

SECTION 22 - HIGHWAY COMMERCIAL ZONE- C4 (BY-LAW 2972)

The following provisions shall apply in all HIGHWAY COMMERCIAL ZONES C4:

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

22.1 USES PERMITTED

A HOTEL; a PARKING LOT; a MOTOR VEHICLE REPAIR SHOP CLASS "A"; a CAR WASHING ESTABLISHMENT; an AUTOMOBILE SERVICE STATION; a RECREATIONAL ESTABLISHMENT; a RETAIL STORE (**By-law 7670**); a PERSONAL SERVICE ESTABLISHMENT (**By-law 7670**); a RESTAURANT; a FAST FOOD OUTLET (**By-law 7108**); SALES AND RENTAL GARAGE; MOTOR VEHICLE REPAIR SHOP CLASS "B" only in conjunction with and ACCESSORY to a new motor vehicle dealership (**By-law 8768**); a DAY CARE FACILITY (**By-law 9196**); a BUSINESS OFFICE (**By-law 9196**); an ATHLETIC/FITNESS CLUB (**By-law 9439**); a PLACE OF WORSHIP (**By-law 9439**); a DEPARTMENT STORE (**By-law 9621**); a SUPERMARKET (**By-law 9621**); a SECOND HAND STORE (**By-law 10016**); a CALL CENTRE, a HOME DECORATING STORE, a VETERINARY CLINIC, a RENTAL STORE, a LIGHT EQUIPMENT/MACHINERY RENTAL ESTABLISHMENT, a DISTILLATION ESTABLISHMENT; a PROPANE EXCHANGE STATION (**By-law 2003-137**); a PROPANE TRANSFER FACILITY (**By-law 2003-137**); a CLINIC (**By-law 2004-157**), a PET GROOMING ESTABLISHMENT (**By-law 2010-99**)

22.1(A) USES permitted in addition to those of 22.1

In that part of C4 ZONE on the north side of East Main Street only a MOTOR VEHICLE REPAIR SHOP CLASS "B". (**By-law 3751**)

(NORTH SIDE OF EAST MAIN STREET - ALL C4 BETWEEN HAROLD AND WELLAND CANAL)

22.1.2(B) Repealed by By-law 1999-131.

22.1.2(C) Repealed by By-law 1999-131.

22.1.2(D) Repealed by By-law 1999-131.

22.1.2(E) Repealed by By-law 1999-131.

22.1.2(F) Notwithstanding the provisions of Section 22, the lands described in Schedule "B" and shown on Schedule "A" of By-law 9353 shall be given an exemption to allow the USE of the said lands for the purposes of a DAIRY OPERATION and a LIGHT EQUIPMENT/MACHINERY RENTAL ESTABLISHMENT.

(871 NIAGARA STREET)

22.2 AREA REQUIREMENTS

22.2.1 LOT FRONTAGE:

Minimum - 18 metres

22.2.2 LOT AREA:

Minimum - 695 square metres

22.2.3 YARD Requirements:

FRONT YARD - minimum 13.5 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*.

22.2.4 LOT COVERAGE:

Maximum - 40 percent

22.2.5 PLANTING STRIP: (By-law 10016)

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*.

22.2.6 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.

22.3 EXCEPTIONS

22.3.1 NOTWITHSTANDING anything in this Section, the lands described in the following, shall be used only for the storage of motor vehicles and plumbing supplies and equipment but that buildings may be erected for these purposes.

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of Welland in the County of Welland and being composed of part of *LOT 28*, in the fifth Concession of the Township of Crowland, now in the said City of Welland and more particularly described as follows:

COMMENCING at a point in the south limit of said *LOT 28* distant easterly 98.408 metres from the south-west angle of said *LOT 28*;

THENCE southerly at right angles to the south limit of said *LOT 28*, 10.058 metres more or less to the centre line of Lincoln Street;

THENCE easterly along the centre line of Lincoln Street, 46.031 metres to a point;

THENCE northerly at right angles to the north limit of Lincoln Street 10.058 metres more or less to the north limit of Lincoln Street;

THENCE northerly in and along the boundary between the properties of one William Dennis and the Casa Dante property 91.925 metres more or less to a point;

THENCE westerly and parallel with the south limit of said LOT 28, 46.031 metres more or less to a point;

THENCE southerly in a straight line 91.925 metres more or less to the place of beginning. **(By-law 3875)**

(30 LINCOLN STREET)

22.3.2 Deleted by By-law 8285.

22.3.3 Deleted by By-law 2003-168.

22.3.4 Notwithstanding the provisions of Section 22, the lands described in By-law 8947 be given an exemption to allow the *HOTEL* units to be used for the purpose of residential condominium units.

