

## **SECTION 5 - GENERAL PROVISIONS TO ALL ZONES**

### **5.1 SCOPE**

No *PERSON* shall *USE* any land or *ERECT*, *USE*, alter or enlarge any *BUILDING* or *STRUCTURE* except in conformity with the provisions of this By-law

### **5.2 ACCESS**

- (a) Unless otherwise specified in this By-law, no *PERSON* shall *ERECT* or *USE* a *BUILDING* or *STRUCTURE* unless the *LOT* upon which the *BUILDING* or *STRUCTURE* is situated, *ERECTED* or proposed to be *ERECTED* fronts on a *STREET*. **(By-law 2010-99)**
- (b) No person shall *ERECT* or *USE* a *BUILDING* or *STRUCTURE* unless the *STREET* referenced in Section 5.2 (a) is paved with a base course of asphalt, all water and sewer mains and service laterals to the property line are installed and tested, and all *STREET* name and traffic control signs are installed, all to the satisfaction of the City Engineer, save and except the provisions related to model homes contained in a Registered Subdivider's Agreement or Model Home Agreement. **(By-law 2010-99)**

### **5.3 ACCESSORY BUILDING/STRUCTURE**

#### (a) Height

- (i) No *ACCESSORY BUILDING* with a flat roof shall exceed a height of 3.0 metres with the exception of a raised flat roof which shall not exceed 3.3 metres (see Schedule C).
- (ii) No *ACCESSORY BUILDING* with a mansard, gambrel, hip (cottage), or any other style roof except as noted above shall exceed a height of 4.0 metres (see Schedule C).
- (iii) There is no height limitation for silos, grain storage bins, grain elevators, fuel tanks and barns used for agricultural purposes.
- (iv) No *ACCESSORY STRUCTURE*, not otherwise provided for in this By-Law, shall exceed a height of 3.0 metres.

#### (b) Human Habitation

The *USE* of any *ACCESSORY BUILDING* for human habitation is not permitted.

#### (c) Location

- (i) All *ACCESSORY BUILDINGS/STRUCTURES* shall be located in the *REAR YARD* or in any *INTERIOR SIDE YARD* and shall be at least 0.9 metres from the nearest *LOT LINE*. *ACCESSORY BUILDINGS* greater than 10 square metres in area also shall be located at least 0.9 metres from any main *BUILDING*.
- (ii) In the case of a *CORNER LOT*, any *ACCESSORY BUILDING* or

*STRUCTURE* located in the *REAR YARD* shall have setbacks from the *LOT LINES* in accordance with Schedule "E".

(d) LOT COVERAGE

The total *LOT COVERAGE* of all *ACCESSORY BUILDINGS* and *STRUCTURES* on a *LOT* shall not exceed 75% of the *FOOTPRINT* of the main *BUILDING* and 10% of the *LOT AREA*. This does not apply to *DECKS* or open air swimming pools. **(By-law 2003-137)**

(e) Exemptions

Notwithstanding the provisions of Section 5.3, on the lands described in Schedule "B" of By-law 6881, a parking *STRUCTURE* shall be allowed in the *SIDE YARD*, with a minimum *SIDE YARD* of 3.0 metres. **(155 HAGAR STREET)**

**5.4** ACCESSORY USES

(a) BUILDINGS OR STRUCTURES

*ACCESSORY BUILDINGS* or *STRUCTURES* used for any purpose that is incidental or secondary to that of the main *BUILDING* on the same *LOT*, shall be permitted and without limiting the foregoing such *USE* may include a private garage, greenhouse or swimming pool, if not used for commercial purposes. *ACCESSORY BUILDINGS* or *STRUCTURES* shall not be used for a *HOME OCCUPATION*.

(b) POOLS

Open air swimming pools shall be located outside of the *FRONT YARD* with a minimum setback of 1.2 metres from any *LOT LINE* or main *BUILDING*. In the case of a *CORNER LOT*, any swimming pool located in the *REAR YARD* or *EXTERIOR SIDE YARD* shall comply with the setback requirements shown on Schedule "E1"; **(By-law 2000-59)**

**5.5** DAY CARE FACILITIES

*DAY CARE FACILITIES* are permitted *USES* in any Zone on any property owned by the District School Board of Niagara, the Niagara Catholic District School Board, the Conseil scolaire de district du Centre Sud-Ouest, or the Conseil scolaire de district catholique Centre-Sud, within the Urban Area Boundary of the City of Welland, so long as the proposal complies with the provisions of this By-law in every other respect. **(By-law 2010-99)**

**5.6** DECKS

*DECKS* shall be located outside of the *FRONT YARD*, with a minimum setback of 1.2 metres from any *LOT LINE*. The walking surface of a *DECK* shall not exceed 1.5 metres in height above *GRADE*. The maximum height of a *DECK* including a guard (railing) shall not exceed 2.6 metres in height above *GRADE*.

**NOTE:** Any *STRUCTURE* with a walking surface in excess of 1.5 metres above *GRADE* shall be considered part of the main *BUILDING*, whether attached or not, and shall comply with all relevant provisions of Zoning By-law 2667, as amended. **(By-law 2003-137)**

**5.6 (a) PERGOLAS (By-law 2003-137)**

*PERGOLAS*, attached to the *MAIN BUILDING*, shall meet the *YARD* provisions as determined in each appropriate *ZONE*. *PERGOLAS*, not attached to the *MAIN BUILDING*, shall be located in the *REAR* or *INTERIOR SIDE YARDS* a minimum of 0.9 metres from *LOT LINES* and shall be no greater than 3 metres in height above *GRADE*. In either case, the size of a *PERGOLA* shall not exceed five (5) percent of the *LOT AREA*.

**5.6 (b) SCREENING DEVICE (By-law 2003-137)**

A *SCREENING DEVICE* shall be located in the rear or interior side yards a minimum 0.9 metres from *LOT LINES* and shall be no greater than 3.0 metres in height above grade with an overall aggregate area of no larger than ten (10) square metres.

