

SECTION 35 – MIXED USE REINVESTMENT ZONE – MXR (BY-LAW 2013-111)

The following provisions shall apply in all Mixed Use Reinvestment Zones (MXR):

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

35.1 USES PERMITTED

The following *USES* are permitted in the Mixed Use Reinvestment Zone:

35.1.1 Commercial:

- 1) *ARTIST'S STUDIO*
- 2) *BAKE SHOP*
- 3) *BUSINESS OFFICE*
- 4) *COMMERCIAL SCHOOL*
- 5) *CONVENIENCE STORE*
- 6) *DAY CARE FACILITY*
- 7) *DELICATESSEN*
- 8) *FAST FOOD OUTLET*
- 9) *OUTDOOR PATIO*
- 10) *PERSONAL SERVICE ESTABLISHMENT*
- 11) *RESTAURANT*

35.1.2 Residential:

- 1) *DWELLING UNITS* above permitted *USES*
- 2) *DWELLING UNITS* on the ground floor behind permitted *USES*
- 3) *TRIPLEX*
- 4) *FREEHOLD TRIPLEX*
- 5) *TOWNHOUSE*
- 6) *STREET TOWNHOUSE*

35.1.3 Institutional:

- 1) Government *USE*
- 2) *OPEN SPACE*

- 3) Extended Care
- 4) Independent Living

35.2 The *ZONE* provisions for the Mixed *USE* Reinvestment *ZONE* shall be as follows:

35.2.1 The *ZONE* provisions for *TRIPLEX*, *FREEHOLD TRIPLEX*, *TOWNHOUSE*, and *STREET TOWNHOUSE* shall be those provided for in the Multiple Dwelling – Fourth Density *ZONE* – RM4 save and except as follows:

Minimum End Units	1.5 metres
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35.2.2 *LOT* and *YARD* Requirements:

Minimum <i>LOT FRONTAGE</i>	6 metres
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Minimum <i>FRONT YARD</i>	5.5 metres
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Minimum <i>REAR YARD</i>	7.5 metres
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Maximum <i>LOT COVERAGE</i>	50%
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35.2.3 Commercial *USE* Requirements:

Commercial Unit Size – the maximum size for each Commercial use is 186 square metres.

Commercial *USES* are permitted on the ground floor only.

Each Commercial *USE* shall have a minimum of one permitted residential *DWELLING UNIT* or any institutional *USE*, such residential *DWELLING UNIT* or institutional *USE* to be located behind and/or above the Commercial *USE*.

35.2.4 Residential *USE* Requirements:

Each *DWELLING UNIT* shall be provided with a minimum of 11 square metres of amenity area total. For the purposes of this Section, amenity area shall mean areas used for recreational purposes and includes *LANDSCAPED OPEN SPACE*, *BALCONIES*, indoor recreational areas but does not include lobbies, washrooms, laundries, storage areas, or reception areas.

35.3 **MXR-X1 ZONE**

1. That Part of *LOT 251*, former Township of Thorold, now in the City of Welland, being Parts 1, 4, 9, 10 and 11, Plan 59R-14614 and shown on Schedule “A” attached to By-law 2013-111 as “Change to MXR-X1 *ZONE*” is hereby rezoned MXR-X1 *ZONE*.
2. That the *USES* permitted in the MXR-X1 *ZONE* shall be those permitted in the MXR *ZONE*, a *CLINIC* and an *APARTMENT BUILDING*.
3. That the provisions of the MXR-X1 *ZONE* shall be those provided for in the MXR *ZONE* for commercial, residential, and institutional *USES* and those provided for in the RM4 *ZONE* for apartment *USES* save and except the *YARD* requirements and *LOT COVERAGE* shall be as follows:

Minimum East <i>YARD</i>	3.0 metres
Minimum North <i>YARD</i>	20.0 metres
Minimum South <i>YARD</i>	4.0 metres
Minimum West <i>YARD</i>	7.5 metres
Minimum <i>YARD</i> Abutting a Residential <i>ZONE</i>	7.5 metres
Maximum <i>LOT COVERAGE</i>	50%

(555 PRINCE CHARLES DRIVE)

35.4 MXR-X2 ZONE

1. That Part of *LOT 251*, former Township of Thorold, now in the City of Welland, being Part 3, Plan 59R-14614 and shown on Schedule “A” attached to By-law 2013-111 as “Change to *MXR-X2 ZONE*” is hereby rezoned *MXR-X2 ZONE*.
2. That the *USES* permitted in the *MXR-X2 ZONE* shall be those permitted in the *MXR ZONE*, an *APARTMENT BUILDING*, and a *CLINIC* limited to 186 square metres.
3. Notwithstanding the permitted *USES* in the *MXR-X2 ZONE*, the size of a *CLINIC* shall not be limited provided there is no *CLINIC* in operation on the property to the south.
4. Notwithstanding Section 5.10 the maximum *BUILDING HEIGHT* shall be five (5) *STOREYS*.
5. That the provisions of the *MXR-X2 ZONE* shall be those provided for in the *MXR ZONE* for commercial, residential, and institutional *USES* and those in the *RM4 ZONE* for apartment *USES* save and except the *YARD* requirements and *LOT COVERAGE* shall be as follows:

Minimum East <i>YARD</i>	3.0 metres
Minimum North <i>YARD</i>	3.0 metres
Minimum South <i>YARD</i>	4.0 metres
Minimum West <i>YARD</i>	7.5 metres
Minimum <i>YARD</i> Abutting a Residential <i>ZONE</i>	7.5 metres
Maximum <i>LOT COVERAGE</i>	50%

(635 PRINCE CHARLES DRIVE)

35.5 MXR-X3 ZONE

1. That Part of *LOT 251*, former Township of Thorold, now in the City of Welland, being

Part 2, Plan 59R-14614 and shown on Schedule "A" attached to By-law 2013-111 as "Change to MXR-X3 ZONE" is hereby rezoned MXR-X3 ZONE.

2. That the *USES* permitted in the MXR-X3 ZONE shall be those permitted in the MXR ZONE and an *APARTMENT BUILDING*.
3. That the provisions of the MXR-X3 ZONE shall be those provided for in the MXR ZONE for commercial, residential, and institutional *USES* and those in the RM4 ZONE for apartment *USES* save and except the *YARD* requirements and *LOT COVERAGE* shall be as follows:

Minimum East <i>YARD</i>	4.0 metres
Minimum North <i>YARD</i>	3.0 metres
Minimum South <i>YARD</i>	14.0 metres
Minimum West <i>YARD</i>	4.0 metres
Minimum <i>YARD</i> Abutting a Residential <i>ZONE</i>	7.5 metres
Maximum <i>LOT COVERAGE</i>	50%

(475 PRINCE CHARLES DRIVE)

35.6

MXR-X4 ZONE

1. That Part of *LOT* 251, former Township of Thorold, now in the City of Welland, being Part of Parts 2 and 8, Plan 59R-14614 and shown on Schedule "A" attached to By-law 2013-111 as "Change to MXR-X4 ZONE" is hereby rezoned MXR-X4 ZONE.
2. That the *USES* permitted in the MXR-X4 ZONE shall be those permitted in the MXR ZONE.
3. That the provisions of the MXR-X4 ZONE shall be those provided for in the MXR ZONE for commercial, residential, and institutional *USES* and those in the RM4 ZONE for apartment *USES*, save and except the *YARD* requirements and *LOT COVERAGE* shall be as follows:

Minimum East <i>YARD</i>	a minimum of 70% of the buildout shall be provided with a maximum setback of 3.0 metres
Minimum North <i>YARD</i>	3.0 metres
Minimum South <i>YARD</i>	3.0 metres
Minimum West <i>YARD</i>	6.0 metres
Maximum <i>LOT COVERAGE</i>	50%

(475 PRINCE CHARLES DRIVE)

LOT/BLOCK NO. (DRAFT PLAN)	MINIMUM NO. OF UNITS
72	5
73	5
74	1
75	16
76	16
77	11
78	12
79	5
80	10
81	9
82	20
85	6
86	13
87	13
88	6

6. Until such time as the Holding Symbol (H) is removed the only *USES* permitted shall be Model Homes in accordance with the Subdivider’s Agreement.

(SPARROW MEADOWS ESTATES SUBDIVISION)

35.9 H-MXR-X7 ZONE (By-law 2017-29)

1. That Lots 232 and 233, Plan 933 and Part Lots 230 and 231, Plan 933, in the City of Welland, and shown on Schedule ‘A’ attached to By-law 2017-29 as “Change to H-MXR-X7 ZONE” is hereby rezoned to H-MXR-X7 ZONE.
2. That the *USES* permitted in the H-MXR-X7 ZONE shall be those in the MXR ZONE, one residential unit on the ground floor in front of the permitted commercial *USE*, and a food processing warehouse.
3. That the provisions of the H-MXR-X7 ZONE shall be those provided for in the MXR ZONE, save and except as follows:

<i>REAR YARD</i>	1.2 metres
Maximum Unit Size for a Commercial Use	193 square metres
Minimum Amenity Area for a Residential Use	0 square metres

4. Notwithstanding Section 5.21 (e) of By-law 2667, as amended, no fence is required to be maintained between the parking lot and abutting lands.

(16 STEEL STREET)