(300 PRINCE CHARLES DRIVE SOUTH)

22.3.5 1. Notwithstanding the provisions of Section 22, the lands secondly described in Schedule "A" of By-law 9031, shall be given an exemption to allow the *USE* of the said lands for the purposes of a *DEPARTMENT STORE* and a *SERVICE AND REPAIR SHOP CLASS "A"* and a *SERVICE AND REPAIR SHOP CLASS "B"*, in addition to the other C4 *USES*.

(a) Notwithstanding the provisions of Section 22 of this By-law, the lands described as Part 2, Plan 59R-5988 may contain an outdoor sales and storage area in accordance with the following provisions: **(By-law 2013-120)**

Maximum Area	930 square metres with easterly extent solidly screened from public view
East YARD Setback	Minimum 64 metres
South YARD Setback	Minimum 4 metres

(777 NIAGARA STREET)

2. Notwithstanding the provisions of Section 22, the lands secondly described in Schedule "A" of By-law 9031, shall be exempted from the required *FRONT YARD* Requirement of 13.5 metres to 6.0 metres for the gas pump canopy.

(777 NIAGARA STREET)

3. (Formerly Section 13B.4.1 - Renumbered by By-law 10016)

NOTWITHSTANDING anything contained in Sections 22.1 and 22.1(A) of this By-law, the lands described below and any *BUILDINGS* or *STRUCTURES* thereon may be used for the warehousing and sale of furniture and household goods and the buildings and structures may be enlarged on the *EXISTING LOT* in accordance with the following:

YARD Requirements:

<i>FRONT YARD</i>	minimum 12 metres
	minimum 18 metres when on the opposite side of the <i>STREET</i> in a Residential <i>ZONE</i>
<i>REAR YARD</i>	minimum 7.5 metres
	minimum 12 metres when contiguous to a Residential <i>ZONE</i>
<i>SIDE YARD</i>	minimum 3.0 metres
	minimum 12 metres when contiguous to a Residential <i>ZONE</i>

COMMENCING at a point in the easterly limit of *LOT* 231 of the Township of Thorold, now in the City of Welland, said point being 201.90 metres north of the south-easterly angle of said *LOT*;

THENCE westerly a distance of 196.291 metres to a point;

THENCE northerly a distance of 201.168 metres to a point in the easterly limit of the said *LOT*;

THENCE southerly in and along the easterly limit of the said *LOT* a distance of 199.623 metres to the place of beginning. **(By-law 2972)**

(777 AND 803 NIAGARA STREET)

22.3.6 Deleted by By-law 10637.

22.3.7 C4-X1 ZONE (By-law 11163 and 2000-93)

1. That Part of *LOT* 246, former Thorold Township, known municipally as 674, 678 and 684 South Pelham Road and Parts 2, 3, 4 and 7, 59R-5331 and as shown on Schedule "A" of By-law 11163 and 2000-93 as "Change to C4-X1 *ZONE*" is hereby rezoned C4-X1 *ZONE*.
2. The *USES* permitted in the C4-X1 *ZONE* shall be restricted to *COMMERCIAL GREENHOUSES* and *ACCESSORY USES* thereto and a *SINGLE-DETACHED DWELLING*.
3. The Zone Provisions for the C4-X1 *ZONE* shall be as follows:

Minimum <i>LOT FRONTAGE</i>	100 metres
Minimum <i>LOT AREA</i>	17,750 square metres
Minimum <i>FRONT YARD</i>	13.5 metres
Minimum <i>REAR YARD</i>	45 metres
Minimum North <i>SIDE YARD</i>	4.5 metres
Minimum South <i>SIDE YARD</i>	7.5 metres
Minimum West <i>SIDE YARD</i> Abutting 698 South Pelham Road	15 metres
Minimum <i>LANDSCAPED OPEN SPACE</i>	15 percent
Maximum <i>LOT COVERAGE</i>	60 percent
Maximum <i>BUILDING HEIGHT</i>	9 metres

Any *ACCESSORY BUILDING* shall be permitted outside of the *REAR YARD* so long as it conforms to all setback regulations for main *BUILDINGS*.

(684 SOUTH PELHAM ROAD)

22.3.8 C4-X2 ZONE (By-law 10241) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 11152)

1. Part of *LOT 1*, Concession 12, Former Township of Pelham shown on Schedule "A" of By-law 10241 as "Change to C4-X2 ZONE" is hereby rezoned to C4-X2 ZONE; **(As Amended by By-law 11323)**
2. The Zone Provisions and permitted USES for the C4-X2 ZONE shall be those of the C4 ZONE.

(609 SOUTH PELHAM ROAD)

22.3.9 Deleted by By-law 11323.

22.3.10 Lands Zoned H-C4 (By-law 10485)

Part of *LOT 230*, former Township of Thorold, now in the City of Welland known municipally as 854, 858, 862 and 862A Niagara Street and shown on Schedule "A" of By-law 10485 as "Change to H-C4 ZONE" is hereby rezoned H-C4 ZONE.