**5.7 ENCROACHMENTS**

*YARD* encroachments are not permitted for cantilevered *FLOOR AREA* however, notwithstanding the *YARD* provisions of this By-law to the contrary, the following *YARD* encroachments are permitted: **(By-law 2003-137)**

- (a) Projections such as eaves, bay windows (without floor area), sills, gutters, chimneys or pilasters not projecting more than: **(By-law 2003-137)**
  - (i) 0.6 metres into any required *SIDE YARD* and 1.2 metres into any required *FRONT YARD* or *REAR YARD* in relation of main *BUILDINGS* provided that such encroachments are permitted by the Ontario Building Code or other such legislation; **(By-law 2003-137)**
  - (ii) 0.6 metres into any required *YARD* for eaves in relation to *ACCESSORY BUILDINGS* and *STRUCTURES*;
- (b) uncovered steps, including a platform limited in width to 75% of the width of the main *BUILDING*, not exceeding 1.3 metres in height above *GRADE* and not projecting more than 2.5 metres into any *REQUIRED FRONT YARD*; **(By-law 2000-59)**
- (c) uncovered steps, adjacent to a door providing direct access to a main *BUILDING*, not exceeding 1.3 metres in height above *GRADE* and not projecting more than 0.9 metres into any *REQUIRED INTERIOR OR EXTERIOR SIDE YARD*; **(By-law 2000-59)**
- (d) awnings, clothes poles, garden trellises or similar accessory *STRUCTURES*;
- (e) uncovered fire escapes or exterior stairs projecting not more than 1.6 metres into any required *INTERIOR OR EXTERIOR SIDE YARD* or *REAR YARD*; **(By-law 2003-137)**
- (f) ramps for physically challenged persons.
- (g) *BALCONIES* projecting not more than 1.8 metres into the required *REAR YARD* save and except for *APARTMENT BUILDINGS* where *BALCONIES*

may project 1.8 metres into any required *YARD* provided that the projection is no closer than 3 metres to any *LOT LINE*.

#### 5.8 FLOODPLAIN

No *BUILDING* or *STRUCTURE* shall be constructed or *ERECTED* within the limits of a floodplain.

#### 5.9 GARBAGE & REFUSE STORAGE

For all non-residential *USES* and *APARTMENT BUILDINGS* garbage or refuse shall be stored within a *BUILDING* or *STRUCTURE* on the *LOT*, or in a container in the *SIDE YARD* or *REAR YARD* of such *LOT* screened from view by a masonry and/or decorative closed board fence. Any garbage or refuse container, whether required or not, must be located in the *SIDE YARD* or *REAR YARD* of a *LOT* screened from view.

#### 5.10 HEIGHT REQUIREMENTS

- (a) No *BUILDING* or *STRUCTURE* in any Zone save and except *BUILDINGS* and *STRUCTURES* in C3, I2 and RZ Zones, *APARTMENT BUILDINGS*, and silos, grain storage bins, grain elevators and barns used for agricultural purposes, shall exceed 11.0 metres in *BUILDING HEIGHT*. No fuel storage tank in any Zone, other than an I2 Zone, shall exceed 3 metres in height above *GRADE*. **(By-law 1999-178)**
- (b) Nothing in this By-law shall limit the height of any belfry, *PLACE OF WORSHIP*, ornamental dome, cupola, clock tower, water storage tank or any wireless receiving or transmitting antennae.

#### 5.11 EXEMPTIONS

- (a) Notwithstanding anything contained in Section 5.10 of this By-law, the firstly described lands in Schedule "B" of By-law 6525 shall be exempted therefrom. **(366 THOROLD ROAD - ALSO SEE: 6.1.1 (b))**
- (b) Notwithstanding anything contained in Section 5.10 of this By-law, the lands described in Schedule "B" of By-law 8527 shall have a height limitation for all *BUILDINGS* which shall not exceed three (3) storeys above ground. **(217 AND 231 DENISTOUN STREET)**

#### 5.12 LOTS REDUCED BY PUBLIC ACQUISITION

- (a) Where a *LOT* is reduced in area as a result of the acquisition of part of the *LOT* by any public authority and where such acquisition causes the *LOT*, as reduced, or any *BUILDING* or *STRUCTURE* which legally existed on the *LOT* on the date of such acquisition, to become *NON-COMPLYING* with the requirements of the Zone in which the *LOT* is located, nothing in this By-law shall prevent the continued *USE* of the *LOT*, as reduced, as if no such acquisition had taken place provided that:
  - (i) no further change is made in the dimensions, area or any other characteristics of the *LOT* as reduced, subsequent to the date of such acquisition, which would increase the extent of the non-conformity; and

- (ii) no *BUILDING* or *STRUCTURE* or addition thereto is *ERECTED* on the *LOT* as reduced subsequent to the date of such acquisition, except in accordance with the provisions of the Zone in which the *LOT* is located.

### 5.13 **NON-COMPLYING/NON-CONFORMING USES**

#### (a) Repair and Restoration

The provisions of this By-law shall not apply:

- (i) to prevent the *USE* of any land, *BUILDING* or *STRUCTURE* for any purpose prohibited by this By-law if such land, *BUILDING* or *STRUCTURE* was lawfully used for such purpose on the date of the passing of this By-law, so long as it continues to be used for that purpose;
- (ii) to prevent the strengthening or restoration, to a safe condition, of a *BUILDING* or *STRUCTURE*, or any part of a *BUILDING* or *STRUCTURE*, provided the strengthening or restoration will not increase the *BUILDING HEIGHT*, size or volume or change the *USE* of the *BUILDING* or *STRUCTURE*.

#### (b) Permitted Extensions

The provisions of this By-law shall not apply:

- (i) to prevent an extension or addition being made to a residential *BUILDING* or *STRUCTURE* which is a permitted *USE* for the Zone in which it is located, but which does not comply with one or more of the *YARD* requirements, the minimum *LOT AREA*, or the minimum *LOT FRONTAGE* requirements of the Zone, or Section 5.3(c) of this By-law, whichever applies, provided such extension or addition does not further reduce any existing legal *NON-COMPLYING YARD(s)*, a minimum *FRONTAGE* of no less than 7.5 metres is provided, and all other provisions of this By-law are satisfied. **(By-law 1999-178)**

#### (c) *NON-CONFORMING Residential USES*

Notwithstanding any other provisions of this By-law, where a lawfully established *NON-CONFORMING SINGLE DETACHED DWELLING* is located on a *LOT*, nothing shall prevent:

- (i) the enlargement or extension of any main *BUILDING* provided that such enlargement or extension does not exceed 25 percent of the existing *GROSS FLOOR AREA* and that such enlargement or extension is in compliance with Section 8.2.3;
- (ii) the *ERECTION* of any *BUILDING* accessory thereto provided that such *ACCESSORY BUILDING* complies with the requirements of Section 5.3.

