



Bridging the Past, Present and Future

CITY OF WELLAND

NEW COMPREHENSIVE

ZONING BY-LAW 2017-117

OCTOBER 17, 2017

HOW TO USE THIS BY-LAW

Introduction

In order to understand the purpose and how to effectively use this Zoning By-law the following Pages i to v provide step by step instructions. While these pages do not technically form part of the Zoning By-law passed by Council, they are intended to make the Zoning By-law more understandable and easier to reference.

Purpose

The purpose of the Welland Zoning By-law is to implement the policies of the City of Welland Official Plan. The Official Plan contains policies that affect the use of land throughout the City. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the City's built form. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of buildings or structures on those lands.

The statutory authority to Zone land is granted by the *Planning Act*, as amended. The *Planning Act*, as amended specifies what a Zoning By-law can regulate. A Zoning By-law can:

- Prohibit the use of land or buildings for any use that is not specifically permitted by the By-law;
- Prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the By-law;
- Regulate the type of construction and the height, location, size, floor area, spacing, and use of buildings or structures;
- Regulate the minimum frontage and depth of a parcel of land;
- Regulate the proportion of a lot that any building or structure may occupy;
- Regulate the minimum elevation of doors, windows or other openings in buildings or structures;

- Require that parking and loading facilities are provided and maintained for a purpose permitted by the By-law; and
- Prohibit the use of lands and the erection of buildings or structures on land that is: subject to flooding; the site of steep slopes; rocky, low lying marshy or unstable; contaminated; sensitive groundwater recharge area or head water area; the location of a sensitive aquifer; a significant wildlife habitat area, wetland, woodland, valley or area of natural and scientific interest; a significant corridor or shoreline of a lake, river or stream; or the site of a significant archaeological resource.

How to Use This By-law – step by step

In order to reference this By-law easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on the Zoning By-law Schedule

Maps in a Zoning By-law are called “Schedules”. The first step to using this By-law is to refer to the Zone Schedules that are contained at the back of the By-law to determine in which Zone category your property is located. The Zone category will be indicated on the Schedules by a symbol or abbreviation. For example, you may see a symbol such as “RL2” beside your property. This would indicate that your property is within the “Residential Low Density 2” Zone. The Zone symbols or abbreviations are listed on the first page of **SECTION 3: ESTABLISHMENT OF ZONES** of this By-law.

2. By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law Amendment. While the City strives to keep this By-law up to date, more recent Amendments may not be included in the version of the By-law you are using. City Planning staff will be able to assist you to confirm if your property has been subject to a more recent By-law Amendment.

3. Zone Provisions

The next step to using this By-law is to determine what uses are permitted on your property. Subsection 2 in SECTIONS 7 to 13 (e.g., 7.2, 8.2, 9.2, etc.) of the By-law identifies the permitted uses for each Zone in the City.

The definitions in SECTION 4 can clarify the nature of a permitted use or how it has been defined for the purposes of this By-law. Uses which are not identified as permitted uses within a particular Zone are not permitted in that Zone.

You have now identified the Zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards apply to the uses on your property. Subsection 3 to 7 (e.g., 7.3, 7.4, etc.) in Sections 7 to 13 of the By-law identify the Zone regulations for each of the Zone categories in the City.

4. General Provisions

Now that you are aware of the uses permitted on your property and the specific regulations that apply to those uses, reference should be made to **SECTION 5: GENERAL PROVISIONS** of the By-law. Section 5 contains a more general set of standards known as “General Provisions” that apply to all properties in all Zones throughout the City. For example, the General Provisions contain standards that regulate the location of accessory structures on a lot, height exceptions, and non-conforming/non-complying uses that apply to all properties regardless of the applicable Zone the property is located in.

5. Parking and Loading

SECTION 6: PARKING AND LOADING STANDARDS provides the parking and loading requirements for all uses permitted in the City. If you are considering changing the use of your property or adding a new use to your property, you should review SECTION 6 to ensure that you are aware of the parking requirements for the proposed use.

6. Exceptions, Holding Zones and Temporary Uses

As noted in number 2 above, By-laws are not static documents and lands may be subject to a Zone exception, a Holding Zone and/or a Temporary Use Zone. If a Zone symbol is followed by a dash (-) and a number, the lands are subject to a Site Specific Exception. These can be found **Schedule B: Special Exceptions** of the By-law. If the Zone symbol is followed by an (H) or a (T), the lands are subject to a Holding Zone or a Temporary Use Zone, respectively, the particulars of which can also be found in **Schedule B: Special Exception**.

For example, if a property is Zoned RL2-4 (H), it would be written out in full as “Residential Low Density 2 Exception 4 (Holding)”.

Description of By-law Components

This By-law contains fifteen Sections which, together, provide the land uses and standards applicable to all lands within the City. These Sections are as follows:

- Section 1: Interpretation
- Section 2: Administration
- Section 3: Establishment of Zones

Section 4:	Definitions
Section 5:	General Provisions
Section 6:	Parking and Loading Regulations
Section 7:	Residential Zones
Section 8:	Commercial Zones
Section 9:	Open Space Zones
Section 10:	Environmental Overlay Zones
Section 11:	Institutional Zones
Section 12:	Industrial Zones
Section 13:	Agricultural and Rural Zones
Section 14:	Railway Transportation Zones
Section 15:	Enactment

The purpose of each of these Sections is described below.

Section 1 and 2 – Interpretation and Administration

These Sections of the By-law specify: what lands are covered by the By-law; that every parcel of land in the area covered by the By-law is to conform and comply with the By-law; and what penalties can be levied against a person or a corporation if they contravene any provision in the By-law.

Section 3 - Establishment of Zones

This Section establishes the Zones that apply to the lands covered by the By-law. This Section also describes how to determine the location of the Zone boundaries on the Schedules.

Section 4 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. A By-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently.

Section 5 - General Provisions

This Section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the City or in what Zone they are located. For example, this Section contains provisions dealing with the construction of accessory buildings in any Zone, and provisions to regulate the operation of home occupations and home industries.

Section 6 - Parking and Loading Standards

Parking and loading facilities are required for almost all uses within the City. This Section provides the requirements for these facilities including such regulations as the number of spaces required for Residential and Commercial uses, minimum driveway width, minimum parking space size and the location of parking facilities on a lot.

Section 7 to 13 – Zone Provisions

SECTIONS 7 to 14 identify the uses that are permitted in each Zone category. The effect of these Zones is to only permit certain uses in various parts of the City. The only uses permitted in a Zone are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a Zone then it is not permitted. Similarly, if a use is defined in SECTION 4 of the By-law but does not appear as a permitted use in any Zone, then it is not a use permitted by the By-law.

Sections 7 to 14 also contain a number of regulations that control the placement, bulk and height of a building on a lot. This includes regulations such as minimum lot size, minimum frontage, maximum building height, or the maximum coverage of a building on a lot.

Section 15 - Enactment

This Section contains the signatures of the Mayor and the Clerk who signed the By-law when it was passed by Council in accordance with Section 34, 36 and 39 of the *Planning Act*, as amended, R.S.O. 1990, Chapter P.13.

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SECTION 1 INTERPRETATION

1.1 Title of By-law

By-law 2017-117 shall be cited as the “City of Welland Zoning By-law” and herein may be referenced as “this By-law”.

1.2 Administration

This By-law shall be administered by the municipal staff as appointed by the Council of the City of Welland.