(854, 858, 862 AND 862A NIAGARA STREET)

22.3.11 C4-X4 ZONE (By-law 10532 and 2011-47) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 2005-126)

1. Repealed by By-law 2011-47.
2. Part of Block M, Plan 564 more specifically described as Part 1, Plan 59R-

_____ Zoned H-C4-X4 Zone, by By-law 10532, as amended, as follows:

Minimum Lot Area	3,500 square metres
Minimum Rear Yard	9.5 metres (By-law 2011-47)

3. That City of Welland By-law 8527, as it applies to the said lands is hereby repealed.
4. That the *USES* in the C4-X4 ZONE shall be the *USES* permitted in the Highway Commercial ZONE- C4 as established by By-law 2667.
5. That the ZONE Provisions for the C4-X4 ZONE shall be as follows:

Minimum <i>LOT FRONTAGE</i>	44 metres
Minimum <i>LOT AREA</i>	3,500 square metres (By-law 2011-47)
Minimum <i>FRONT YARD</i>	36 metres
Minimum <i>INTERIOR SIDE YARD</i>	9.5 metres
Minimum <i>EXTERIOR SIDE YARD</i>	15 metres
Minimum <i>REAR YARD</i>	9.5 metres (By-law 2011-47)
Maximum <i>LOT COVERAGE</i>	20 percent
Maximum <i>BUILDING HEIGHT</i>	6 metres
Minimum <i>LANDSCAPED OPEN SPACE</i>	10 percent

Privacy Fencing a decorative closed board fence, constructed in accordance with City of Welland Fencing Requirements, shall be constructed along the *INTERIOR SIDE YARD* where any parking area or access area is adjacent to a Residential *USE*

PLANTING STRIP A landscaped strip of land, not less than 3.0 metres in width, consisting of trees, in accordance with Schedule D (By-law 2667) - 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*.

6. Notwithstanding Section 5.23 (e) of Zoning By-law 2667, as amended, the north setback from the fascia of the canopy shall be 4.0 metres. **(By-law 2011-47)**

(90 LINCOLN STREET)

22.3.12 C4-X5 ZONE (By-law 10578) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 11017)

1. That Part of *LOT 231*, former Thorold Township, now City of Welland shown on "Change to H-C4-X5 *ZONE*" attached to By-law 10578 is hereby rezoned H-C4-X5 *ZONE*.
2. That the *USES* permitted in the C4-X5 *ZONE* shall be the *USES* permitted in a C4 - Highway Commercial *ZONE* by City of Welland By-law 2667, as amended.
3. That the *ZONE* Provisions and development standards for the C4-X5 *ZONE* shall be the provisions and standards for a C4-Highway Commercial *ZONE* established by City of Welland By-law 2667, as amended, save and except as hereinafter noted:

Where the subject lands abut *EXISTING* residential development a 6 metre wide landscaping strip and 1.8 metre high decorative closed board fence shall be provided.

(821 NIAGARA STREET)

22.3.13 C4-X6 ZONE (By-law 10623)

1. Westerly 60 metres of Part of *LOT 246*, former Township of Thorold, now in the City of Welland, more particularly described as part of Part 1, Plan 59R-4562, known municipally as 618 South Pelham Road and as shown on Schedule "A" attached to By-law 10623 as "Change to C4-X6 *ZONE*" is hereby rezoned C4-X6 *ZONE*.

2. The *USES* permitted in the C4-X6 ZONE shall be those permitted in the Highway Commercial Zone (C4) with the additional *USES* of a *SERVICE OR REPAIR SHOP CLASS "A" AND "B"*.

3. The *ZONE* Provisions of the C4-X6 ZONE shall be as follows:

<i>LOT FRONTAGE</i>	Minimum 13.0 metres
<i>FRONT YARD</i>	Minimum 13.5 metres
<i>REAR YARD</i> (to zoning line)	Minimum 7.5 metres
<i>SIDE YARD</i>	A minimum <i>SIDE YARD</i> of 7.5 metres shall be required except where this Zone flanks any Commercial Zone or RZ ZONE
<i>LOT COVERAGE</i>	Maximum 40 percent
<i>LANDSCAPED OPEN SPACE</i>	Minimum 10 percent of <i>LOT AREA</i>

4. Notwithstanding Section 22.2.5 the subject lands shall be exempt from providing the required 3.0 metre *PLANTING STRIP* along the *FRONT LOT LINE*.

(618 SOUTH PELHAM ROAD)

22.3.14 C4-X7 ZONE (By-law 10637)

1. *LOTS* 146 and 147 and Part of *LOT* 209, Plan 655, City of Welland, such being shown as "Change to C4-X7 ZONE" on Schedule "A" to By-law 10637 and known municipally as 312 Thorold Road is hereby rezoned C4-X7 ZONE.