### 5.14 **PROHIBITED USES**

Except where expressly permitted elsewhere in By-law 2667, no land shall be *USED* and no *BUILDING* or *STRUCTURE* shall be *ERECTED*, located or *USED* in any

Zone for any of the following uses:

- (a) any *USE* which is in contravention of the *Environmental Protection Act* or any successor thereto;
- (b) any *USE* which is classified as a health hazard by the *Health Protection and Promotion Act* or any successor thereto;
- (c) any *USE* which is offensive or dangerous by reason of the emission of obnoxious odour, smoke, dust, gas, fumes, liquid, noise, vibration or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material;
- (d) the manufacturing of explosives;
- (e) the manufacturing of pesticides, herbicides or fungicides.

**5.15 REDUCTION OF LOT AREA**

- (a) No *LOT* shall be reduced in area, either by Consent or the conveyance of any portion thereof, so that any *BUILDING* or *STRUCTURE* on such *LOT* shall not comply with the provisions of this By-law for the Zone in which such *LOT* is located.

**5.16 USES PERMITTED IN ALL ZONES**

Notwithstanding any other provisions of this By-law:

- (a) nothing shall prevent the *USE* of land or the *USE* or *ERECTION* of a scaffold or other temporary *BUILDING* or *STRUCTURE* incidental to construction in progress on such land until such time as the work has been finished or abandoned. (Abandoned here shall mean the failure to proceed expeditiously with the work);
- (b) The City of Welland, The Regional Municipality of Niagara, the District School Board of Niagara, the Niagara Catholic District School Board, the Conseil scolaire de district du Centre Sud-Ouest, the Conseil scolaire de district catholique Centre-Sud, the Province of Ontario, the Government of Canada, or any department or board of any of the above, any utility company, Niagara College of Applied Arts and Technology and Brock University may *USE* any land or may *ERECT* or *USE* any *BUILDING* or *STRUCTURE* for any public purpose provided that: **(By-law 2010-99)**
  - (i) any *BUILDING* or *STRUCTURE USED* or occupied shall be located, designed and landscaped in accordance with the general character of the Zone in which such *BUILDING* or *STRUCTURE* or land is located; **(By-law 2010-99)**
- (c) where such *USE* is located in a Residential Zone, it shall comply with the area requirements of Section 6.8;
- (d) Nothing shall prevent the installation of a temporary construction trailer, a temporary fenced compound for construction materials, and a temporary sales office in new subdivisions not yet assumed by the City, provided any such trailer, compound and/or office is located, at the time of installation, at

least 45 metres from an existing *DWELLING UNIT* or a *DWELLING UNIT* under construction.

Notwithstanding Fence By-law 10545, such fence enclosing a compound in a Residential Zone shall meet the following criteria:

- (i) Maximum height of 2.6 metres;
- (ii) Chain link construction;
- (iii) No barbed wire;
- (iv) No electric fencing; and
- (v) May be located within the *REQUIRED FRONT YARD*. **(By-law 2010-99)**

#### **5.17 PARTIAL DESTRUCTION TO EXISTING BUILDINGS**

A *BUILDING* destroyed to the extent of more than fifty (50) per cent of the *STRUCTURE* (exclusive of walls below grade) as at the date of damage and which does not conform with the requirements of this By-law in respect to *USE*, *LOT* occupancy or height shall not be restored except in conformity with the regulations of the Zone in which the said *STRUCTURE* or *BUILDING* is located.

#### **5.18 LICENSES, PERMITS AND OTHER BY-LAWS**

Nothing in this By-law shall exempt any *PERSON* from complying with requirements of the Building By-law or any other By-law in force within the City or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the City or by any other law in force at this time.

#### **5.19 PARKS AND PLAY GROUNDS**

Nothing in this By-law shall prevent the establishment of private parks or playgrounds in any Residential, Business Park, Commercial, Reinvestment or Industrial Zone provided that such parks or playgrounds are not operated for commercial purposes and provided that such parks or playgrounds shall conform to the requirements of the Open Space Zone (02).

#### **5.20 PARKING REQUIREMENTS**

**5.20.1** Unless otherwise provided for in this By-law, for every *BUILDING* or *STRUCTURE* *ERECTED*, altered so as to increase capacity, or enlarged, there shall be provided and maintained off-*STREET* parking in conformity with the following Schedule and each *PARKING SPACE* shall be made accessible for ingress and egress by means of a hard surface lane or right-of-way or roadway being a minimum of 3.0 metres in width for a one-way ingress or egress to the *STREET* and a minimum of 6.0 metres in width if such ingress or egress is for two-way vehicular movement.

**5.20.2** The allocation of *PARKING SPACES* and aisles within any parking area, whether required or otherwise, shall be designed in accordance with Schedule B – Geometric Design Standard For Parking as amended. **(By-law 2003-137)**

**5.20.3** Nothing in this Section shall be interpreted as requiring off-*STREET* parking for the

capacity that exists on October 21, 1958, and the parking requirements shall apply only to the additional capacity provided by *ERECTION*, alterations or enlargement.

#### **5.20.4 Residential**

**5.20.4.1** The required *PARKING SPACES* in a Residential *ZONE* shall be provided on the same *LOT* as the *DWELLING UNIT(S)* and shall be located outside the *FRONT YARD*.

- (a) Additional *PARKING SPACES* shall be permitted on any part of a driveway accessory to a *SINGLE DETACHED DWELLING*, a *SEMI-DETACHED DWELLING*, a *DUPLEX*, a *LINK DWELLING* or a *STREET TOWNHOUSE* which leads to the required legal *PARKING SPACES(S)* provided that: **(By-law 2003-137)**
  - (i) no such *PARKING SPACE(S)* shall obstruct access to a *PARKING LOT* or a *PARKING SPACE* on any other *LOT* or for any other *DWELLING UNIT*; and **(By-law 2003-137)**
  - (ii) any driveway or parking area within the *FRONT YARD* or *EXTERIOR SIDE YARD* does not exceed 50 percent of the width and/or area of such *FRONT YARD* or *EXTERIOR SIDE YARD*. **(By-law 2003-137)**
- (b) Notwithstanding the above for Residential *DWELLINGS* constructed prior to October 21, 1958 on *LOTS* which can not accommodate required *PARKING SPACES* in accordance with the provisions of this By-law, parking may be permitted in the required *FRONT YARD* provided that:
  - (i) it is designed in accordance with Schedule B - Geometric Design Standard For Parking, as amended; and
  - (ii) any driveway or parking area within the *FRONT YARD* does not exceed 50 percent of the width or *AREA* of such *FRONT YARD*. **(By-law 1999-178)**

#### **5.20.4.2 Non-Residential**

Any *PARKING SPACES* in a Non-Residential Zone shall be provided on the same *LOT* occupied by the particular *USE* or on a *LOT*, within 100 metres of the subject *LOT*, which is in a Zone which permits a *PARKING LOT* and where there is a written lease authorizing the Owner or users of the subject *LOT* to utilize the land for parking purposes.

