

## **SECTION 28 - OPEN SPACE ZONE- O2**

The following provisions shall apply in all OPEN SPACE ZONES O2:

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

### **28.1 USES PERMITTED**

#### **28.1.1 Recreational:**

All *USES* permitted in an O1 ZONE and the following:

play lots, playfields, playgrounds, athletic fields, *COMMUNITY CENTRE*, bleachers, open or closed swimming pools, botanical gardens, band stands, skating rinks, *CURLING RINKS*, bowling greens, tennis courts, *MARINAS*, *GOLF COURSES*, public *PARKING LOT*, and cemetery.

#### **28.1.2 Commercial:**

Refreshment booth.

### **28.2 AREA REQUIREMENTS**

#### **28.2.1 YARD Requirements:**

Minimum distance of buildings or structures from all *LOT LINES* shall be 12 metres.

### **28.3 EXCEPTIONS**

#### **28.3.1 Renumbered by By-law 10016 as Section 14.20 and moved to that Section.**

**28.3.2** NOTWITHSTANDING the provisions of Section 28, Part of *LOT 28*, Concession 6, Township of Crowland now in the City of Welland and more particularly described as follows, shall be given an exemption to allow the *USE* of the said lands for the purposes of a *FRATERNAL ORGANIZATION*, including *USE* of the said lands by its long term tenants conducting similar community service activities, subject to the following restrictions: that the property shall be used for meetings, instructional classes and sports activities only and shall not be used for public hall activities; such as, bingos, wedding parties, stags, dances or concerts, except for social functions of the *FRATERNAL ORGANIZATION* itself and its long term tenants conducting similar community service activities:

ALL AND SINGULAR those certain parcels or tracts of lands and premises in the City of Welland in the Regional Municipality of Niagara and being composed of part of *LOT 28* in the 6th Concession for the Township of Crowland, containing an area of 1.619 hectares, more or less, and being more particularly described as follows:

COMMENCING at a point in the north limit of said *LOT* which is also the south limit of Lincoln *STREET*, distant westerly thereon 110.236 metres from the north-east angle of said *LOT*;

THENCE south 1 degree, 52 minutes west in the production southerly of the west limit of Elmwood Avenue, 38.100 metres to a point which is the place of beginning of the land *HEREIN* to be described;

THENCE south 1 degree, 52 minutes west, 158.712 metres to a point;

THENCE westerly parallel to the said south limit of Lincoln Street, 100.584 metres, more or less, to the centre line of said *LOT 28*;

THENCE northerly along said centre line, 158.712 metres to a point;

THENCE easterly and parallel to said south limit of Lincoln Street, 103.378 metres, more or less, to the place of beginning. **(By-law 7820)**

**(70 ELMWOOD AVENUE)**

**28.3.3 Repealed by By-law 10507.**

**28.3.4** NOTWITHSTANDING the provisions of this by-law, the following lands be used only for an *APARTMENT BUILDING*, containing not more than 48 *DWELLING UNITS*, having a height not exceeding three storeys; the layout, landscaping, berming, fencing and parking of which are more particularly set out in the site plan attached to and form part of By-law 6952 as Schedule "A":

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of Welland in the Regional Municipality of Niagara and being composed of *LOTS 441 to 448, inclusive; LOTS 483 to 490, inclusive* and part of Tanguay Street (formerly Niagara Street), which was closed by By-law 4337 of The *CORPORATION* of the City of Welland which by-law was registered in the Registry Office for the Registry Division of the County of Welland on the 3rd day of October 1969 as No. 90236B in the By-law Book, all according to Registered Plan 32 for the Township of Crowland, now in the City of Welland, now known as Plan 953; and part of Vanier Drive (formerly Borden Avenue) which was closed by By-law 4868 of the said City which by-law was registered in the said Registry Office on the 8th day of August 1969 as No. 106641 in the said By-law Book according to said Plan 32, now known as Plan 953, and designated as Parts 1, 2 and 3 on Plan 59R-2552.

**(VACANT LAND ON VANIER DRIVE - APARTMENT SITE - ALSO SEE: 14.9)**

**28.3.5 O2-X1 ZONE (By-law 10065) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 10421)**

1. Part of *LOTS 259, 260 and 260 B.F.* and Part of the road allowances between *LOTS 260 and 260 B.F., LOTS 259 and 260, LOTS 259 and 259 B.F. and LOTS 259 B.F. and 260 B.F.*, former Township of Thorold, designated as Part 1 Plan 59R-7999, shown on Schedule "A" of By-law 10065 as "Change to H-RA-X1 ZONE" and "Change to H-O2-X1 ZONE" is hereby rezoned H-RA-X1 ZONE and H-O2-X1 ZONE.
2. That the *USES* permitted in the O2-X1 ZONE shall be restricted as follows:
  - natural vegetation;
  - no disturbance shall be permitted within this Zone which would involve vegetation removal, removal or placement of fill or the construction/erection

or placing of any *BUILDING* or *STRUCTURE*;

in any case no such activity shall take place within 15 metres of Coyle Creek which traverses the subject lands.