2. The *USES* permitted in the C4-X7 ZONE shall be the *USES* permitted in a Highway Commercial Zone- C4 and a maximum of two (2) *DWELLING UNITS* above the ground floor.

3. Notwithstanding any other provision of By-law 2667, as amended, the following *ZONE* Provisions shall apply to the C4-X7 ZONE:

Minimum <i>LOT AREA</i>	830 square metres
Minimum <i>LOT FRONTAGE</i>	9.8 metres
Minimum <i>FRONT YARD</i>	7.6 metres
Minimum East <i>SIDE YARD</i>	1.5 metres
Minimum West <i>SIDE YARD</i>	4.5 metres
Minimum <i>REAR YARD</i>	10.6 metres

Maximum *BUILDING HEIGHT* as per *EXISTING* conditions

Maximum *LOT COVERAGE* as per *EXISTING* conditions

Parking Requirements A total of 17 *PARKING SPACES* shall be provided in the C4-X7 ZONE. *PARKING SPACES* provided in the west *SIDE YARD* shall be reduced in length to 3.65 metres on the subject lands with overhang of vehicle being permitted in the City's Rose Avenue Road Allowance. A maximum of three (3) *PARKING SPACES* shall be permitted in the *FRONT YARD* adjacent to and perpendicular with Rose Avenue. *PARKING SPACES*, six (6) in total shall be provided in the *REAR YARD* and the *EXISTING* area between the *REAR LOT LINE* and rear of the *EXISTING BUILDING* is hereby deemed to be of sufficient area to permit right angle (90°) parking.

No screening beyond the *EXISTING* board fence and *EXISTING* hedge shall be required along the north *LOT LINE*.

(312 THOROLD ROAD)

22.3.15 Lands Zoned H-C4 (By-law 10573)

Part of *LOT 225*, former Township of Thorold, now in the City of Welland shown on Schedule "A" of By-law 10573 as "Change to H-C4 ZONE" is hereby rezoned H-C4 ZONE.

(968 NIAGARA STREET)

22.3.16 Lands Zoned H-C4 (By-law 10870)

Part of *LOT 231*, former Township of Thorold, now in the City of Welland located on the west side of Niagara Street, south of Quaker Road and shown as "Change to H-C4 ZONE" on Schedule "A" to By-law 10870 is hereby rezoned H-C4 ZONE.

(GORGE HOLDINGS)

22.3.17 C4-X8 ZONE (By-law 10897, 10983 and 2006-37) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 2006-84)

1. That part of LOT 28, Concession 6, former Township of Crowland, now in the City of Welland more particularly described as Part 2, Plan 59R-9792 known municipally as 19 Lincoln Street and shown on Schedule “A” to By-law 2006-37 as “Change to H-C4-X8 ZONE” is hereby rezoned H-C4-X8 ZONE.
2. The uses permitted in the C4-X8 ZONE shall be restricted to the following: *HOTEL; PARKING LOT; MOTOR VEHICLE REPAIR SHOP CLASS “A”; CAR WASHING ESTABLISHMENT; RETAIL STORE; PERSONAL SERVICE ESTABLISHMENT; RESTAURANT; FAST FOOD OUTLET; SALES AND RENTAL GARAGE; DAY CARE FACILITY; BUSINESS OFFICE; ATHLETIC/FITNESS CLUB; PLACE OF WORSHIP; DEPARTMENT STORE; SUPERMARKET; CONTRACTOR’S ESTABLISHMENT; LIGHT EQUIPMENT/MACHINERY RENTAL ESTABLISHMENT;*
3. The provisions for the C4-X8 ZONE shall be those provided for in the C4 ZONE.

Minimum *FRONT YARD* 12.0 metres

Minimum *PLANTING STRIP* Width Along Front *LOT LINE* (Lincoln Street) 1.45 metres

4. *OUTDOOR STORAGE* (of bulk landscaping supplies/materials such as soil, mulch, stone and similar like supplies) will be permitted only in the *REAR YARD* encompassing a maximum area of 180 square metres subject to the following:
 - (a) Stored landscape materials shall be contained within concrete stalls;
 - (b) Stored landscape materials shall not exceed 1.5 metres in height.
 - (c) Stored landscape materials shall be covered (tarpred).

(19 LINCOLN STREET)

22.3.18 H-C4-X9 ZONE (By-law 11148, 11260, 11291 and OMB Board Order PL111171 dated June 24, 2014)

1. Part of LOTS 20, 21 and 22, Concession 2, Part of Road Allowance between LOTS 20 and 21, Concession 2, former Township of Crowland, now in the City of Welland and as shown on Schedule ‘A’ of By-laws 11148, 11260 and 11291 as “Change to H-C4-X9 ZONE” are hereby rezoned H-C4-X9 ZONE – save and except those lands ZONED H-C4-X13 by By-law 2004-26.
2. The *USES* permitted in the C4-X9 ZONE shall be those permitted in the BP-X1 ZONE and the following:

ATHLETIC/FITNESS CLUB (OMB Board Order PL111171 dated June 24, 2014)

AUTOMOBILE SERVICE STATION;

automotive/recreational vehicle sales, service and rentals;

AUTOMOTIVE TRADE USES; and.

