

SECTION 6 - GENERAL PROVISIONS TO RESIDENTIAL ZONES

6.1 RESIDENTIAL LOT OCCUPANCY

No *PERSON* shall *ERECT* more than one main *BUILDING* on a residential *LOT* except in the RM3 and RM4 Zones, where *TOWNHOUSES*, *STREET TOWNHOUSES* or *APARTMENT BUILDINGS* are intended to be, or are constructed.

6.1.1 EXEMPTIONS

- (a) Notwithstanding anything contained in Section 6.1 of this By-law, the lands described in Schedule "B" of By-law 6440 shall be exempted therefrom. **(VACANT RM3 LANDS SOUTH OF 782 CLARE AVENUE)**
- (b) Notwithstanding anything contained in Section 6.1 of this By-law, the lands described in Schedule "B" of By-law 6525 shall be exempted therefrom. **(366 THOROLD ROAD - ALSO SEE: 5.11 (a))**
- (c) Notwithstanding anything contained in Section 6.1 of this By-law, the lands described in Schedule "B" of By-law 6547 shall be exempted therefrom. **(102 AND 110 SILVAN DRIVE - ALSO SEE: 5.20.24 "OFF-STREET PARKING REQUIREMENTS" - PART OF "15")**
- (d) Notwithstanding the provisions of Section 6.1, the lands described in Schedule "B" of By-law 9806 shall be given an exemption to permit more than one *BUILDING* on a residential *LOT*. **(654 SOUTH PELHAM ROAD - ALSO SEE: 5.20.21, 5.21.4, 8.2.7 - PARCEL 16)**

6.2 UNDERSIZED LOTS WITHIN THE URBAN SERVICED AREA HAVING LESS THAN REQUIRED FRONTAGE AND AREA

6.2.1 Notwithstanding the provisions of Section 6.1 of this By-law, where one vacant *LOT* in a Residential Zone has insufficient *FRONTAGE* or *AREA* to permit the owner to comply with the provisions of this By-law for each such vacant *LOT*, and such owner is not the owner of such an *AREA* of vacant land adjoining such vacant *LOT*, as would together with the *AREA* of the said vacant *LOT*, permit compliance with this By-law, this By-law shall not prevent the erection of a *SINGLE DETACHED DWELLING* thereon, provided that all other provisions of the Zone in which such vacant *LOT* is situated are complied with, and provided that such vacant *LOT* has a minimum of 7.5 metres of *FRONTAGE*. **(By-law 1999-178)**

6.3 CORNER LOTS

In any Residential Zone

- (a) where a main *BUILDING* is *ERECTED* upon a *CORNER LOT* with its main front entrance facing the flank of such *LOT*, such main *BUILDING* shall be deemed to have two *FRONT YARD* setbacks, one on the *STREET* upon which such *LOT* fronts, and one on the *STREET* upon which such *LOT* flanks, and shall conform to the respective *FRONT YARD* requirements applicable to each of such *STREETS*,

- (b) where a main *BUILDING* is *ERECTED* upon a *CORNER LOT* with its main front entrance facing the front of such *LOT*, such main *BUILDING* shall have a *FRONT YARD* as required in this By-law, but the minimum width of the *SIDE YARD* facing the *STREET* upon which the *LOT* flanks shall be 3.0 metres.

6.4 **PARKING AND STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONE**

No *COMMERCIAL VEHICLE*, registered by the Ministry of Transportation, of greater than 4500 kilograms *GROSS VEHICLE WEIGHT* or the cab/tractor or the trailer portion of a tractor trailer vehicle, shall be parked or stored in a Residential Zone, except when such *COMMERCIAL VEHICLE* is temporarily parked for the purposes of delivering to, or servicing the premises. The owner or occupant of the *LOT*, *BUILDING* or *STRUCTURE* may personally *USE* any *BUILDING* which is accessory to the *LOT*, *BUILDING*, or *STRUCTURE* of which he/she is owner or occupant for the storage of one (1) *COMMERCIAL VEHICLE*. The foregoing shall only apply in the Rural Agricultural (RA) Zone where the *LOT AREA* is less than 1.2 hectares (3 acres).

No *SCHOOL BUS* used as a *COMMERCIAL VEHICLE*, designed for carrying 10 or more passengers, shall be parked or stored in a Residential Zone.

Any bus *USED* for *PLACE OF WORSHIP* purposes may be parked on the *LOT* on which is located the *PLACE OF WORSHIP*.

6.5 **BASEMENT IN APARTMENT BUILDINGS**

DWELLING UNITS in *BASEMENTS* of *APARTMENT BUILDINGS* shall be permitted provided that the finished floor level of such *BASEMENT* is not more than 1.0 metres below the average elevation of the ground adjoining the front wall of such *APARTMENT BUILDING*.