1.3 Scope of By-law

No lands shall be used and no buildings or structures shall be erected, structurally altered or enlarged, or used, within the City of Welland except in conformity with the provisions of this By-law. The Schedules form part of this By-law and are to be read in conjunction with the provisions of this By-law.

1.4 Area for Which By-law Applies

The provisions of this By-law shall apply throughout the City to the extent of all lands contained within the limits of the Zone boundaries, as shown on the Zone Maps forming Schedule “A” of this By-law with exception to properties known as 418, 424, and 430 Aqueduct Street; 650, 656, 664, 670, 678, 684, 694, and 698 Niagara; and 69, 102, 165 and 158 Primeway Drive; s/e corner of First Street and Plymouth, 105 First Street, 114, 142 Second Street be excluded from this By-law.

1.5 Level of Accuracy

All calculations of the regulations in this By-law shall be to one decimal place, and in no case, shall there be rounding to such decimal place. In the event of any conflict between the Zone Provisions provided in this By-law, the more restrictive performance standard(s) shall apply.

1.6 Abbreviations

Abbreviations used throughout this By-law are as follows:

M	metre(s)
Cm	centimetre(s)
m ²	square metre(s)
Ha	hectares
Max	maximum

Min	minimum
%	percent
G.F.A.	Gross Floor Area

1.7 Measurements

All measurements of length, area or height used to determine compliance with the regulations of this By-law shall be subject to the normal mathematical rules of rounding numbers and the level of accuracy expressed in the regulations of this By-law, as follows:

- a) For regulations expressed as a whole number, measurements less than 0.5 shall be rounded downward to the nearest whole number, and measurements greater than or equal to 0.5 shall be rounded upward to the nearest whole number.
- b) For regulations expressed as a ratio or percentage, measurement shall not be subject to rounding.

1.8 Legal Non-Conforming Buildings and Uses

No person shall use or permit the use of any land, building or structure or part thereof, or erect, repair, or alter or permit the erection, repairing or altering of any building or structure which is not in conformity with the provisions of this By-law, except as follows:

- a) The erection or use for a purpose prohibited by this By-law of any building for which a permit was required by and issued under the *Building Code Act*, as amended, prior to the effective date of this By-law, so long as the building when erected was used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the *Building Code Act*, as amended.
- b) The use of land for a purpose prohibited by this By-law provided the use existed prior to the effective date of this By-law, so long as the use has continued on the property.
- c) The repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or lot coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law.

1.9 Conformity and Compliance Requirements

- a) The standards, regulations and requirements contained in this By-law shall apply to all lands and properties located within the corporate limits of

the City of Welland as they now exist, or as they may hereafter be enlarged or diminished.

- b) No land shall be used and no building or structure shall be erected, altered or used except in conformity with the permitted uses of this By-law and in compliance with the regulations of this By-law.
- c) No municipal permit, certificate or license shall be issued for the use of land or for the erection, alteration or use of any building or structure that is not in conformity and compliance with this By-law.
- d) No person, other than a public authority, shall create or alter the boundaries of any lot by conveyance or otherwise such that the lot does not comply with the requirements of this By-law.
- e) For any lot that is not in compliance with the requirements of this By-law on the effective date, no person, other than a public authority, shall alter the boundaries of the lot in a manner that would increase the extent of the non-compliance. Where the acquisition of land by a public authority alters the boundaries or area of a lot in a manner that results in non-compliance with any regulation of this By-law, this By-law shall not apply to prevent the continued use of the lot and of any buildings and structures in existence on the lot on the date of the acquisition, provided that no person, other than a public authority, shall increase the extent of the non-compliance on or after the date of the acquisition and further provided that the use conforms with the permitted uses of this By-law or is permitted to continue as a lawfully existing non-conforming use in accordance with this By-law.
- f) To the extent of any conflict among the provisions of this By-law, the more restrictive provisions shall apply.

1.10 Compliance with other Legislation or Regulations

- a) Nothing in this By-law shall exempt any person from the requirement to comply with other By-laws of the City and regulations of the Regional Municipality of Niagara, Niagara Peninsula Conservation Authority, Province of Ontario, and Government of Canada, that may affect the use of land or the erection, use or alteration of buildings or structures.
- b) To the extent of any conflict or inconsistency between this By-law and any other By-law of the City, the more restrictive By-law shall prevail.
- c) Where a permit has been issued by the Niagara Peninsula Conservation Authority, the provisions or conditions set out in the permit shall supersede the provision of this By-law where more restrictive.

- d) References to “the Zoning By-law”, or “By-law 2667”, or “By-law 1538 (Crowland)” in other City By-laws or documents shall be deemed to refer to this By-law where this By-law applies.

1.11 Definitions

For convenience, terms that are *italicized* are defined in Section 4 of this By-law. This does not apply to the title of Sections and Subsections.

1.12 Discretionary and Mandatory Wording

The words “must” and “shall” are mandatory. The word “may” is not mandatory. “May” is used to indicate where certain circumstances may or may not be applicable.

1.13 Examples and Illustrations

Examples and illustrations, where provided, are for clarification and convenience and do not form part of this By-law.

1.14 Legislative References

Any reference to legislation or regulations or sections thereof approved by another public authority shall include any amendments or successors thereto.

1.15 Technical Revisions

The following revisions may be made to this By-law by the City of Welland at any time without the need for an Amendment:

- a) Corrections to grammar, punctuation or typographical errors or formatting revisions that do not change the intent of this provisions;
- b) Additions or revisions to technical information on maps or schedules that do not affect the Zoning of land including, but not limited to, matters such as updating and correcting base map information (roads, assessment parcels and labels), keys, legends or title blocks; and
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

SECTION 2 ADMINISTRATION

2.1 Validity

Should any Section, clause or provision of this By-law, including any part of the Zones as shown in Schedule "A", be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

2.2 Effective Date

This By-law shall be deemed to have come into effect on the date of the passing thereof by the Council of the City of Welland.

2.3 Technical Revisions to the Zoning By-law

Revisions may be made to this By-law without the need for a Zoning By-law Amendment in the following cases:

- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a provision.
- b) Adding or revising technical information on maps or schedules that does not affect the Zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks.
- c) Changes to appendices, headings, indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.
- d) Minor adjustments to the boundary of an Environmental Protection Zone on a property may be made, without amendment to the Zoning By-law, where the General Manager or his/her designate, for the City of Welland is satisfied that the mapping of the Environmental Protection Zone on a Schedule is in obvious error.

2.4 Enforcement

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the *Planning Act*, as amended.

2.5 Removal and Reinstatement

- a) Where an owner or person is in contravention of any provision of this By-law, the City, or a Municipal Law Enforcement Officer, in addition to any other action, may send notice to the owner or person, requiring the property to be made to conform with this By-law. In the event that a notice is sent and the property is not reinstated to conform with the provisions of this By-law within the time period set out in the notice, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work or actions required to make the property comply with this By-law, and may recover the costs in accordance with Section 446 of the *Municipal Act*, as amended.
- b) Any notice given under this By-law may be given by ordinary mail or hand delivery to the address of the subject property, or to the address of the owner or person according to the last revised Assessment Roll off the property which does not comply with this By-law, or may be posted on the subject property and such service shall be deemed good and sufficient service.
- c) The City, its employees, agent or contractor may, without notice, perform any work necessary to comply with this By-law where there is an immediate danger or threat to public health or safety, and recover costs as in Subsection 2.4 b).
- d) Anything removed by this Section may be deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed, and stored, the owner or person may reclaim such thing upon payment to the City any costs incurred by the City, its agent or contractor in the removal of such thing. Where the thing has not been reclaimed within thirty days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.