Bank. **(OMB Board Order PL111171 dated June 24, 2014)**

3. In addition to the General Provisions of By-law 2667, as amended, the following *ZONE* Provisions shall apply in the C4-X9 *ZONE*:

Minimum <i>LOT AREA</i>	1.0 hectares
Minimum <i>LOT FRONTAGE</i>	60 metres
Minimum <i>FRONT YARD</i>	10 metres
Minimum <i>SIDE YARD</i>	10 metres
Minimum <i>REAR YARD</i>	10 metres
Minimum <i>LANDSCAPED OPEN SPACE</i>	15 percent
Maximum <i>LOT COVERAGE</i>	40 percent
<i>OUTSIDE STORAGE</i>	except for the storage of new or used vehicles or undamaged vehicles parked in <i>PARKING LOTS</i> , <i>OUTSIDE STORAGE</i> shall not exceed 50 percent of the <i>GROSS FLOOR AREA</i> of any main <i>BUILDING</i> , shall not abut Woodlawn Road or Highway 406, shall be located only in the <i>REAR YARD</i> and shall be screened from public view

Notwithstanding the foregoing, no *BUILDING* shall be permitted within 13.7 metres of Highway 406 or Woodlawn Road.

(NIAGARA CENTRE)

22.3.19 C4-X10 ZONE (By-law 2001-131)

1. That Part of Lot H.A.R., Plan 564 known municipally as 6 Riverside Drive and shown on Schedule "A" of By-law 2001-131 as "Change to C4-X10 *ZONE*" is hereby rezoned C4-X10 *ZONE*.
2. The uses permitted in the C4-X10 *ZONE* shall be those permitted in the C4

ZONE.

3. The *ZONE* provisions for the C4-X10 *ZONE* shall be those provided by the C4 *ZONE* save and except as follows:

Minimum *LOT FRONTAGE* 23 metres

Minimum *EXTERIOR SIDE YARD* Adjacent to Prince Charles Drive North 7.5 metres

(2 AND 6 RIVERSIDE DRIVE)

22.3.20 C4-X11 ZONE (By-law 2002-10)

1. That Part of *LOT* 230, former Township of Thorold, now in the City of Welland, part of closed Melbourne Crescent, Block 17 and part of Block J, Plan M-75 being Parts 1, 2 and 3, Plan 59R-10591 and Parts 4 through 11 inclusive, Plan 59R-9340, known municipally as 840, 844 and 852 Niagara Street and shown on Schedule "A" attached to By-law 2002-10 as "Change to C4-X11 *ZONE*" is hereby rezoned C4-X11 *ZONE*.

2. The *USES* permitted in the C4-X11 *ZONE* shall be those permitted in the C4 *ZONE* and the following:

CLINIC

BUSINESS SERVICE ESTABLISHMENT

COMPUTER SERVICE

CONVENIENCE STORE

DRY CLEANING AND LAUNDRY DEPOT

3. The *ZONE* provisions for the C4-X11 *ZONE* shall be those provided for in the C4 *ZONE*.

(840, 844 AND 852 NIAGARA STREET)

22.3.21 Lands Zoned C4 (By-law 2002-181) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 2003-152)

(709 NIAGARA STREET)

22.3.22 C4-X12 ZONE (By-law 2003-168)

1. That Part of Lot 254, former Township of Thorold, now in the City of Welland known municipally as 547 Thorold Road and shown on Schedule "A" attached to By-law 2003-168 as "Change to C4-X12 *ZONE*" is hereby rezoned C4-X12 *ZONE*;

2. The uses permitted in the C4-X12 *ZONE* shall be those permitted in the C4 *ZONE* and a *Clinic*;

3. The *ZONE* provisions for the C4-X12 *ZONE* shall be those provided for in the C4 *ZONE*;
4. That Section 22.3.3 of By-law 2667, as amended, be deleted.

