOTOR VEHICLE REPAIR SHOP CLASS "A"*;
3. The provisions for the C2-X6 ZONE shall be those provided for in the C2 ZONE.

**(180 FITCH STREET)**

**20.21 H-C2-X7 ZONE (By-law 2005-193) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 2014-34)**

1. That Lots 39, 40, 41 and 42, Plan 969, known municipally as 11 Pietz Avenue and shown on Schedule "A" attached to By-law 2005-193 as "Change to H-C2-X7 ZONE" is hereby rezoned H-C2-X7 ZONE;
2. That the uses permitted in the H-C2-X7 ZONE shall be limited to the following: a *PERSONAL SERVICE ESTABLISHMENT*; a *DRY CLEANING AND LAUNDRY DEPOT*; a *BAKE SHOP*; a *CATERER*; an *ARTIST STUDIO*; a *DISTILLATION ESTABLISHMENT*; a *CONTRACTOR'S ESTABLISHMENT*; a *CUSTOM WORKSHOP*; a *PRINTING ESTABLISHMENT*; a *BUSINESS SERVICE ESTABLISHMENT* and car detailing;
3. The provisions of the H-C2-X7 ZONE shall be as those provided for in the C2 ZONE and the following:

**For The Existing BUILDING Only**

Minimum <i>FRONT YARD</i> Setback	0.6 metres
Minimum <i>REAR YARD</i> Setback	0.2 metres
Minimum North <i>YARD</i> Setback	0.6 metres
Minimum South <i>YARD</i> Setback	1.2 metres
Minimum <i>PLANTING STRIP</i>	0.0 metres
Minimum <i>LANDSCAPED OPEN SPACE</i>	0 percent

4. That notwithstanding Section 5.20 of By-law 2667 – Parking Requirements, the minimum number of *PARKING SPACES* on the site shall be three (3).

**(11 PIETZ AVENUE)**

**20.22 H-C2-X8 ZONE (By-law 2008-59)**

1. That Lots 82 to 90, inclusive, the Block West of Lots 86 and 87, Part of Lots 76,77, 78, 79 and 81, Part of Park Street and Part of Crowland Street all on Plan 559; Lot 92 and Part of Lots 91, 93, 94, 95 and 96, Plan 565; and Part of Lot 26, Concession 5, Part of Lot 26, Concession 6 and Part of the Road Allowance between Concessions 5 and 6, former Township of Crowland, now in the City of Welland, known municipally as 1 Albert Street and shown on Schedule “A” attached to By-law 2008-59 as “Change to H-C2–X8 ZONE” is hereby rezoned H-C2–X8 ZONE; and, “Change to H-RM4-X15 ZONE” is hereby rezoned H-RM4-X15 ZONE;
2. The *USES* permitted in the H-C2-X8 ZONE shall be:
  - a *RETAIL STORE, RESTAURANT, PERSONAL SERVICE ESTABLISHMENT, DRY CLEANING AND LAUNDRY DEPOT, a BAKE SHOP, a CATERER, a DELICATESSEN, a laundromat, a CONVENIENCE STORE, a RENTAL STORE, an ARTIST’S STUDIO, BUSINESS OFFICES, a DISTILLATION ESTABLISHMENT, an ATHLETIC/FITNESS CLUB, a DEPARTMENT STORE, a SUPERMARKET, a dog grooming salon, a CLINIC, a PLACE OF WORSHIP and a DAYCARE FACILITY;*
3. The provisions for the H-C2-X8 ZONE shall be as follows:
 

Minimum <i>LOT FRONTAGE</i>	90 metres
Minimum <i>LOT AREA</i>	1.0 hectares
Minimum East <i>YARD</i> Setback	2.0 metres
Minimum West <i>YARD</i> Setback	5.0 metres
Minimum South <i>YARD</i> Setback	3.0 metres
Minimum North <i>YARD</i> Setback (Abutting Residential)	2.0 metres
Maximum <i>BUILDING</i> Height	11.0 metres
Maximum <i>GROSS FLOOR AREA</i>	3,000 square metres
Minimum No. of <i>PARKING SPACES</i>	105
4. A minimum 3 metre landscaped strip shall be provided along the south property line along Lincoln Street;
5. For the H-RM4-X15 ZONE and C2-X8 ZONE, all other General Provisions of By-law 2667, as amended, shall apply save and except as follows:

Notwithstanding Section 5.20 and Schedule 'B':

- the minimum parking stall size shall be 2.7 metres X 5.5 metres;
- the minimum underground parking driveway widths shall be 6.0 metres;
- the minimum interior driveway/roadway width shall be 6.0 metres;