2.6 Violation of the By-law

Where land is proposed to be used, or a building or structure is proposed to be erected or used in violation of this By-law,

- a) No permit for the use of the land or for the erection or use of the building or structure shall be issued;
- b) No certificate of occupancy or permit for change in use shall be issued;
- c) No municipal license shall be issued; and
- d) The above does not apply with respect to a legal non-conforming use.

2.7 Penalties

- a) The contravention of any requirement of this By-law may be restrained by action of any ratepayer of the City pursuant to the provisions of the *Municipal Act*, as amended.
- b) Every person who contravenes a provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the *Planning Act*, as amended.

2.8 Repeal of Former By-laws

All the provisions of By-law Number 2667 and By-law Number 1538 (Crowland), as amended, and all subsequent amendments to any of said By-laws referenced hereto, insofar as they affect those lands within the limits of the Zone boundaries so included in Schedule "A" of this By-law, shall be and the same are hereby repealed.

2.9 Transition Matters

For the purposes of determining Zoning compliance for matters covered by Section 2.6 of this By-law, the provisions of Zoning By-law Numbers 2667 or 1538 (Crowland), as amended, as they read on the effective date of this By-law shall apply.

- a) This By-law does not apply to prevent the issuance of a building permit for a project for which a Complete Application was received on or prior to the day before this By-law was passed by Council for a:
 - i) Building Permit;
 - ii) Committee of Adjustment Approval;
 - iii) Site Plan Control Approval;
 - iv) Part Lot Control Exemption Approval;
 - v) Approval of Draft Plan of Subdivision or Draft Plan of Condominium; or
 - vi) Site Specific Zoning By-law Amendment.
- b) For the purposes of Subsection 2.8 a), "Complete Application" means an application which could have been approved or granted on the day before this By-law was passed by Council, had it been processed or disposed of on that day as determined in accordance with the provisions of the *Planning Act*, as amended, R.S.O. 1990, Chapter P. 13, and the Regulations, thereunder.

- c) Where a project qualifies under Section 1.8 - Legal Non-conforming Uses the building permit for that project may be issued; or the Committee of Adjustment Approval, the Site Plan Control Approval, the Part Lot Control Exemption Approval, and the Draft Plan of Subdivision or Draft Plan of Condominium Approval may be granted, if the project in question complies with the provisions of Zoning By-law Numbers 2667 or 1538 (Crowland), as amended of the City of Welland as they read on the day before this By-law was passed by Council.
- d) Nothing in this By-law applies so as to continue the exemption provided by this Subsection beyond the issuance of the permit or other approval under Subsection 2.8 a), upon which the exemption is founded; and in no case, does the exemption mentioned in Subsection 2.8 c), continue beyond the repeal of this Subsection.
- e) Once the permit or approval under Subsection 2.8 a), has been granted, the provisions of this By-law apply in all other respects to the land in question.
- f) Section 2.8 is repealed in its entirety three years from the date of enactment of this By-law.

SECTION 3 ESTABLISHMENT OF ZONES

3.1 Zones and Zone Symbols

This By-law establishes the following Zones and places all lands subject to this By-law in one or more of the following Zones:

Table 3.1.1: Zones in the Zoning By-law

Column 1	Column 2
Zone	Symbol
Residential Zones	
Residential Low Density 1	RL1
Residential Low Density 2	RL2
Residential Medium Density	RM
Residential High Density	RH
Commercial Zones	
Downtown Mixed Use Centre	DMC
Regional Shopping Node	RS
Community Commercial Node	CC1
Community Commercial Corridor	CC2
Neighbourhood Commercial	NC
Open Space Zones	
Neighbourhood Open Space	O1
Community Open Space	O2
Welland Recreational Waterway	WRW
Environmental Overlay Zones	
Hazard Overlay	HA
Environmental Protection Overlay	EP
Environmental Conservation Overlay	EC
Institutional and Community Wellness Zones	
Community Institutional	INS1
Health and Wellness	INSH
Industrial Zones	

Column 1	Column 2
Zone	Symbol
Light Industrial	L1
General Industrial	G1
Gateway Economic Centre	GEC
Aggregates Extraction	X
Agricultural and Rural Zones	
Agricultural	A1
Rural Residential	RR
Rural Employment	RE
Other Zones	
Railway Transportation	RT

3.2 Location of Zones

The Zones and Zone boundaries are shown on the Zone Maps which are attached to and form a part of this By-law. The lands identified on the Zone Maps as being within a Zone are subject to the provisions of this By-law applicable to that Zone(s).

3.3 Zone Maps

The location, extent and boundaries of the said Zones are shown in Schedule “A” Zone Maps. These Maps, together with all notations, references, and other information form part of this By-law.

3.4 Determining Zone Boundaries

The following rules shall apply to determine the location of the boundary of any Zone on the Zone Maps where it is shown:

- a) As following a street, lane, railway, right-of-way, transmission line, or watercourse, the boundary shall be the centre-line of the applicable feature;
- b) As following the lot frontage on a future lot shown on a draft approved Plan of Subdivision or Condominium, the boundary shall be the centre-line of the future public or private street being constructed;

- c) As following any other lot line on an existing lot or a future lot shown on a draft approved Plan of Subdivision or Condominium, the boundary shall be the existing or future lot line;
- d) As running substantially parallel to a lot line abutting any street and the distance from the street is not indicated, the boundary shall be parallel to the applicable lot line and the distance shall be determined according to the scale shown on the Zone Maps;
- e) As following a lot line abutting an unopened road allowance, the boundary shall be the centre-line of such road allowance;
- f) As following a shoreline, the boundary shall follow such shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- g) As following the limits of the City, the boundary shall be the limits of the City; and
- h) Where none of the above provisions apply, the Zone boundary shall be scaled from the Zone Maps.

3.5 Split Zoning

- a) Where a lot falls into two or more Zones, each portion of the lot shall be subject to the applicable use permissions and regulations for the applicable Zone applying to that portion of the lot.
- b) Notwithstanding Subsection 3.5 a), parking spaces and stacking spaces required by this By-law may be provided anywhere on a lot that falls into two or more Zones except that portion of a lot in any Environmental Zones.
- c) A Zone boundary dividing a lot into two or more Zones is not a lot line for the purposes of this By-law.

3.6 Special Zone Symbols

Where the Zone Symbol Zoning certain lands on the Zone Maps is preceded, or followed by any combination of a hyphen, number, or letter, provisions relating to one or more of the following special Zone regulations apply to the lands so designated on the Zone Maps. Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent Zone, except as otherwise provided by the special Zone.

3.7 Site Specific Zones

Where a Zone symbol is followed by a hyphen and number, the symbol refers to a Special Provision that applies to the lands so Zoned.