(547 THOROLD ROAD)

22.3.23 H-C4-X13 ZONE (By-law 2004-26, 2007-185, 2009-52 and OMB Board Order PL111171 dated June 24, 2014) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 2007-92 AND 2008-16)

1. That Part of Lots 20 and 21, Concession 2 and part of the road allowance between Lots 20 and 21, Concession 2, former Township of Crowland, now in the City of Welland, and part of Parts 2, 6 and 7, Plan 59R-9112, located north of Woodlawn Road, east of Brown Road, and shown on Schedule “A” attached to By-law 2004-26 and By-law 2007-185 as “Change to H-C4-X13 *ZONE*” is hereby rezoned H-C4-X13 *ZONE*;
2. The uses permitted in the H-C4-X13 *ZONE* shall be as follows: *DEPARTMENT STORE*, home and auto supply store, *HOME IMPROVEMENT STORE*, *RETAIL STORE*, and complementary service type uses as follows: bank (**OMB Board Order PL111171 dated June 24, 2014**), *BUSINESS OFFICE*, *BUSINESS SERVICE ESTABLISHMENT* (**OMB Board Order PL111171 dated June 24, 2014**), *COMPUTER SERVICE*, *PERSONAL SERVICE ESTABLISHMENT*, *RESTAURANT*, *FAST FOOD OUTLET*, *DAY CARE FACILITY*; wind turbine/wind mill; (**By-law 2007-185**)

3. The provisions for the H-C4-X13 *ZONE* shall be as follows:

Minimum <i>LOT FRONTAGE</i>	60.0 metres
Minimum <i>LOT AREA</i>	1.0 hectares
Minimum North <i>YARD</i> setback	10.0 metres
Minimum West <i>YARD</i> Setback	4.0 metres
Minimum Setback from Woodlawn Road and Highway 406	14.0 metres
Maximum <i>LOT COVERAGE</i>	40%
Minimum Setback for wind turbine/wind mill (By-law 2007-185)	
From the west property line	75 metres
From Woodlawn Road	115 metres
<u><i>GROSS LEASABLE FLOOR AREA</i></u>	
Maximum <i>DEPARTMENT STORE</i>	16,444 square metres (By-law 2009-52)

Maximum *GROSS LEASABLE FLOOR AREA* Within a *DEPARTMENT STORE* Used for the Display, Cold Storage and Preparation of Food 3,902 square metres **(By-law 2009-52)**

Maximum Home and Auto Supply/*HOME IMPROVEMENT STORE* 9,379 square metres **(By-law 2007-185)**

Maximum Combined Retail (Non-Department Store *DSTM* Uses) and Complementary Service Type Uses 4,181 square metres **(OMB Board Order PL111171 dated June 24, 2014)**

Minimum Unit Size Per Use - Retail 372 square metres **(OMB Board Order PL111171 dated June 24, 2014)**

Total Maximum *GROSS LEASABLE FLOOR AREA* For Site 30,004 square metres **(OMB Board order PL111171 dated June 24, 2014)**

Minimum *LANDSCAPED OPEN SPACE* (must include a *PLANTING STRIP* not less than 4.0 metres in width along the east, south and west property lines, consisting of trees, ornamental shrubs, lawn and flowers, to be provided and maintained in a healthy growing condition, except where such area is crossed by an access driveway or interferes with site triangles) 10%

That a maximum of one (1) *DEPARTMENT STORE* with a maximum **GROSS LEASABLE FLOOR AREA** devoted to the sale of non-food products of 13,006 square metres shall be permitted. **(By-law 2009-52)**

That for the purposes of this By-law, the following definition for *DEPARTMENT STORE* shall be added:

“*DEPARTMENT STORE*” shall mean a retail store where a wide range of merchandise is sold and services are provided on a departmentalized basis, including but not limited to household furniture and furnishings; household appliances; clothing and apparel; hardware; paint and wall paper; drugs; photo equipment and services; *RESTAURANT*, including drive through or take out facilities; optical; a broad range of food products; books and stationary; automotive supplies and associated repair garage, lawn and garden supplies/centre and other miscellaneous retail goods and commodities. **(By-law 2009-52)**

4. Notwithstanding land ownership, the land Zoned H-C4-X13 shall be considered one (1) *LOT* for the purposes of the Zoning By-law.
5. **Deleted by By-law 2007-185.**

6. Notwithstanding Section 5.10 (a) – Height Requirements – a wind turbine/windmill may have a maximum height of 13 metres excluding blades. **(By-law 2007-185)**
7. That notwithstanding Section 5.20 of Zoning By-law 2667, as amended, the minimum required *PARKING SPACES* shall be 3.75 *PARKING SPACES* per 93 square metres of *BUILDING AREA*. **(OMB Board Order PL111171 dated June 24, 2014)**

(102 PRIMEWAY DRIVE AND CANADIAN TIRE)

22.3.24 C4-X14 ZONE (By-law 2005-7)

1. That Part of Lot 1, Concession 11, former Township of Pelham, now in the City of Welland, known municipally as 693 South Pelham Road and shown on Schedule “A” attached to By-law 2005-7 as “Change to C4-X14 ZONE” is hereby rezoned C4-X14 ZONE;
2. That the *USES* permitted in the C4-X14 ZONE shall be *HOME IMPROVEMENT STORE* excluding outdoor storage; retail sale of home supplies, furniture and accessories; garden centre; small equipment rentals in association with other permitted *USES*; and outside display areas limited to a 22 ± metres by 5 ± metre area at the northeast corner of the *BUILDING* and a 23 ± metre by 23 ± metre area at the west end of the *BUILDING*;
3. That the *ZONE* provisions for the C4-X14 ZONE shall be as follows:

Minimum <i>LOT FRONTAGE</i>	70.0 metres
Minimum <i>LOT AREA</i>	9,000 square metres
Minimum <i>FRONT YARD</i>	13.5 square metres
Minimum South <i>YARD</i>	4.9 metres
Minimum North <i>YARD</i>	7.5 metres
Minimum <i>REAR YARD</i>	70.0 metres
Maximum <i>LOT COVERAGE</i>	40%
Minimum <i>LANDSCAPED OPEN SPACE</i>	10%
4. That notwithstanding Section 5.20 of Zoning By-law 2667, as amended, the Minimum required *PARKING SPACES* for a *BUILDING* with an area of 3,450 square metres shall be 89;
5. That notwithstanding Schedule “B” to By-law 2667, as amended, the minimum aisle width for 2.7 metre wide, 90° *PARKING SPACES* located within the *FRONT YARD* (east) shall be 6.7 metres.

(693 SOUTH PELHAM ROAD)

22.3.25 C4-X15 ZONE (By-law 2005-29)

1. That Part of Lots 229 and 230, former Township of Thorold, now in the City of Welland known municipally as 800 Niagara Street and shown on Schedule "A" attached to By-law 2005-29 as "Change to C4-X15 ZONE" is hereby rezoned C4-X15 ZONE;
2. The uses permitted in the C4-X15 ZONE shall be those permitted in the C1, C2, C3 and C4 ZONES;
3. The Zone provisions for the C4-X15 ZONE shall be those provided for in the C4 ZONE save and except as follows:

West YARD Setback for Existing Free-Standing BUILDING (area of approximately 390 square metres) Located at the south-west corner of 800 Niagara Street	Minimum 12.0 metres
--	---------------------
4. That upon final approval of this By-law, By-laws 5544 and 5618 be repealed.

(800 NIAGARA STREET)

22.3.26 H-C4-X16 ZONE (By-law 2005-28)

1. That Part of Lots 229 and 230, former Township of Thorold, now in the City of Welland, being Parts 1, 2, 3 and 4, Plan 59R-11781 located on the north side of Woodlawn Road, west of the Welland Recreational Waterway and shown on Schedule "A" attached to By-law 2005-28 as "Change to H-C4-X16 ZONE" is hereby rezoned H-C4-X16 ZONE;
2. The uses permitted in the H-C4-X16 ZONE shall be limited to the following:
 - parking LOT;
 - RECREATIONAL ESTABLISHMENT;
 - The following uses are only permitted in conjunction with a RECREATIONAL ESTABLISHMENT: pro-shop, athletic sales store, RESTAURANT, FAST FOOD OUTLET, and convention activities including home show/seminars/trade show/job fair;
3. The provisions of the H-C4-X16 ZONE shall be those provided for in the C4 ZONE save and except as follows:
 - a) natural vegetation shall be retained within the northerly 30 metres of the site;
 - b) the minimum LANDSCAPED OPEN SPACE requirement shall be 5% of the LOT AREA;
4. Prior to the removal of the Holding (H) Symbol, the only USES permitted will be the current vacant USE.

(NORTH SIDE OF WOODLAWN ROAD, WEST OF WELLAND RECREATIONAL WATERWAY)

22.3.27 H-C4-X17 ZONE (By-law 2008-16 and OMB Board Order PL111171 dated June 24, 2014) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 2008-137)

1. That Part of Lots 21 and 22, Concession 2, former Township of Crowland, now in the City of Welland, being part of Part 1, Plan 59R-9112, located north of Woodlawn Road, west of Brown Road and shown on Schedule "A" attached to By-law 2008-16 as "Change to H-C4-X17 ZONE" is hereby rezoned H-C4-X17 ZONE;
2. The uses permitted in the H-C4-X17 ZONE shall be as follows: *HOME IMPROVEMENT STORE, bank, BUSINESS OFFICE, BUSINESS SERVICE ESTABLISHMENT, FAST FOOD OUTLET* and *ATHLETIC/FITNESS CLUB*; **(OMB Board Order PL111171 dated June 24, 2014)**
3. For the purposes of this By-law the following definition shall apply:

"HOME IMPROVEMENT STORE" - a retail store devoted to the sale and/or rental, from time to time, of material, equipment, tools and supplies for *HOME IMPROVEMENTS* including lumber, building supplies and fixtures, lighting, kitchen and bath materials, supplies and fixtures, tools, plumbing supplies and fixtures, paint and wallpaper, décor and storage materials and supplies, flooring materials and supplies, wall, door or window coverings, paneling and ceilings, seasonal items including lawn mowers, snow blowers, barbeques, pool equipment and chemicals and nursery and landscaping plants, equipment and supplies, and may include ancillary retail sales including a *RESTAURANT/FAST FOOD OUTLET* and may include the sale of services related to the enjoyment, improvement or decoration of the home or to the use of any other goods sold in the store, and garden centre;

The provisions for the H-C4-X17 ZONE shall be as follows:

Minimum <i>LOT FRONTAGE</i>	60.0 metres
Minimum <i>LOT AREA</i>	1 hectare
Minimum North <i>YARD</i> Setback	10 metres
Minimum East <i>YARD</i> Setback	4.0 metres
Maximum <i>LOT COVERAGE</i>	40%
Maximum Area <i>OUTSIDE STORAGE</i>	4,708 square metres located only on the west side of the main <i>BUILDING</i> screened from public view by a 3.7 metre high board on board decorative fence and/or masonry wall
Maximum Area Garden Centre	1,620 square metres

GROSS LEASABLE AREA

Maximum *HOME IMPROVEMENT STORE* 5,230 square metres

Minimum *LANDSCAPED OPEN SPACE* 10%

(must include a *PLANTING STRIP* not less than 4.0 metres in width along the easterly property line consisting of trees, ornamental shrubs, lawn and flowers, to be provided and maintained in a healthy growing condition, except where such area is crossed by an access driveway or interferes with site triangles. Said 4.0 metre landscaped strip along the east property line (Primeway Drive) may include a 0.3 metre reserve held under ownership of the municipality)

4. Notwithstanding land ownership, the land Zoned H-C4-X17 and adjacent land north of Woodlawn Road and west of Brown Road shall be considered one (1) *LOT* for the purposes of the Zoning By-law.
5. That By-law 2008-8 be repealed and replaced by this By-law

(NORTH SIDE OF WOODLAWN ROAD, WEST OF BROWN ROAD – RONA)

22.3.28 H-C4-X18 ZONE (By-law 2008-107) (HOLDING SYMBOL “H” REMOVED BY BY-LAW 2009-158)

1. That Part Township Lot 253, former Township of Thorold, now in the City of Welland being Part 1, Plan 59R-4757 and shown on Schedule “A” attached to By-law 2008-107 as “Change to H-C4-X18 *ZONE*” is hereby rezoned H-C4-X18 *ZONE*.
2. That the *USES* permitted in the H-C4-X18 *ZONE* shall be those permitted in the C4 *ZONE* and a *COMMERCIAL SCHOOL*.
3. That the provisions of the H-C4-X18 *ZONE* shall be those provided for in the C4 *ZONE* save and except the following:

PLANTING STRIP N/A

LANDSCAPED OPEN SPACE N/A

(397 THOROLD ROAD)

22.3.29 C4-X19 ZONE (By-law 2011-47)

1. That Part of Blocks G and M, Plan 564, more specifically described as Parts 2, 3 and 4 Plan 59R-14582 and shown on Schedule “A” attached to By-law 2011-47 as “Change to C4-X19 *ZONE*” is hereby rezoned C4-X19 *ZONE*.
2. That the *USES* permitted in the C4-X19 *ZONE* shall be those permitted in the C4 *ZONE*.

3. That the provisions of the C4-X19 ZONE shall be as follows:

NORTH PARCEL

Minimum <i>LOT FRONTAGE</i>	120 metres
Minimum <i>LOT AREA</i>	8,600 square metres
Minimum <i>FRONT YARD</i>	19 metres
Minimum South <i>SIDE YARD</i>	7.5 metres
Minimum North <i>SIDE YARD</i>	50 metres
Minimum <i>REAR YARD</i>	9 metres
Maximum <i>LOT COVERAGE</i>	20%
Maximum <i>BUILDING HEIGHT</i>	6 metres
Minimum <i>LANDSCAPED OPEN SPACE</i>	10%

Privacy Fencing

A decorative board on board fence, constructed in accordance with City of Welland Fencing Requirements, shall be constructed along the *INTERIOR SIDE YARD* where any parking area or access is adjacent to a Residential *USE*

PLANTING STRIP

A landscaped strip of land, not less than 3.0 metres in width, consisting of trees, in accordance with Schedule D (By-law 2667 – Recommended Trees for *USE* in *PLANTING STRIPS*, ornamental shrubs, lawn and flowers shall be provided and maintained in healthy growing conditions along the *FRONT LOT LINE* except where such *LOT LINE* is crossed by an access driveway.

Any such *PLANTING STRIP* may be included in the calculation of *LANDSCAPED OPEN AREA*.

(42 PRINCE CHARLES DRIVE NORTH)