#### **5.20.5 Parking To Serve The Physically Challenged**

All *PARKING LOTS* shall include designated *PARKING SPACES* to serve physically challenged persons in accordance with the following table (Designated *PARKING SPACE* Requirements to Serve Physically Challenged *PERSONS*).

*PARKING SPACES* to serve physically challenged *PERSONS* shall be hard surfaced, level and shall be designed and located in a manner so as to ensure immediate access to sidewalks, paths, walkways, entrances, etc. by means of ramps, curb depressions or other appropriate means.



**DESIGNATED  
PARKING SPACE REQUIREMENTS  
TO SERVE PHYSICALLY CHALLENGED PERSONS**

<b>Total No. Of <i>PARKING SPACES</i> in <i>PARKING LOT</i></b>	<b>Minimum No. of Designated <i>PARKING SPACES</i> Required to Serve Physically Challenged <i>PERSONS</i></b>
1 - 11	0
12 - 19	1
20 - 49	2
50 - 79	3
80 - 99	4
for each additional 30 spaces or part thereof	1 minimum to a maximum of 12

- 5.20.6**      *LOT B*, according to Registered Plan 55 for the Township of Crowland, now in the City of Welland, be and the same is hereby exempted from Section 5.20, Off-*STREET* Parking Requirements, contained in said By-law 2667. **(By-law 3267). (824 EAST MAIN STREET)**
- 5.20.7**      Notwithstanding the provisions of Section 5.20 the lands described in Schedule "B-1" of By-law 6608 shall be exempted from the parking restrictions in the *FRONT YARD*. **(100 LANCASTER DRIVE - ALSO SEE: 14.5.9 (a))**
- 5.20.8**      Notwithstanding the provisions of Section 5.20, the lands described in Schedule "B" of By-law 7095 shall be exempted from the parking restrictions in the *FRONT YARD*. **(152 THOROLD ROAD)**
- 5.20.9**      NOTWITHSTANDING anything contained herein, the parking on the lands described below shall be in accordance with a site plan agreement, dated the 3<sup>rd</sup> of November 1980, and authorized by By-law 7139, for the purposes of a senior citizens' *APARTMENT BUILDING*.
- 5.20.10**      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 part of Block "A", Registered Plan 13, for the Township of Thorold, now in the City of Welland, now known as Plan 648 and designated as Part 2 on Reference Plan 59R-3363. **(235 FITCH STREET - ALSO SEE: 5.20.24 OFF-STREET PARKING REQUIREMENTS 15., 7.3 (a))**
- 5.20.11**      Notwithstanding the provisions of Section 5.20, the lands described in Schedule "B" of By-law 7176 shall be exempted from the parking restrictions in the *FRONT YARD*. **(By-law 7176) (281 RIVERSIDE DRIVE - ALSO SEE: 6.8.1, 8.2.7 - PARCEL 9)**
- 5.20.12**      That Section 5.20 of Schedule "A" of By-law 2667 is hereby further amended by allowing the parking for the lands, described in Schedule "B" of By-law 8021 to be developed in accordance with a site plan agreement, dated the 16th day of October 1984, authorized by By-law 8019, for a multi-unit, phased, residential development, to be 1 *PARKING SPACE* for each *DWELLING UNIT*, rather than 1 1/2 *PARKING SPACES* for each *DWELLING UNIT*. **(PRINCE CHARLES VILLAGE (NOT INCLUDING 30 NOVA CRESCENT) BUT INCLUDING SOUTHERN PART SOLD TO PENINSULA HOMES)**
- 5.20.13**      Notwithstanding the provision of Section 5.20, the lands described in Schedule "B" of By-law 8297 shall be exempted from the parking restrictions in the *FRONT YARD*.

**(210 DENISTOUN STREET - ALSO SEE: 14.5.9 (c))**

- 5.20.14** Notwithstanding the provision of Section 5.20, the lands described in Schedule "B" of By-law 8298 shall be exempted from the parking restrictions in the *FRONT YARD*. **(200 DENISTOUN STREET - ALSO SEE: 14.5.9 (d), 14.15)**
- 5.20.15** Notwithstanding the provision of Section 5.20, the lands described in Schedule "B" of By-law 8299 shall be exempted from the parking restrictions in the *FRONT YARD*. **(220 DENISTOUN STREET - ALSO SEE: 14.5.9 (e))**
- 5.20.16** Notwithstanding the provision of Section 5.20, the lands described in Schedule "B" of By-law 8300 shall be exempted from the parking restrictions in the *FRONT YARD*. **(230 DENISTOUN STREET - ALSO SEE: 14.5.9 (f))**
- 5.20.17** That Section 5.20 of Schedule "A" of By-law 2667 is hereby further amended by allowing the parking for the lands described in Schedule "B" of By-law 8504 to be developed in accordance with a site plan agreement, dated the 9th of October 1986, authorized by By-law 8503, for an indoor athletic club and associated recreational uses for club members and their guests only, to be a maximum of 86 on-site *PARKING SPACES* which *PARKING SPACES* shall be exempted from the parking restrictions in the *FRONT YARDS*. **(370 HELLEMS AVENUE – ALSO SEE 12.8.9)**
- 5.20.18** Notwithstanding the provisions of Subsection 5.20.1 of Section 5.20, in the case of the *ERECTION* and use of *SEMI-DETACHED DWELLINGS* on Blocks A and B, according to Registered Plan M-68,
- (a) two *PARKING SPACES* shall be provided and maintained in respect to any *SEMI-DETACHED DWELLING* erected and used on Parts 1, 10, 11 and 20, Reference Plan 59R-5779, one of which shall be located within an attached private garage;
  - (b) in the case of the remaining Parts 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, and 19, Reference Plan 59R-5779, at least three *PARKING SPACES* shall be provided and maintained on each *LOT*, except that where a private attached garage is erected in connection with any such *SEMI-DETACHED DWELLING*, the provisions of paragraph (a) shall apply. (By-law 8901) **(ALL OF MAYFAIR DRIVE - ALSO SEE : 11.5.13))**
- 5.20.19** Notwithstanding the provisions of Section 5.20, the lands described in Schedule "B" of By-law 9518 shall be exempted from the provisions of the Geometric Design Standards for Parking to allow for an aisle width of 6.0 metres instead of the required 7.3 metres. **(194 THOROLD ROAD - ALSO SEE: 5.21.3, 7.3 (b))**
- 5.20.20** Notwithstanding the provisions of Section 5.20, the land described in Schedule "B" of By-law 9566 shall be exempted from the provisions of the Geometric Design Standards for Parking to allow for an elimination of the requirement of an aisle. **(138 THOROLD ROAD - ALSO SEE: 12.8.10)**
- 5.20.21** Notwithstanding the provisions of Section 5.27, the lands described in Schedule "B" of By-law 9806 shall be permitted to have a minimum of 70 *PARKING SPACES*, such spaces to be permitted in the *FRONT YARD*. **(654 SOUTH PELHAM ROAD - ALSO SEE: 5.21.4, 6.1.1(d), 8.2.7 - PARCEL 16)**
- 5.20.22** Notwithstanding the provisions of Section 5.20, the lands described in Schedule "B" of By-law 9837, shall be permitted to have a minimum of 50 *PARKING SPACES*,