3.8 Holding Zones

- a) Holding Zones allow future uses for land or buildings but delay development until, for example, local services, such as roads, are in place.
- b) Where a Zone symbol is preceded by an upper-case letter “H”, a number, and a hyphen, the symbol refers to a Holding Provision that applies to the lands so designated.
- c) The prefix “H” may be used in conjunction with any Zoning category of this By-law, as amended.
- d) Lands subject to a Holding Provision shall not be used, nor any building and/or structure be constructed, altered or enlarged, other than for a permitted use, building or structure that existing prior to imposition of the Holding provision.
- e) Land subject to a Holding provision cannot be used for the use indicated by the underlying Zone until specified requirements have been met (e.g., resolution of site servicing issues).
- f) Council must approve a By-law authorizing the removal of the “H” Holding symbol prefix in order for the lands to be developed for the use permitted by the provisions of the underlying Zone.
- g) Until the “H” provision is removed from the lands through an Amendment to this By-law, pursuant to the provisions of the Official Plan, and following completion of the matters as set out in the relevant Subsection, permitted uses shall be restricted to only those uses referenced in said Subsection. Upon removal of the “H”, the lands may be used in accordance with the provisions of the Zone applicable to the lands.

3.9 Temporary Use Zones

- a) Where a Zone symbol is preceded by an upper-case letter “T” a number, and a hyphen, the symbol refers to a Temporary Use Permission that applies to the lands.
- b) The prefix “T” may be used in conjunction with any Zoning category of this By-law, as amended.

- c) There are two types of Temporary Use By-Laws:
 - i) To Zone land or buildings for a specific use allowed for a period of three years with possible extensions of three years; and
 - ii) To permit garden suites for a period not exceeding twenty years, with possible extensions of three years.
- d) The temporary use provisions apply to all of the lands and buildings encompassed within the Zone boundary.
- e) Upon the expiry of the time period authorized by the Temporary Use By-law, the temporary use of the lands permitted under said By-law shall cease.

3.10 Interim Control By-laws

- a) Where a hatched line overlay is shown with a number and an upper-case letter "I", the overlay refers to an Interim Control By-law that applies to the lands so designated.
- b) Zone symbol is preceded by an upper-case letter "I" a number, and a hyphen, the symbol refers to an Interim Control Provision that applies to the lands.
- c) The prefix "I" may be used in conjunction with any Zoning category of this By-law, as amended.
- d) When City Council wishes to undertake a review or study of its land use policies related to a specific area, or areas, of the city, Council may pass an "Interim Control By-law".
- e) Interim Control By-laws put a temporary freeze on land uses while the City is studying or reviewing its policies.
- f) Passage of this sort of By-law effectively prohibits the continued use of the land, buildings or structures within the specified area(s), except for those uses set out in the By-law.
- g) An Interim Control By-law may be in effect for up to one year, to allow sufficient time to complete the desired review or study.
- h) Council may amend the By-law to extend the period of time during which it will be in effect for one more year, provided the total period of time does not exceed two years from the date that the initial Interim Control By-law was passed.

- i) An Interim Control By-law can be lifted as it applies to a particular parcel of land if it does not have an effect on the outcome of the review or study or if they have been completed.

SECTION 4 DEFINITIONS

In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and the converse. In this By-law, the word “shall” is to be construed as being always mandatory and not directory. Words in the Zoning By-law not defined below have their normal and customary meaning.

Term	Definitions
A	
Accessory Building/ Structure	Means a building or structure, not used or intended to be used for human habitation, detached from, but located on the same lot as, the principle use, building or structure, the use of which is incidental, subordinate and exclusively devoted to that of the principal building or structure.
Accessory Dwelling Unit	Means a self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings. An accessory dwelling unit must comply with all applicable laws and standards including the Building Code, the Fire Code and Property Standards By-laws.
Accessory Use	Means a use which is incidental, subordinate and exclusively devoted to the principal use of the lot upon which, or of the building or structure within which, the accessory use is located.
Adult Entertainment Establishment	Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to, or designed to appeal to, erotic or sexual appetites or inclinations as licensed in

Term	Definitions
	accordance with Regional Municipality of Niagara By-laws.
Aggregate Extraction Operation	Means a place where gravel, sand, shale, limestone, dolostone, sandstone, and other mineral materials are removed by means of an open excavation to supply material for construction, industrial, manufacturing or maintenance purposes.
Agriculture	Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
Agriculture-Related Use	Means those farm-related commercial and farm-related industrial uses that are directly related to a farm operation in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
Agri-Tourism	Means the use of land, buildings or structures for accessory uses to the principal agricultural use of the lot, conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to

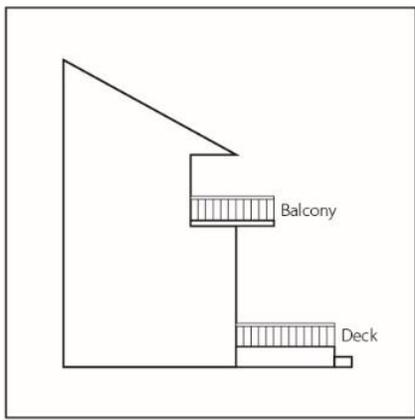
Term	Definitions
	<p>agricultural education and research facilities, bed and breakfast establishments, farm markets and the retail of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, value-added assembly, fabrication, processing, packing or storage operations.</p>
Air Treatment Control System	<p>Means a system designed and sized accordingly in comparison to the facility by a qualified person that filters air to prevent the escape of emissions, including but not limited to odours, pollen, and dust associated with use, to the outdoors or any other property.</p>
Alter	<p>Means:</p> <ul style="list-style-type: none"> <li data-bbox="456 1056 964 1344">(a) When used in reference to a building or part thereof, a change in the total floor area or an addition made to a building or a change made in the type of construction of the exterior walls or roof thereof; or <li data-bbox="456 1381 964 1743">(b) When used in reference to a lot, a decrease in the width, depth, area of any required yard, or a change in the location of any boundary of such lot with respect to a public street, whether such alteration is made by conveyance of any portion of the said lot or otherwise.
Amenity Area	<p>Means the area of a residential lot intended for recreational purposes, and shall include areas that are</p>

Term	Definitions
	landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways.
Animal Shelter	Means a premises used for the caring for lost, abandoned, rescued or neglected animals but does not include a kennel or veterinary clinic.
Art Gallery	Means a premises used for any combination of the preservation, production, exhibition, or sale of paintings or other works of art.

B

Balcony	Means a platform in excess of 2.4 metres above-grade, having at least one side open that may be covered by either a roof or another balcony, shall have no direct access to the ground, is cantilevered and not supported by columns at ground level.
Basement	Means that portion of a building below the first storey.
Bed and Breakfast	Means a single-detached dwelling occupied by the owner and offering short term lodging for compensation to the travelling and vacationing public and where meals may be offered to the occupants of the guest rooms.