6.5.1 **EXCEPTIONS**

Notwithstanding anything in this Section, the lands described in By-law 7260 shall be exempt therefrom.

6.6 **Repealed by By-law 2010-99**

6.6.1 **EXEMPTIONS**

Parcel 1

Notwithstanding the provisions of Section 6.6, the following described lands, in a *SINGLE DETACHED DWELLING* - Second Density Zone (R2), shall be given an exemption to allow the *USE* of the said lands for the purposes of the construction of a *SINGLE DETACHED DWELLING* without municipal water supply and municipal sanitary sewer being available:

In the City of Welland in the Regional Municipality of Niagara and being composed of part of Lot 31, Concession 7, Township of Crowland now in the City of Welland and designated as Part 3 on Reference Plan 59R-6658. **(By-law 9272) (700 RIVERSIDE DRIVE)**

6.7

HOME OCCUPATION

HOME OCCUPATIONS may be permitted in accordance with the following provisions:

- (a) the *HOME OCCUPATION* shall be clearly secondary to the main residential *USE* and shall not change the character of the *DWELLING UNIT*;
- (b) the *HOME OCCUPATION* shall be limited to one per *DWELLING UNIT* and shall utilize the lesser of 25 percent of the *GROSS FLOOR AREA* of the *DWELLING UNIT* or 28 square metres and shall be entirely contained within the main *BUILDING*;
- (c) the *HOME OCCUPATION* may only employ a *PERSON* or *PERSONS* who maintain primary residence within the *DWELLING UNIT*;
- (d) the *HOME OCCUPATION* shall not create any nuisance or result in any intrusion to the residential character of the neighbourhood through increased traffic, outdoor storage, noise, lighting, signage, parking, odour or refuse and shall not impact upon neighbourhood amenities;
- (e) the retail sale, or rental of any goods or wares, not produced on the premises, unless incidental to the *HOME OCCUPATION*, shall not be permitted as a primary *HOME OCCUPATION*. **(By-law 2003-137)**
- (f) no more than two (2) clients or customers shall be present in the *DWELLING UNIT* at any time in conjunction with the *HOME OCCUPATION*;
- (g) the *HOME OCCUPATION* shall not involve the *USE* of on-site signage which will draw attention to the fact that the *DWELLING UNIT* is *USED* for such purpose;
- (h) the following *USES* shall not be considered as *HOME OCCUPATIONS*:
 - (i) *VETERINARY CLINIC*
 - (ii) *CLINIC*
 - (iii) dry cleaning establishment
 - (iv) *GREENHOUSE*
 - (v) *MOTOR VEHICLE REPAIR SHOP, CLASS A AND CLASS B*
 - (vi) multiple chair hairdresser or barber
 - (vii) pet shop
 - (viii) *ARCADE*
 - (ix) *SECOND HAND SHOP*

- (x) *SERVICE OR REPAIR SHOP, CLASS A AND CLASS B*
- (xi) *FUNERAL HOME;*
- (xii) *BODY-RUB PARLOUR; (By-law 2000-59)*
- (i) a *HOME OCCUPATION* shall not be permitted in *APARTMENT BUILDING* units.
- (j) private home *DAY CARE FACILITIES* and baby-sitting services are permitted as *HOME OCCUPATIONS* and are not subject to the provisions of Section 6.7 (b) and 6.7 (f).
- (k) A *PET GROOMING ESTABLISHMENT* is permitted as a *HOME OCCUPATION. (By-law 2010-99)*

6.8

INSTITUTIONAL USES IN RESIDENTIAL ZONES

Nothing contained in this By-law shall prevent the *USE* of any land, *BUILDING* or *STRUCTURE* in any Residential Zone for schools (public, separate or private), colleges or *PLACES OF WORSHIP* so long as they are designed and landscaped in accordance with the general character of the Zone in which such *BUILDINGS* or *STRUCTURES* are located and they comply with the following:

- (a) In any R1 or RM1 Zone:
 - FRONT YARD* - 7.5 metres
 - REAR* and *SIDE YARD* - minimum equal to height of main *BUILDING* but not less than 9.0 metres
- (b) In any other Residential Zone:
 - FRONT YARD* - 6.0 metres
 - REAR* and *SIDE YARD* - minimum equal to three-quarters of the height of the main *BUILDING* but not less than 6.0 metres **(By-law 2883)**
- (c) Notwithstanding any other provision in this By-law, one *DWELLING UNIT* only for the purpose of a residence may be *ERECTED* on the same *LOT* as a *PLACE OF WORSHIP*, and may be attached to the main *BUILDING* of the *PLACE OF WORSHIP* provided the minimum yards applicable to a *PLACE OF WORSHIP* for the Zone in which such combined *BUILDING* is located shall be provided, and in the case of such *DWELLING UNITS* being detached from the *PLACE OF WORSHIP*, the minimum required *YARD* between the two *BUILDINGS* shall be 1.5 metres and the *YARDS* required for the *DWELLING UNIT* shall be those required for a residence in the Zone in which it is located. (By-law 2883). Such *DWELLING UNIT* shall be designed and landscaped in accordance with the general character of the Zone in which such *DWELLING UNIT* is located.