such spaces to be permitted in the *FRONT YARD*. (**26 MILL STREET - ALSO SEE: 14.18, 27.3.1**)

**5.20.23** Notwithstanding the provisions of Section 5.20, the following described lands shall be exempted from the parking restrictions in the *FRONT YARD*:

In the City of Welland, in the Regional Municipality of Niagara and being designated as Parts 15, 16, 23, 24, 25, 26, 27, 28 and 29 on Reference Plan 59R-7976. (**By-law 9841**) (**52 PROMENADE RICHELIEU**)

**5.20.24 OFF-STREET PARKING REQUIREMENTS**

USES	MINIMUM REQUIREMENTS
1. art gallery, museum, library, and similar uses	1 <i>PARKING SPACE</i> for every 25 square metres of <i>GROSS FLOOR AREA</i>
2. race track, <i>PLACE OF WORSHIP, ASSEMBLY HALL, PRIVATE CLUB, FRATERNAL ORGANIZATION, PLACE OF ENTERTAINMENT, INSTITUTION, RECREATIONAL ESTABLISHMENT,</i> stadium and exhibition grounds	Where there are fixed seats, 1 <i>PARKING SPACE</i> for every 4 seats or 2.1 metres of bench space of its maximum designed capacity; or 1 <i>PARKING SPACE</i> for every 10 square metres of area devoted to public whichever is the greater
3. <i>ATHLETIC AND RECREATIONAL AREA,</i> except <i>GOLF COURSE</i>	1 <i>PARKING SPACE</i> for every 30 square metres of area devoted to public use and not less than 5 <i>PARKING SPACES</i>
4. campground	1.25 <i>PARKING SPACES</i> for every designated unit*  (*designated unit shall be determined by site plan and/or agreement)
5. factories, <i>WAREHOUSE,</i> accessory storage, <i>TRUCK OPERATION, DAIRY OPERATION, BAKERY, PRINTING ESTABLISHMENT,</i> and similar uses	1 <i>PARKING SPACE</i> for every 90 square metres of <i>GROSS FLOOR AREA</i> or for each 4 employees, whichever is greater
6. <i>FAST FOOD OUTLET</i>	1 <i>PARKING SPACE</i> for every 3.0 square metres of area devoted to public <i>USE</i>

USES	MINIMUM REQUIREMENTS
7. FUNERAL HOME	Where there are fixed seats, 1 <i>PARKING SPACE</i> for every 4 seats or 2.1 metres of bench space of its maximum designed capacity, or 1 <i>PARKING SPACE</i> for every 10 square metres of area devoted to public whichever is greater, with a minimum of 20 spaces. <b>(By-law 2003-137)</b>
8. GOLF COURSE	4 <i>PARKING SPACES</i> per hole, plus additional parking as per requirements for building
9. hospital	1 <i>PARKING SPACE</i> for every 50 square metres of <i>GROSS FLOOR AREA</i>
10. CLINIC	1 <i>PARKING SPACE</i> for every 25 square metres of <i>GROSS FLOOR AREA</i> , plus 4 <i>PARKING SPACES</i> per practitioner
11. HOTEL (MOTEL), tourist home, cabin, BOARDING AND LODGING HOUSE	1 <i>PARKING SPACE</i> for every living unit or bedroom
12. NURSING HOME, home for the aged	1 <i>PARKING SPACE</i> for every 1.5 beds
13. BUSINESS OFFICE, BUSINESS INCUBATOR, BUSINESS SERVICE ESTABLISHMENT	1 <i>PARKING SPACE</i> for every 16.0 square metres of <i>GROSS FLOOR AREA</i>
14. GROUP HOME, and other homes regulated by the Ministries of Health, Correctional Services and Community and Social Services	1 <i>PARKING SPACE</i> for every staff member plus 1 <i>PARKING SPACE</i> for every 5 residents, excluding staff; minimum of 3 <i>PARKING SPACES</i>
15. residential	1 <i>PARKING SPACE</i> for each <i>DWELLING UNIT</i> in <i>BUILDINGS</i> containing not more than two <i>DWELLING UNITS</i> , and 1.5 <i>PARKING SPACES</i> for each <i>DWELLING UNIT</i> in <i>BUILDINGS</i> containing three or more <i>DWELLING UNITS</i> provided that any resulting half <i>PARKING SPACE</i> shall be increased to a