Balconies & Decks



Term	Definitions
Boarding or Lodging House	Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital, nursing home or other establishment otherwise classified or defined in this By-law.
Building	Means any structure, whether temporary or permanent, consisting of walls and a roof, used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels.
Building and Lumber Supply Establishment	Means the use of land, buildings or structures, or part thereof for a retail store predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, garden products, and home design products.
Building or Contracting Supply Establishment	Means the use of land, buildings or structures, or parts thereof, in which building, construction or home improvement materials are warehoused such as a lumber yard, and which may include accessory retail.
Building Height	Means the vertical distance between the average grade at the base of a main wall of the building and the highest point of the roof. Where the height is established in the regulations as a number of storeys, height means the number of storeys.
C	

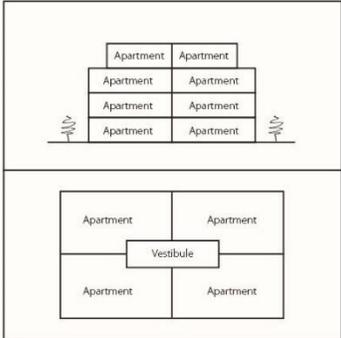
Term	Definitions
Cannabis Production Facility	Means any premises or part of a premises used for all or any of the cultivation, processing, destruction, sale, shipping, analytical testing, and research of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health or a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, or any successor thereto, and the Industrial Hemp Regulations, SOR/2018-145 under the Cannabis Act, S.C. 2018, c. 16, as amended, or any successor thereto. A Cannabis Production Facility shall also mean any premises or part of a premises permitted to cultivate more than four cannabis plants.
Cemetery	Means lands that have been established or recognized as a cemetery under laws of the Province of Ontario that is used for internment of human remains and may include an accessory mausoleum, columbarium and crematorium. This also includes a pet cemetery.
Commercial Vehicle	Means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways as defined in the <i>Highway Traffic Act</i> , as amended.
Community Centre	Means a multi-purpose facility or part of that facility that offers a variety of

Term	Definitions
	programs of a recreational, cultural, community service, informational, or instructional nature.
Community Garden	Means a communal garden provided for the sole use of or consumption by the individual or individuals working the garden.
Conservation	Means the use of land, buildings or structures for the purpose of the protection and management of the natural environment.
Contractors Establishment	Means a premises where construction, maintenance, repair and service equipment, vehicles and materials of a contractor are stored and where contractor performs work in preparation for providing construction, maintenance, or repair services elsewhere, and may include an accessory office for the administration of the business and an accessory display area of pertinent samples.
Custom Workshop	Means a building where there is carried on individual custom production of drapes and slip covers, venetian blinds, handmade leather goods, millinery, glass blowing, orthopaedic and prosthetic appliances, weaving, awnings, metal plating, gold and silver engraving and other non-offensive, non-dangerous custom production of any article or other thing but does not include any factory production or any shop or factory otherwise classified or defined in this By-law.

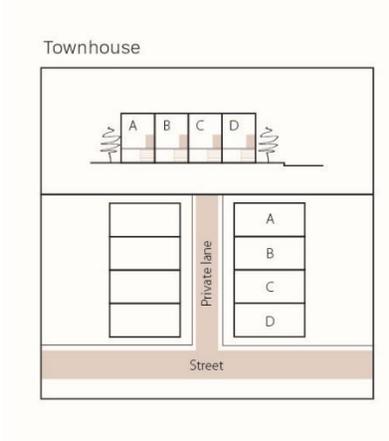
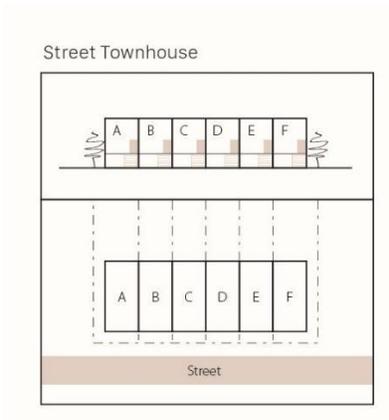
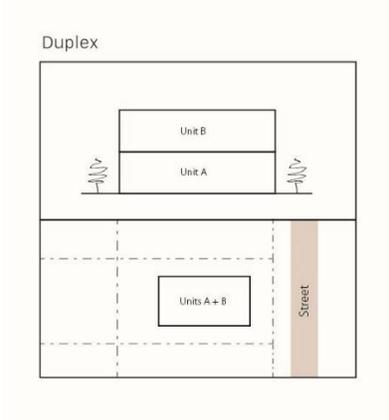
Term	Definitions
D	
Day Care Centre	Means a premises, including outdoor areas that is licensed in accordance with the <i>Day Nurseries Act</i> , as amended, where more than five children or elderly persons are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours.
Day Care, Home	Means a private residence where care, protection and supervision are provided for up to five persons but which does not provide overnight accommodation to those being cared for.
Deck	Means an uncovered, unenclosed structure with a minimum height above-grade of 0.25 metres which may incorporate a guard (railing).
Department Store	Means a retail facility containing not less than 3,000.0 square metres of gross leasable area offering a wide range and depth of merchandise including clothing, men’s and women’s accessories, toiletries, furniture and appliances as well as a range of services
Drive-Through Facility	Means a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses.
Driveway	Means an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road

Term	Definitions
	and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.
Dry Cleaning and Laundry Plant	Means a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing and/or goods of fabric is conducted.
Dwelling	Means a separate building containing one or more dwelling units.
Dwelling, Accessory	Means a dwelling unit that is located in a single-detached dwelling or two-unit dwelling that is subordinate to the principal dwelling.
Dwelling, Apartment	Means a dwelling unit within a building containing five or more dwelling units where the units are connected by a common corridor or vestibule, but does not include a rooming or boarding house.
	Additionally, a Mixed Use Zone permits a dwelling unit within a building containing a non-Residential use on the first storey. The apartment dwelling is accessed by an entrance separate from that for the non-Residential use.
Dwelling, Converted	Means a residential dwelling that has been altered, but not demolished and replaced, to increase the number of principle dwelling units to four or more.
Dwelling, Duplex	Refer to Dwelling, Two-Unit.
Dwelling, Link	Refer to Dwelling, Multiple.

Apartment



Term	Definitions
Dwelling Maisonette / Back-to-Back	Refer to Dwelling, Multiple.
Dwelling, Multiple	Means a dwelling unit within a building containing three or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.
Dwelling, Semi- Detached	Refer to Dwelling, Two-Unit.
Dwelling, Single- Detached	Means a dwelling containing one dwelling unit.
Dwelling, Stacked Townhouse	Refer to Dwelling, Multiple.
Dwelling, Street Townhouse	Means a townhouse dwelling wherein each dwelling unit is located on a separate lot.
Dwelling, Townhouse	Refer to Dwelling, Multiple.
Dwelling, Two- Unit	Means a dwelling containing two dwelling units but does not include an accessory dwelling unit.
Dwelling Unit	Means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.



Term	Definitions
E	
Educational Establishment	Means a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university.
Emergency Service	Means police, fire, ambulance or paramedic services.
Environmental Protection Areas	Means Provincially Significant Wetlands, Provincially Significant Life Science Areas of Natural and Scientific Interest (ANSI); Fish Habitat, and Significant Habitat of Threatened and Endangered Species; Key Natural Heritage Features; and Key Hydrologic Features.
Environmental Conservation Areas	Means significant woodlands; significant wildlife habitat; significant habitat of species of concern; Regionally Significant Life Science; other evaluated wetlands; significant valley lands; savannahs and tall grass prairies; alvars; and, publicly owned conservation lands.
Erect	Means to build, construct, reconstruct, move or enlarge a building or structure, and includes any physical operation and preparatory work such as excavating, filling, grading, or draining land for a building or structure.
Existing	Means existing as of the date of the passing of this By-law.
F	