Notwithstanding Section 5.10, the maximum *BUILDING* height for a *TOWNHOUSE*, stacked *TOWNHOUSE* or *TRIPLEX* shall be 13 metres;

Notwithstanding Section 5.7 Encroachments:

- balconies may project 1.8 metres into any required *YARD* provided that the projection is no closer than 3.0 metres to any *LOT LINE*;
- cornica may project 1.0 metre into any required *YARD* in relation to the main *BUILDING* provided that such encroachment is permitted by the Ontario Building Code and other such legislation;

6. While the Holding (H) Provision is in place, the lands may be remediated.

**(1 ALBERT STREET)**

**20.23**

**H-C2-X9 ZONE (By-law 2008-95)**

1. That Part of Lot 258, former Township of Thorold, now in the City of Welland and shown on Schedule "A" attached to By-law 2008-95 as "Change to H-C2-X9 ZONE" is hereby rezoned H-C2-X9 ZONE;
2. That the *USES* permitted in the H-C2-X9 ZONE shall be a *Retail Store*, *Restaurant*, *PERSONAL SERVICE ESTABLISHMENT*, *DRY CLEANING AND LAUNDRY DEPOT*, a *BAKE SHOP*, a *CATERER*, a *DELICATESSEN*, a laundromat, a *CONVENIENCE STORE*, a *RENTAL STORE*, *BUSINESS OFFICES*, a *DISTILLATION ESTABLISHMENT*, a *DAY CARE FACILITY*, and a *CLINIC*;

3. That the provisions of the H-C2-X9 ZONE shall be as follows:

Minimum <i>FRONTAGE</i>	59 metres
Minimum <i>LOT AREA</i>	0.6 hectares
Minimum South <i>YARD</i>	10 metres
Minimum East <i>YARD</i>	10 metres
Minimum North <i>YARD</i>	10 metres
Minimum West <i>YARD</i>	10 metres
Minimum <i>PLANTING STRIP</i>	3.0 metres along Webber Road and South Pelham



## Road

4. Notwithstanding Section 5.20 of By-law 2667 – Parking Requirements – 1 *PARKING SPACE* shall be provided for every 30 square metres of *GROSS FLOOR AREA*;
5. Notwithstanding Section 5.22 of By-law 2667 – Off-Street Loading Requirements – 1 loading space shall be provided.

**(WEST CREEK ESTATES)****20.24      C2-X10 ZONE (By-law 2010-1)**

1. That Part Block A, Plan 92, now known as Plan 640 and shown on Schedule "A" attached to By-law 2010-1 as "Change to C2-X10 ZONE" is hereby rezoned C2-X10 ZONE.
2. The *USES* permitted in the C2-X10 ZONE shall be those permitted in the C2 ZONE and a *COMMERCIAL SCHOOL*.
3. The ZONE provisions for the C2-X10 ZONE shall be those of the C2 ZONE.

**(30 RICE ROAD)****20.25      C2-X11 ZONE (By-law 2010-79)**

1. That Part of Lot 246, former Township of Thorold, now in the City of Welland and shown on Schedule "A" attached to By-law 2010-79 as "Change to C2-X11 ZONE" is hereby rezoned C2-X11 ZONE.
2. That the *USES* permitted in the C2-X11 ZONE shall be a dental *CLINIC*.
3. The ZONE provisions for the C2-X11 ZONE shall be those of the C2 ZONE.

**(650 SOUTH PELHAM ROAD)****20.26      C2-X12 ZONE (By-law 2013-100)**

1. That Lot 3 and Part Lots 2, 4, 5, 6, 8 and 9, Plan 614 and shown on Schedule "A" attached to By-law 2013-100 as "Change to C2-X12 ZONE" is hereby rezoned C2-X12 ZONE.
2. That the *USES* permitted in the C2-X12 ZONE shall be those permitted in the C2 ZONE and a *COMMERCIAL SCHOOL*.
3. That the provisions of the C2-X12 ZONE shall be those provided for in the C2 ZONE save and except the following:

East SIDE YARD to <i>EXISTING BUILDING</i>	Minimum 0.22 metres
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<i>PLANTING STRIP</i>	N/A
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<i>LANDSCAPED OPEN SPACE</i>	N/A
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4. Notwithstanding Section 5.20 of Zoning By-law 2667, as amended, the parking requirements for a *COMMERCIAL SCHOOL* together with 4 residential *DWELLING UNITS* shall be:

Minimum 23 parking spaces

5. Notwithstanding Schedule "B" to Zoning By-law 2667, as amended, the minimum aisle width for *PARKING SPACES* being 2.7 metres wide at 90° shall be 6.2 metres.

**(27 THOROLD ROAD)**