USES	MINIMUM REQUIREMENTS
	<p>full <i>PARKING SPACE</i> except that:</p> <p>1 <i>PARKING SPACE</i> shall be required for each <i>DWELLING UNIT</i> which contains an attached garage within a <i>STREET TOWNHOUSE</i>.</p> <p>That Section 5.20 of By-law 2667 is hereby further amended by allowing the parking for Lots 43, 44, 45, 46, 47 and 50, according to Registered Plan 30 for the Township of Crowland, now in the City of Welland, to be reduced from 23 <i>PARKING SPACES</i> to 22 <i>PARKING SPACES</i> for a fifteen unit <i>APARTMENT BUILDING</i>. <b>(By-law 5277 and 10016)</b> <b>(5 AFTON AVENUE)</b></p> <p>That Section 5.20 of By-law 2667 is hereby further amended by allowing the parking for the lands known municipally as 102 and 110 Silvan Drive for an 8 unit <i>STREET TOWNHOUSE</i> development to be 1 <i>PARKING SPACE</i> for each <i>DWELLING UNIT</i>. <b>(By-law 10016)</b> <b>(102 AND 110 SILVAN DRIVE - ALSO SEE: 6.1.1 (c))</b></p>
	<p>NOTWITHSTANDING anything contained herein, the parking on the lands described below shall be in accordance with a site plan agreement, dated the 3<sup>rd</sup> of November 1980, and authorized by By-law 7139, for the purposes of a senior citizens' <i>APARTMENT BUILDING</i>.</p> <p>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 part of Block "A", Registered Plan 13, for the Township of Thorold, now in the City of Welland, now</p>

USES	MINIMUM REQUIREMENTS
	<p>known as Plan 648 and designated as Part 2 on Reference Plan 59R-3363.</p> <p><b>(235 FITCH STREET - ALSO SEE: 5.20.9, 5.20.10, 7.3 (a))</b></p>
<p><i>BED &amp; BREAKFAST</i></p>	<p>In addition to the required 1 <i>PARKING SPACE</i> for the <i>SINGLE DETACHED DWELLING</i>, an additional 1 <i>PARKING SPACE</i> per guest room with no more than two (2) guest vehicles parked in the <i>FRONT YARD</i>. <b>(By-law 2003-137)</b></p>
<p>16. <i>RESTAURANT, OUTDOOR PATIO in association with a RESTAURANT or ASSEMBLY HALL.</i></p>	<p>1 <i>PARKING SPACE</i> for every 5 square metres of area devoted to public use <b>(By-law 2010-99)</b></p>
<p>17. <i>SCHOOL:</i></p>	<p>1 <i>PARKING SPACE</i> for every employee, plus:</p>
<p>(a) private and public</p>	<p>(i) in the case of a secondary <i>SCHOOL</i>, 1 <i>PARKING SPACE</i> for every 15 students; <b>(By-law 2003-137)</b></p>
	<p>(ii) in the case of a community college or university, 1 <i>PARKING SPACE</i> for every 30 square metres of <i>GROSS FLOOR AREA</i>; <b>(By-law 2003-137)</b></p>
	<p>(iii) in the case of an elementary school, an additional 0.5 <i>PARKING SPACES</i> for every employee. <b>(By-law 2003-137)</b></p>
<p>(b) <i>DAY CARE FACILITY</i></p>	<p>1 <i>PARKING SPACE</i> for every employee, plus 4 additional <i>PARKING SPACES</i></p>

<b>USES</b>	<b>MINIMUM REQUIREMENTS</b>
(c) <i>COMMERCIAL SCHOOL, VOCATIONAL TRAINING CENTRE</i>	1 <i>PARKING SPACE</i> for every employee, plus 1 for every 3 students
18. <i>SHOPPING CENTRE</i>	
A. for centres with a <i>GROSS LEASEABLE AREA</i> of less than 9,290 square metres	5.5 spaces/90 square metres G.L.A.
B. for centres with a <i>GROSS LEASEABLE AREA</i> of 9,290 square metres to 37,159 square metres	4.0 spaces/90 square metres G.L.A.
C. for centres with a <i>GROSS LEASEABLE AREA</i> of 37,160 square metres to 55,740 square metres	4.5 spaces/90 square metres G.L.A.
D. for centres with a <i>GROSS LEASEABLE AREA</i> in excess of 55,740 square metres	5 spaces/90 square metres G.L.A.
19. <i>PERSONAL SERVICE ESTABLISHMENT</i>	A minimum of 3 <i>PARKING SPACES</i> , plus 1 <i>PARKING SPACE</i> for every 20 square metres of <i>GROSS FLOOR AREA</i> in excess of 45 square metres of <i>GROSS FLOOR AREA</i>
20. <i>CONVENIENCE STORE</i>	1 <i>PARKING SPACE</i> for every 30 square metres of <i>GROSS FLOOR AREA</i>
21. <i>DEPARTMENT STORE</i> or <i>SUPERMARKET</i> with a	1 <i>PARKING SPACE</i> for every 15 square metres of <i>GROSS</i>

USES	MINIMUM REQUIREMENTS
minimum <i>GROSS FLOOR AREA</i> of 500 square metres	<i>FLOOR AREA</i>
22. <i>RETAIL STORE, COMPUTER SERVICE, HOME DECORATING STORE, RENTAL STORE, SECOND HAND STORE, BAKE SHOP</i>	1 <i>PARKING SPACE</i> for every 20 square metres of <i>GROSS FLOOR AREA</i>
23. <i>TAVERN, and other premises licensed by the L.L.B.O.</i>	1 <i>PARKING SPACE</i> for every 4.0 square metres of floor area devoted to public use
24. <i>AUTOMOBILE SERVICE STATION, MOTOR VEHICLE REPAIR SHOP CLASS A, MOTOR VEHICLE REPAIR SHOP CLASS B,</i>	1 <i>PARKING SPACE</i> for every 30 square metres of <i>GROSS FLOOR AREA</i> or 4 <i>PARKING SPACE SPACES</i> per service bay, whichever is greater
25. <i>CALL CENTRE, DATA PROCESSING CENTRE,</i>	1 <i>PARKING SPACE</i> for every 16.0 square metres of <i>GROSS FLOOR AREA</i>
26. <i>MINI WAREHOUSE AND PUBLIC STORAGE</i>	A minimum 5 <i>PARKING SPACES</i> shall be provided. <b>(By-law 2003-137)</b>
27. <i>SUPPORTIVE LIVING RESIDENCE</i>	1 <i>PARKING SPACE</i> for every staff member plus 1 <i>PARKING SPACE</i> for every 5 residents, excluding staff. <b>(By-law 2012-103)</b>

## 5.21

**SUPPLEMENTARY PARKING REGULATIONS**

Where this By-law requires or permits parking facilities other than for a *SINGLE DETACHED, SEMI-DETACHED* and *STREET TOWNHOUSE DWELLING*:

- (a) the *PARKING LOT* shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for illumination of the *PARKING LOT* shall be so arranged as to divert the light away from the adjacent *LOTS*;
- (c) no sign other than directional signs and the name of the owner, not exceeding 1.2 square metres in size, shall be *ERECTED* on any *PARKING LOT*;