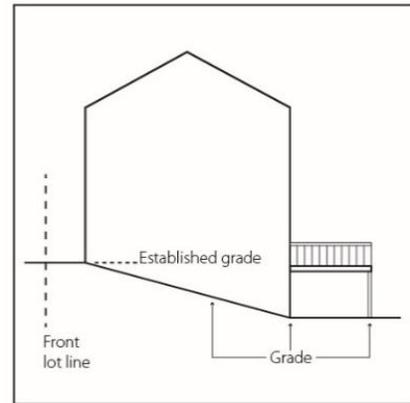
Term	Definitions
Farm Labour Residence	<p>Means accommodation accessory to agriculture and on the same lot as an existing permanent principal farm dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:</p> <ul style="list-style-type: none"> <li data-bbox="451 604 982 747">(a) An accessory apartment attached to and forming part of the principal farm dwelling; or <li data-bbox="451 783 982 926">(b) An accessory detached dwelling of temporary construction, such as a mobile home; or <li data-bbox="451 961 982 1136">(c) An accessory detached bunk house of temporary construction where cooking and sanitary facilities are shared.
Farm Produce/Product Stand	<p>Means a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the agricultural operation on the same property are offered for sale on a seasonal basis.</p>
Financial Establishment	<p>Means a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.</p>
First Floor	<p>Means the floor of a building approximately at or first above-grade.</p>
Flea Market	<p>Means a retail establishment consisting of multiple vendors engaged in the retailing of home-made, home-grown, hand-crafted,</p>

Term	Definitions
	and antique as well as previously owned or used goods, wares, merchandise or other articles.
Floor Area, Ground	Means the area of that portion of a lot occupied by a building or structure, exclusive of any porch, sunroom or private garage.
Food Production	Means a premises for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the premises such as catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries and butchers.
Fuel Storage Tank	Means a tank for the bulk storage of petroleum, gasoline, fuel, oil, gas, natural gas, or inflammable liquid; but does not include a container for inflammable liquid legally and properly kept in a retail store, or a tank for storage merely incidental to some other use of the premises where such tank is located.
Funeral Home	Means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming, and includes an ancillary visitation centre and place of worship and may also include a crematorium and cemetery.
G	

Term	Definitions
Garage, Private	Means a portion of a dwelling or a detached accessory building or structure accessory to a dwelling designed or primarily used for the parking of private motor vehicles, permitted commercial motor vehicles, and/or recreational vehicles, and includes carports.
Garden Centre	Means the use of land or a building, or part thereof, for the display and sale of plants, trees, shrubs, and the like and may include the sale of landscaping and gardening supplies such as soils, planting materials, mulch, hand tools, ornamental garden décor, and similar materials used in landscaping and gardening but does not include the cultivation of plants.
Garden Suite	Means a temporary one unit, detached residential structure containing bathroom and kitchen facilities that is ancillary to the existing residential structure and that is designed to be portable.
Golf Course	Means a public or private area operated for the purpose of playing golf and may include a restaurant, a clubhouse, a pro shop, driving ranges, miniature golf, hotel, accommodations and similar uses which are normally accessory to the operation of a golf course and which are located on the same lot as the golf course.
Grade	Means the average level of proposed or finished ground adjoining a building or structure at all exterior walls.

Term	Definitions
Grade, Established	Means the grade elevation measured at the centre point of the front lot line for interior lots, and average of the centre points of each lot line abutting a road for corner lots and through lots.
Greenhouse	Means a building for the growing of flowers, plants, shrubs, trees and similar vegetation but shall not include a garden centre or landscaping business.
Grocery Store	Means a building or part thereof used for the sale of food, and may include the incidental sale of household items, with a gross leasable floor area of less than 3,000.0 square metres.
Gross Floor Area	<p>Means the total area of each floor whether located above, at or below-grade, measured from the interior of outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:</p> <ul style="list-style-type: none"> <li data-bbox="446 1354 998 1501">(a) Floor area occupied by shared mechanical, service and electrical equipment that serve the building; <li data-bbox="446 1522 998 1669">(b) Common hallways, corridors, stairwells, elevator shafts and other voids, steps and landings; <li data-bbox="446 1701 998 1791">(c) Bicycle parking, motor vehicle parking or loading facilities;

Grade & Established Grade



The City's definition of "grade" is mirrored in the definition in the Ontario Building Code.

Term	Definitions
	<ul style="list-style-type: none"> (d) Common laundry, storage and washroom facilities that serve the building or tenants; (e) Common storage areas that are accessory to the principal use of the building; (f) Common amenity area and play areas accessory to a principal use on the lot; (g) Living quarters for a caretaker of the building; and (h) Outdoor patios.
Group Home	<p>Means a group living arrangement, within a dwelling unit occupied wholly by a minimum of four supervised residents and a maximum of ten, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress.</p> <p>A group home shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>
H	
Habitable Room	Means a room in a dwelling unit designed for living, sleeping, and eating or food preparation.
Hazard Land	Means property or lands that could be unsafe for development due to naturally occurring processes. Along rivers, streams and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the

Term	Definitions
	flooding hazard or erosion hazard limits. (PPS, 2014)
Health Related Retail	Means commercial retail establishments related to health care including pharmacy, optician, etc.
Heavy Equipment Sales, Rental and Service	Means the sale, rental, servicing and accessory storage of heavy vehicles including farm vehicles or equipment, and transport trucks or trailers.
Heavy Industrial	<p>Means:</p> <ul style="list-style-type: none"> (a) The manufacturing or processing of products from raw materials; or (b) The production or use of flammable, explosive or other hazardous materials; and (c) The storage of these products and materials.
Home Furnishing Establishment	Means the use of land, building or structure, or part thereof, for the sale or rental of home furnishings and related supplies, materials or fixtures.
Home Improvement Establishment	Means the use of land, buildings or structures, or part thereof, for the sale of 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, seasonable items including lawn mowers, snow blowers, barbeques, pool equipment and chemicals and nursery and landscaping plants, equipment and supplies, and may include ancillary

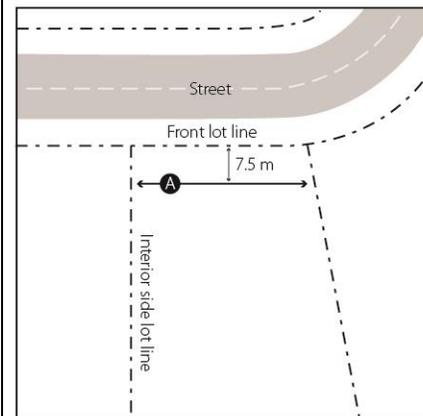
Term	Definitions
	retails sales including a restaurant and may include the sales of services related to the enjoyment, improvement or decoration of the home or to the use of any other goods sold in the store, and garden centre.
Home Industry	Means a small scale use, providing a service primarily to the rural or farming community and which is accessory to a single detached dwelling or agricultural operation and performed by one or more residents of the household on the same property. A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop.
Home Occupation	Means the accessory use of a dwelling for an occupation or business.
Hospital, Public	Means any public institution under provincial legislation established for the treatment of convalescent or chronically ill persons afflicted with sickness, disease or injury that is approved under the applicable statute.
Hotel/Motel	Means a premises containing lodging units for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a restaurant, place of assembly, and retail stores which are incidental and subordinate to the primary hotel function and located in the same building.

Term	Definitions
I	
Institutional Use	Means the use of land, buildings or structures for social, educational, health or religious purposes.
J	
K	
Kennel	Means a building, structure or fenced compound where domestic household pets are kept, raised and/or boarded for commercial purposes.
Kiddie Pool	Any pool in which holds 0.61 metres of water.
L	
Landscaping	Means the open, unobstructed space, at grade, which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping which may include fountains, reflecting pools or similar areas, but does not include any access driveway or ramp, parking lot, rooftop area without a green roof or any open space beneath or within any building or structure.
Landscape Contracting Establishment	Means the use of land, buildings or structures, where soil, mulch, rock, screening and other similar landscape materials are stored and offered for sale on a wholesale basis and which may include but not be limited to the storage of related equipment. Accessory snow removal equipment shall also be permitted.