6.8.1

EXEMPTION

Notwithstanding the provisions of Section 6.8, the existing southerly *SIDE YARD* of .96 metres shall be retained on the following land: *LOTS* 13 and 14, according to

Registered Plan 61 for the Township of Crowland, now in the City of Welland, now known as Plan 980. **(By-law 7176) (281 RIVERSIDE DRIVE - ALSO SEE: 5.20.11, 8.2.7 - PARCEL 9)**

6.9 ROOMERS AND BOARDERS

Nothing in this By-law shall prevent the keeping of not more than two roomers or boarders in any *SINGLE DETACHED DWELLING, SEMI-DETACHED DWELLING, DUPLEX, TRIPLEX DWELLING, FOURPLEX DWELLING, FREEHOLD TRIPLEX, STREET TOWNHOUSE* and *TOWNHOUSE*. **(By-law 2010-99)**

6.10 KEEPING OF BEES

No *PERSON* shall *HEREAFTER* keep hives containing bees in any Residential Zone. **(By-law 2972)**

6.11 MINOR YARD VIOLATIONS AFTER 10 YEARS (By-laws 8395, 9621 and 10016)

Notwithstanding any other provisions of this By-law, where in a Residential Zone, a main *BUILDING* or private garage has been *ERECTED* on a *LOT*, the required *FRONT YARD, REAR YARD* and *SIDE YARDS* for such *LOT* shall be deemed to be the existing *FRONT YARD, REAR YARD* and *SIDE YARDS* provided that:

- (a) such *NON-COMPLYING YARDS*, in relation to the main *BUILDING* or private garage, have existed unchanged for a period of at least ten (10) years; and
- (b) the *BUILDINGS* on such *LOT* comply with the provisions of this By-law in every other respect.

6.12 STORING AND PARKING OF TRAILERS, BOATS, AND MOTOR HOMES (By-law 2003-143)

In any Residential *ZONE*, no *Person* shall store a trailer, boat, motor home, snowmobile or similar vehicle except in accordance with the following:

- (a) on lands associated with an *APARTMENT BUILDING* or *TOWNHOUSES*, a trailer, a boat, motor home, snowmobile or similar vehicle must be stored within a *BUILDING* and shall only be permitted in spaces or areas that are additional to the number of *PARKING SPACES* required by this By-law;
- (b) in any other Residential areas, the storage of a trailer, a boat, a motor home, a snowmobile or similar vehicle shall be permitted:
 - (i) in the *REAR YARD* provided a minimum setback of 0.9 metres is maintained from *LOT LINES*;
 - (ii) in the *INTERIOR SIDE YARD* provided a minimum setback of 0.9 metres is maintained from *LOT LINES*; and,
 - (iii) on an in-season basis in the *FRONT YARD* and *EXTERIOR SIDE YARD* provided that the trailer, boat, motor home, snowmobile or like vehicle, is located a minimum 1.5 metres from all lot lines, and

is stored in accordance with Section 5.20.4.1(a)(ii) of Zoning By-law 2667, as amended. In no case shall such vehicles be stored within the required sight triangle on a *CORNER LOT*; and,

- (c) the *USE* of a trailer, motor home, or similar vehicle for human habitation is not permitted.

6.12.1

The above are subject to the following regulations:

- (a) on lands associated with an *APARTMENT BUILDING* or *TOWNHOUSES*, a boat, a boat trailer, motor home or similar vehicle must be stored within a *BUILDING* and shall only be permitted in spaces or areas that are additional to the number of *PARKING SPACES* required by this By-law;
- (b) in any other Residential Zones the boat, boat trailer, motor home or similar vehicle must be stored within the *DWELLING* or within a garage or carport or located in the *INTERIOR SIDE YARD* to the rear of the front wall of the *MAIN BUILDING* or in the *REAR YARD* no closer than 0.3 metres to any *LOT LINE*; (**By-law 1999-178**)
- (c) the *USE* of a trailer, motor home, or similar vehicle for human habitation is not permitted.

6.13

NEWLY CONSTRUCTED SEMI-DETACHED DWELLINGS AND STREET TOWNHOUSES (**By-law 2003-137**)

For the purposes of enhancing the appearance of the streetscape, newly constructed *SEMI-DETACHED DWELLINGS* and *STREET TOWNHOUSES* may be offset or staggered by permitting a portion of the *DWELLING* to be constructed with a 0 metre setback from the common/shared *SIDE LOT LINE*. Any subsequent additions/extensions must meet the *YARD* requirements set out in the respective *ZONE*. This provision does not apply to newly constructed *DECKS*.