- (d) no gasoline pump or other service station equipment shall be located or maintained on a *PARKING LOT*;
- (e) where a *PARKING LOT* containing more than four (4) *PARKING SPACES* abuts a Residential Zone or *BUILDING*, a fence shall be required to be provided and maintained between the *PARKING LOT* and the said abutting Zone or *BUILDING* which:
  - (i) is a decorative closed board type fence;
  - (ii) is a minimum of 1.5 metres in height to a maximum of 2.4 metres in height above the adjacent *GRADE* except where such a fence is adjacent to a *FRONT YARD* of a residential property where the said fence shall be a maximum of 0.9 metres in height above the adjacent *GRADE* for the distance of the *FRONT YARD* setback required for the adjacent residential property;
  - (iii) is on or adjacent to the property line; and
  - (iv) obstructs the passage of light to the adjacent properties;
- (f) the *PARKING LOT* shall be drained in such a manner so as to control the ponding of surface water and prevent the flow of surface water onto adjacent *LOTS*.

#### 5.21.1 **EXEMPTION**

Notwithstanding the provisions of Subsection 5.21(f), the owner of the lands firstly described in Schedule "B" attached to By-law 7886, shall not be required to provide and maintain a fence along the southerly limit of the said lands which southerly limit abuts a Residential Zone. ***(WESTERN PORTION OF NORTHTOWN PLAZA ON THOROLD ROAD - ALSO SEE: 20.11)***

#### 5.21.2 **EXEMPTION**

Notwithstanding the provisions of Section 5.21 the owner of the lands firstly described in Schedule "B" attached to By-law 7886, shall be required to provide and maintain a fence along the westerly limit of the said lands which westerly limit abuts a Residential Zone, but shall not be required to construct fence which obstructs the passage of light to the adjacent properties in accordance with Section 5.21(e) (iii). ***(WESTERN PORTION OF NORTHTOWN PLAZA ON THOROLD ROAD - ALSO SEE: 20.11)***

#### 5.21.3 **EXEMPTION**

Notwithstanding the provisions of Sections 5.21 the owner of the lands firstly described in Schedule "B" attached to By-law 9518, shall be required to maintain a hedge in lieu of the required fence adjacent to the westerly boundary of his property. ***(194 THOROLD ROAD – ALSO SEE: 5.20.19, 7.3 (b))***

#### 5.21.4 **EXEMPTION**

Notwithstanding the provisions of Section 5.21 (e), the lands described in Schedule "B" of By-law 9806 shall be given an exemption to delete the requirement of a fence adjacent to the *PARKING LOT*. ***(654 SOUTH PELHAM ROAD - ALSO SEE:***

**5.20.21, 6.1.1(d), 8.2.7 - PARCEL 16)**

**5.21.5 EXEMPTION**

Notwithstanding the provisions of Section 5.21(e) of By-law 2667, the lands described as Part of Lots 29 and 30, Concession 6, former Township of Crowland (easterly 257 metres of Part 1, Plan 59R-1057) and shown on Schedule "A" attached to By-law 9887 shall be given an exemption to delete the requirement of a closed board fence adjacent to a *PARKING LOT*. **(244 RIVERSIDE DRIVE)**

**5.22 OFF-STREET LOADING REQUIREMENTS**

For every *BUILDING* or *STRUCTURE HEREAFTER ERECTED* for an Industrial or Commercial *USE*, involving the frequent shipping, loading or unloading of *PERSONS*, animals, goods, wares or merchandise, there shall be provided and maintained for the premises, loading facilities on land that is not part of a *STREET*, comprised of one or more loading spaces 9.0 metres long, 3.5 metres wide and having a vertical clearance of at least 4.2 metres, with access to a lane of minimum width 6.0 metres or a *STREET*, and in accordance with the floor area of the *BUILDING* or *STRUCTURE* as follows:

<u>Floor Area</u>	<u>Number of Loading Spaces</u>
420 square metres or less	None
from 421 square metres to 2,320 square metres inclusive	1
over 2,320 square metres	2

**5.23 AUTOMOBILE SERVICE STATIONS:**

Wherein this By-law *AUTOMOBILE SERVICE STATIONS* are permitted, the following provisions shall apply

- (a) For each *AUTOMOBILE SERVICE STATION* located on an *INTERIOR LOT* the minimum *LOT FRONTAGE* shall be 30 metres and the minimum *LOT DEPTH* shall be 38 metres. For each *AUTOMOBILE SERVICE STATION* located on a *CORNER LOT* the minimum *LOT FRONTAGE* and the minimum *LOT DEPTH* shall be 45 metres.
- (b) Gasoline pumps shall be permitted in a *FRONT YARD*, and, in the case of a *CORNER LOT*, in the *SIDE YARD* abutting the flanking *STREET*, but in no event shall such gasoline pumps be located closer to any *LOT LINE* than 6.0 metres nor within 15 metres of the intersection of any two *STREET* lines.
- (c) The width of any entrance or exit or combined exit and entrance measured at the *LOT LINE*, shall not be greater than 10.0 metres. **(By-law 2003-137)**
- (d) Vehicular access points between the *LOT* and any one *STREET* shall not exceed two (2) in number.
- (e) Canopies over gasoline pumps shall be permitted in a *FRONT YARD*, and

in the case of a *CORNER LOT*, in the *SIDE YARD* abutting a flanking *STREET*, but in no event shall the fascia of such canopies be located closer to any *LOT LINE* than 6.0 metres nor within 15.0 metres of the intersection of any two *STREET* lines.

- 5.23.1** (1) Notwithstanding the provisions of Section 5.23(a), the lands described in Schedule "B" of By-law 9008, shall be exempted from the required minimum *LOT FRONTAGE* and the minimum *LOT DEPTH* of 45 metres for a *CORNER LOT*, subject to the Site Plan Agreement authorized by By-law 9007.
- (2) Notwithstanding the provisions of Section 5.23(b), the lands described in Schedule "B" of By-law 9008, shall be exempted from the requirements thereof, subject to the Site Plan Agreement authorized by By-law 9007.  
**(1000 ONTARIO ROAD - ALSO SEE: 19.3.6)**

**5.23.2** **PROPANE FACILITIES/ STATIONS and Above Ground Fuel Tanks (By-law 2003-137)**

All *PROPANE TRANSFER FACILITIES PROPANE DISPENSING STATIONS* and above ground fuel tanks, including the dispensing pumps and storage tank, shall be located a minimum distance of 30 metres from any Residential *ZONE* or *USE*; such delineation shall be determined by the zoning line for such Residential *ZONE* or the *LOT LINE* for the residential *USE*, and a minimum distance of 92 metres from any *SCHOOL BUILDING*; such delineation shall be determined by the *NEAREST WALL* of the *SCHOOL BUILDING* and in no event shall such dispensing pumps be located closer to any *LOT LINE* than a distance of 6 metres nor, within 15 metres of the intersection of any two *STREETS*.