Term	Definitions
Laneway	Means a public thoroughfare or way, not more than 9.2 metres wide and which affords only a secondary means of access to abutting property.
Light Equipment/ Machinery Sales, Rental and Service Establishment	Means a building, or part thereof where residential, industrial and commercial machinery and equipment is kept for sale, rental and/or service to the general public. Said machinery and equipment includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn and garden tools, moving equipment, painting and decorating equipment, plumbing tools, and power tools.
Light Industrial Use	<p>Means:</p> <ul style="list-style-type: none"> <li data-bbox="459 1094 971 1230">(a) the manufacturing from previously prepared materials or finished parts or finished products; <li data-bbox="459 1268 982 1556">(b) factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials; or <li data-bbox="459 1593 971 1661">(c) the repair or servicing of such products.
Long Term Care Facility	Means an institutional care facility as licensed under the <i>Long Term Care Act</i> , as amended and shall include residences which provide care to meet the physical, emotional, social,

Term	Definitions
	spiritual and personal needs of persons.
Lot	Means one parcel of land that is registered as a legally conveyable parcel of land in the land registry office.
Lot Area	Means the total horizontal area within the lot lines of a lot.
Lot Coverage	Means the horizontal area of that part of the lot covered by all roofed structures and buildings above ground level, excluding permitted eave projections and balconies, expressed as a percentage of the lot area.
Lot Depth	Means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and rear lot lines.
Lot Frontage	Means the horizontal distance between the side lot lines; where such lot lines are not parallel, the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 6.0 metres from the front lot line.
Lot Line	Means any boundary of a lot.
Lot Line, Flankage	Means a lot line other than a front lot line that abuts a street.
Lot Line, Front	<p>Means any lot line abutting a street, and:</p> <p>(a) For a corner lot, through lot or through corner lot, the shortest of the lot lines that</p>

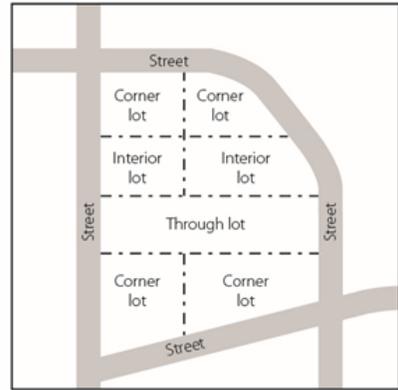
Lot Frontage



Measurement of Lot Frontage

Term	Definitions
	<p>divide the lot from the road shall be deemed to be the front lot line.</p> <p>(b) For a corner lot, through lot, or through corner lot where such lot lines are of equal length, the City may deem any of the lot lines that divide the lot from the street as the front lot line.</p>
Lot Line, Interior Side	Means a lot line other than a front, rear, or flankage lot line.
Lot Line, Rear	Means the lot line opposite to, and most distant from, the front lot line, but where the side lot lines intersect, the rear lot line shall be the point of intersection of the side lot lines.
Lot Line, Side	Means the interior side lot lines and flankage lot lines.
Lot, Corner	Means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street or streets containing an angle of not more than one-hundred thirty-five degrees.
Lot, Interior	Means a lot other than a corner lot, through lot, or through corner lot.
Lot, Through	Means a lot bounded by a public street on two opposite lot lines, but does not include a corner lot or through corner not.
Lot, Through Corner	Means a lot bounded by public streets on three or more lot lines.

Lot Types



Term	Definitions
M	
Marina	Means a commercial establishment, containing docking or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed, or kept for sale or lease and where facilities for sale of marine fuels or lubricants, ancillary retails sales, ancillary restaurants and taxi and/or barging service may also be provided.
Market Garden	Means the use of land for the intensive commercial cultivation of vegetables, mushrooms, fruits and flowers, and may include a horticultural nursery, retail sales limited to products grown on site and a commercial greenhouse.
Medical Office or Clinic	Means a premises designed and used for the diagnosis, examination, and treatment of human patients by a physician, dentist, drugless practitioner, and/or health professional licensed by the Province of Ontario, including pharmacies and dispensaries, waiting rooms, treatment rooms and laboratories, but shall not include overnight accommodation for in-patient care.
Mobile Home	Means any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons including a modular style dwelling, in accordance with the applicable Canadian Standards Association Standards, but does not include recreational equipment.

Term	Definitions
Motor Vehicle	Means an automobile, motorcycle, motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry, or road-building machine.
Motor Vehicle Body Shop	Means a premises used as a motor vehicle repair establishment, including the painting and repairing of bodies and fenders.
Motor Vehicle Dealership	Means a premises used for the sale and/or rental of motor vehicles and/or major recreational vehicles and may include, as accessory uses, a motor vehicle service station and motor vehicle body shop.
Motor Vehicle Repair Establishment	Means a premises for the service, maintenance and repair of motor vehicles, and may include the accessory retail sale of automotive parts and accessories and motor vehicle sales, lease and/or rental, but does not include a motor vehicle body shop.
Motor Vehicle Service Station	Means a premises where fuel (including but not limited to propane) for motor vehicles and/or other portable containers is kept and dispensed for sale, which may include the following accessory uses: retail store, restaurant, motor vehicle sales, lease and/or rental, but does not include a motor vehicle body shop or motor vehicle washing establishment.

Term	Definitions
Motor Vehicle Washing Establishment	Means a premises used for the mechanical or manual washing, cleaning or polishing of motor vehicles.
N	
Non-Complying	Means a building, structure or lot that does not comply with the regulation(s) of this By-law.
Non-Conforming	Means a use that is not a permitted use in the Zone in which the said use is located.
Nursery	Means an agricultural operation for the growing of plants, shrubs, trees or similar vegetation and may include accessory retailing of horticultural products grown on site and bulk product such as, but not limited to, soil, mulch and aggregate.
O	
Obnoxious Use	Means a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, light, or objectionable odour, or by reason of the matter, waste or other material generated by the user, and without limiting the generality of the foregoing shall include any uses which may be declared to be a health hazard under the <i>Health Protection and Promotion Act</i> , as amended. Permitted uses which are operating in accordance with all applicable federal, provincial and municipal rules and regulations are deemed not to be obnoxious.

Term	Definitions
Office	Means a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed, including the provision of government or social services and other similar services including call centres but shall not include a medical clinic or medical office.
Office, Major	Means a freestanding office building of 10,000.0 square metres or greater.
Open Space	Means an area open to the sky, which is used for the growth and maintenance of grass, flowers, shrubbery, trees and other landscaping and includes any surfaced walk, patio, swimming pool or similar area but does not include any access driveway or ramp, parking lot or roof-top area without a green roof.
Outdoor Display and Sales Area	Means an outdoor area that may contain a building or structure used for the accessory display, rental, or sale of products or the supply of services in association with the primary use of the lot.
Outside Storage	Means the stockpiling or storage of goods in an open yard not housed in any permanent building or structure.