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

**(EAST SIDE OF SOUTH PELHAM ROAD, SOUTH OF WEBBER ROAD - ALSO SEE: 17.4.8)**

**28.3.6 O2-X2 ZONE (By-law 10160)**

Part of *LOT* 1, Concession 11, former Township of Pelham, now in the City of Welland shown on Schedule "A" of By-law 10160 as "Change to O2-X1 ZONE" is hereby rezoned O2-X2 ZONE.

The *USES* permitted in the O2-X2 ZONE shall be passive recreational and gardening.

Notwithstanding any other Section of Zoning By-law 2667, as amended, in an O2-X2 ZONE, no *PERSON* shall *ERECT* any *BUILDING* or *STRUCTURE* including, but not limited to swimming pools, tennis courts, gazebos, sheds, *ACCESSORY BUILDINGS* or fences and no disturbance, removal of vegetation or placement or removal of fill is permitted within 15 metres of the water's edge of Draper's Creek or its tributary.

**(PART OF MEADOWS SUBDIVISION)**

**28.3.7 O2-X3 ZONE (By-law 10342)**

That Part of *LOT* 1, Concession 11, former Township of Pelham, more particularly described as part of Part 1, Plan 59R-5926 known municipally as 8 Sumbler Road as shown on Schedule "A" of By-law 10342 as "Change to O2-X3 ZONE" is hereby rezoned O2-X3 ZONE.

The *USES* permitted in the O2-X3 ZONE shall be a *PARKING LOT* (day *USE* only) and natural vegetative buffer.

There are no requirements for Zone Provisions for the O2-X3 ZONE.

**(8 SUMBLER ROAD)**

**28.3.8 O2-X4 ZONE (By-law 10465)**

Part of *LOT* 246, former Township of Thorold now in the City of Welland, known municipally as 644 South Pelham Road, shown on Schedule "A" of By-law 10465 as "Change to O2-X4 ZONE" is hereby rezoned to O2-X4 ZONE.

The *USES* permitted in the O2-X4 ZONE shall be gardening and vehicular access only.

**(644 SOUTH PELHAM ROAD)**

**28.3.9 O2-X5 ZONE (By-law 2002-179)**

1. That Part of Lot 225, former Township of Thorold, now in the City of Welland known municipally as 1100 Niagara Street and shown on Schedule "A" of By-

law 2002-179 as "Change to O2-X5 Zone" is hereby rezoned O2-X5 Zone;

2. The uses permitted in the O2-X5 Zone shall be limited to the following: agricultural exhibitions (including carnival, circus, shows, fireworks displays, food concession, livestock displays/competitions/auctions, rodeos, midways); vehicle shows/exhibits/swap meets; parking lot; convention activities including home shows/seminars/trade shows/job fairs; occasional flea markets, craft shows, dances or live entertainment being operated by, or on behalf of, non-profit organizations; commercial school; sport activities for tennis, baseball, football, etc.; camping facilities only in conjunction with other permitted uses; non-profit charitable events; business activities related to permitted uses including sports training facilities, storage facilities; and a communications tower;
3. Notwithstanding the provisions of Zoning By-law 2667, the Zone provisions for the O2-X5 Zone shall be as follows:

Minimum Lot Area	21 hectares
Minimum West Yard Setback	20.0 metres
Minimum North Yard Setback	20.0 metres
Minimum East Yard Setback	20.0 metres
Minimum South Yard Setback	15.0 metres

**(1100 NIAGARA STREET)**

**28.3.10 O2-X6 ZONE (By-law 2003-174)**

1. That Part of Block E, Plan 574 and part of Lot 130, Plan 565 known municipally as 501 King Street and shown on Schedule "A" attached to By-law 2003-174 as "Change to O2-X6 ZONE", is hereby rezoned O2-X6 ZONE;
2. That the uses permitted in the O2-X6 ZONE shall be those permitted in the O2 ZONE and a CLINIC;
3. The provisions for the O2-X6 ZONE shall be those provided for in the O2 ZONE.

**(501 KING STREET)**

**28.3.11 O2-X7 ZONE (By-law 2006-162)**

1. That Part of Lots 20 and 21 inclusive, part of road allowance between Lots 20 and 21, Concession 5, in former Township of Humberstone, now the City of Welland, being part of Parts 1 to 3 inclusive, Plan 59R-12698 and shown on Schedule "A" attached to By-law 2006-162 as "Change to O2-X7 ZONE" is hereby rezoned O2-X7 ZONE;
2. The USES permitted in the O2-X7 ZONE shall be as follows: a park, a walkway, a play lot, a pavilion, play fields, playgrounds, athletic fields, bleachers, pool, botanical gardens, band stands, skating rink, bowling greens, tennis courts and a public PARKING LOT;

3. For the purposes of this By-law the minimum distance of *BUILDINGS* or *STRUCTURES* from all *LOTS LINES* shall be 6.0 metres.

**(DAIN CITY DEVELOPMENTS)**