All above ground fuel tanks including propane tanks are prohibited in the *FRONT* and *SIDE YARDS* as determined in each appropriate *ZONE*.

*PROPANE EXCHANGE STATIONS* may be permitted in the *FRONT YARD* provided that current Technical Standards Safety Authority (TSSA) distance separation requirements are met.

**5.24** **OUTDOOR SEASONAL DISPLAY AND SALES AREA**

Nothing in this By-law shall prevent an area set aside outside of a *BUILDING* or *STRUCTURE* within a Commercial Zone or the Reinvestment (RZ) Zone, which is used in conjunction with a lawful business located within the *BUILDING* or *STRUCTURE* and located on the same *LOT*, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:

- (1) is seasonal in nature and does not include a permanent retailing area; and
- (2) is not located within a fire lane, *PARKING SPACES* or loading spaces required to fulfill the provisions of the Zoning By-law, or a driveway or passageway which provides an access route for vehicular traffic across the *LOT* or to an improved *STREET* which abuts said *LOT*.

**5.25** **SIGHT TRIANGLES (By-law 2003-137)**

On a *CORNER LOT* which does not include a *DAYLIGHTING TRIANGLE*, a

fence, hedge, shrub, bush or tree, or any other vegetation, or any *STRUCTURE* shall not be erected or permitted to grow to a height greater than one (1) metre above the elevation of the *STREETS* that abut the *LOT* within the triangular created by the intersection of the two (2) adjacent *STREETS* a distance of five (5) metres from their point of intersection. Said triangular area shall hereinafter be called a "sight triangle".

Notwithstanding the foregoing, a sign supported by not more than two (2) pylons or standards with a total cross-sectional dimension not exceeding 0.3 metres each and the bottom of which shall be 3.65 metres above the finished *GRADE* shall be permitted in the sight triangle.

**5.26 MORE THAN ONE ZONE ON A LOT**

When a *LOT* is divided into more than one Zone, each such portion of the *LOT* shall be *USED* in accordance with the provisions of this By-law for the applicable Zones.

**5.27 MINISTRY OF TRANSPORTATION SETBACK REQUIREMENTS (By-law 1999-178)**

On lands which abut or fall within the Ministry of Transportation's permit control area the following minimum setback requirements shall apply:

*SINGLE* and *SEMI-DETACHED DWELLING UNITS* - 7.5 metres;

Other Developments (including multiple-attached residential, commercial and industrial) - 13.7 metres.

**5.28 WAYSIDE PITS, QUARRIES AND PORTABLE ASPHALT PLANTS (By-law 1999-178)**

Wayside pits and quarries and portable asphalt plants used on public authority contracts will be permitted, without the need for official plan amendment, rezoning, or development permit under the Planning Act, in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

**5.29 CAR WASHING ESTABLISHMENT (By-law 2003-137)**

A *PERSON* applying to develop a *CAR WASHING ESTABLISHMENT* under this By-law shall comply with the following special provisions:

- (a) Vehicle waiting space is provided upon lands contiguous to the *CAR WASHING ESTABLISHMENT* for vehicles waiting to enter the wash rack with a minimum of 10 stacking spaces per wash rack except in the case of a self service car wash where a minimum of two stacking spaces in front of each bay shall be provided.
- (b) Each vehicle waiting space shall be designed in accordance with the Geometric Design Standards for parking stalls as set out in this By-law.
- (c) Waiting lines are clearly defined by approved markings or barriers.
- (d) The minimum inside turning radius for a waiting line is six (6) metres.

- (e) The waiting line is unobstructed by parked vehicles.
- (f) All driveways in connection with a *CAR WASHING ESTABLISHMENT* shall conform to this By-law.
- (g) One-way driveways must be clearly designated by a sign at the *STREET* line.
- (h) Where a *CAR WASHING ESTABLISHMENT* abuts a Residential *ZONE* or *USE*, screening, in accordance with this By-law, shall be provided and maintained between the *CAR WASHING ESTABLISHMENT* and the said abutting *ZONE* or *USE*.
- (i) Where a *CAR WASHING ESTABLISHMENT* abuts a Residential *ZONE* or *USE*, a fence shall be required to be provided and maintained between the *CAR WASHING ESTABLISHMENT* and the said abutting *ZONE* or *USE* which: is a sound barrier type fence in accordance with Ministry of Environment standards; is on or adjacent to the property line; and obstructs the passage of light to the adjacent properties.
- (j) All outside areas used for parking, storage or operation of motor vehicles shall be paved.
- (k) The *CAR WASHING ESTABLISHMENT* shall, during hours of business, provide lights used for illumination of the property which shall be arranged so as to direct the light away from adjacent lots.
- (l) All external drainage shall be approved by the City.
- (m) All internal drainage shall be connected directly to the sanitary sewer.
- (n) Signs shall be of such size, colour and design and shall be placed so as to cause neither distraction nor confusion to motorists or pedestrians.

**5.30 TIME LIMITS ON ZONING BY-LAW PROVISIONS (By-law 2003-137)**

Where Building Permits have been issued under the provisions of a preceding Zoning By-law, construction must commence within one (1) year of the date of issue otherwise the latest Zoning By-law provisions shall be applied.

**5.31 MUNICIPAL SERVICES REQUIRED (By-law 2010-99)**

No *PERSON* shall *ERECT* or *USE* any *BUILDING* or *STRUCTURE* containing plumbing on a *LOT* located within the Urban Area unless full municipal water and sanitary services are installed to the property line.

**5.32 USE OF CITY LANDS (By-law 2010-99)**

The *USE* of land owned by the City to *ERECT* or maintain a *BUILDING*, *STRUCTURE*, fence, landscaping, retaining wall, step, or any other similar item, or for the *USE* or storage of material or property, is not permitted, unless authorized in writing by the City.