Term	Definitions
P	
Park	Means a playground, sports field, botanical garden, or outdoor public swimming pool, and may also include accessory buildings or structures such as a maintenance building, washroom or canteen.
Park, Private	Means an area of land not under the jurisdiction of a public authority that is designed or maintained for active or passive recreational purposes and shall include a trail.
Parking Area, Surface	Means an uncovered parking area at grade, and includes parking on the roof of an underground parking structure where the roof is at grade.
Parking, Queuing Lane	Means a continuous on-site queuing lane that includes stacking spaces for motor vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.
Parking Space	Means an unobstructed area for the parking of a motor vehicle.
Parking Structure	Means a parking area provided in a building or structure, but does not include a private garage.
Parking, Stacking Space	Means a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of a motor vehicle, in a stacking lane.
Passive Recreational Trail	Means a trail that is designed, constructed, and managed to minimize its impact on natural heritage features. Trail surfaces will be a combination of porous surfaces,

Term	Definitions
	such as native soils and/or woodchips, and may include boardwalks and other similar/like items where required.
Patio	Means an outdoor amenity area where seating accommodation can be provided or where meals or refreshments are served to the public for consumption.
Pergola	Means an open structural framework supported by posts over an outdoor area.
Person	Means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.
Pet Shop	Means a shop or place where animals or birds for use as pets are sold or kept for sale and may include premises used for the grooming and/or sale of domestic animals but does not include any overnight boarding.
Pit	Means lands under license or permit, other than wayside pits and quarries, issued in accordance with the <i>Aggregate Resources Act</i> , as amended, or successors there to, and includes land not designated under the <i>Aggregate Resources Act</i> , as amended, that is used for established pits and quarries existing as of the date of passage of this By-law, and including adjacent land under agreement with or owned by the operator for the continuation of the operation; and includes

Term	Definitions
	<p>associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.</p>
Pit, Wayside	<p>Means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.</p>
Place of Assembly	<p>Means a place designed and used to accommodate gatherings of people such as clubs, reception halls, conference centres, legion halls, assembly halls and lodges, and for events such as trade shows, banquets, and political or other conventions.</p>
Place of Entertainment	<p>Means a premises used for facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including billiard rooms, bowling alleys, laser games, arcades, electronic games, indoor miniature golf courses and bingo halls but does not include casinos or any other establishment accommodating gambling services, an adult entertainment establishment, nightclub, or a sports facility.</p>
Place of Worship	<p>Means a lot, building or structure, or part thereof, used for the practice of religion and faith-based spiritual purposes where people assemble for</p>

Term	Definitions
	religious worship, faith-based teaching, fellowship and community social outreach.
Planting Strip	Means a strip of land, located within a required yard, devoted solely to the growing of grass, trees and/or ornamental shrubs and composed of planting material suitable to the soil and climate conditions of the site.
Play Lot	Means a lot used for the purposes of a non-profit play lot for children under the age of seven years and managed and controlled by the corporation or by a neighbourhood association, church or other similar organization.
Porch	Means an unenclosed, covered platform with direct access to the ground that is attached to a building.
Principal Use	Means the primary purpose for which a lot, building or structure is used, or is intended to be used.
Privacy Screen	Means a decorative wall or fence designed to provide privacy for a patio, deck, balcony, or part of a yard.
Private Club	Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations of community, social or cultural purposes, but does not include uses that are normally carried out as a commercial business.
Propane Transfer Facility	Means a fixed location where the transfer of propane fuel from one container to another is affected.

Term	Definitions
Public Authority	Means Federal or Provincial bodies, the Regional Municipality of Niagara, or the City of Welland, and includes any commission, board, authority or department established by or for any of them.
Q	
R	
Recreation	Means the use of land for leisure, passive and/or athletic activities.
Recreation, Passive	Means activities that involve relatively unorganized recreational pursuits, generally in the outdoors, such as walking, sitting and picnicking, and trails.
Recreational Vehicles	Means either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, recreational vehicle (RV), travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.
Repair Shop	Means a premises for the servicing or repair of articles excluding any repairs or services to motor vehicles.
Research and Development Centre	Means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products, and may include a

Term	Definitions
	<p>research laboratory; but excludes industrial and manufacturing operations other than those required as part of the research.</p>
<p>Restaurant</p>	<p>Means a premises, where meals or refreshments are provided to order for take-out, delivery and/or eat-in and may include table service on an accessory patio.</p>
<p>Retail Centre</p>	<p>Means a combination of two or more retail, service commercial, recreation or office uses, in one or more buildings, on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways.</p>
<p>Retail Establishment</p>	<p>Means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public not including home furnishing retail establishments or building and lumber supply establishments or supermarkets or grocery stores.</p>
<p>Retirement Home</p>	<p>Means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex;</p> <ul style="list-style-type: none"> <li data-bbox="440 1591 990 1707">(a) that is occupied primarily by persons who are sixty-five years of age or older, <li data-bbox="440 1738 990 1837">(b) where the operator of the home makes at least two (2) care services available,

Term	Definitions
	<p>directly or indirectly, to the residents,</p> <p>but does not include premises or parts of premises that are governed by or funded under the <i>Homes for Special Care Act</i>, as amended, means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex; the <i>Ministry of Community and Social Services Act</i>, as amended, the <i>Private Hospitals Act</i>, as amended, the <i>Public Hospitals Act</i>, as amended, or the <i>Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act</i>, as amended, or premises at which emergency hostel services are provided under the <i>Ontario Works Act</i>, as amended.</p>
S	
Salvage Yard	Means a lot, building or structure used for wrecking, dismantling, storing and/or selling used goods, wares or materials and includes a junk yard, a scrap metal yard and a motor vehicle wrecking yard.
Sample or Showroom	Means a building or part of a building where samples or patterns are displayed and orders taken for goods, wares and merchandise for future delivery and includes the display room of a wholesale merchant.
School, Commercial	Means a building, or part thereof, where instruction of a skill is provided

Term	Definitions
	for profit and may include instruction in a trade, business, art, music, dance, cooking, athletic skill or any other specialized instruction but does not include an educational establishment including a college or university.
School, Post-Secondary	Means a public university or college of applied arts and technology, and may include a dormitory, restaurant, financial institution, and service commercial establishment as accessory uses.
School, Private	Means a premises, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is provided.
School, Public	Means a premises, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is provided under the jurisdiction of a school board established by the Province of Ontario.
Screening Device	A barrier used for the purpose of providing privacy/screening.
Seasonal Outdoor Use	Means the use of lands for the sale of seasonable products..
Secondary	Means, when used to describe a use of land, building or structure, a use which is secondary to the principal use of the property.
Service Commercial Establishment	Means a place where: (a) A service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair

Term	Definitions
	<p>styling salon; tattoo and piercing parlours; spa; tanning salon; shoe repair shop; dry cleaning depot; laundromat; tailor shop or dressmakers shop; or massage therapy but excluding a body rub parlour;</p> <p>(b) A consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator; or</p> <p>(c) Other personal or business services are provided including a catering service, printing, publishing, photocopying, picture framing or photofinishing service, and custodial services including self-service operations.</p>
Shall	In this By-law, the word “shall” is mandatory and not directory.
Shopping Centre	Means three (3) or more of commercial, retail, or service occupancies planned, designed, and managed as a unit having a gross leasable area of not less than 5000 square metres, having a common public parking area provide on the lot and may include a department store.
Short-Term Rental	Means a dwelling unit that is rented for a period of 28 consecutive days or less but does not include a bed and breakfast, hotel/motel, or boarding or lodging house.
Sight Triangle	Means a triangular area on a lot determined by measuring a specified distance along each street line and

Term	Definitions
	joining such points with a straight line.
Social Services Establishment	Means an establishment in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.
Storey	Means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above, but does not include an attic or basement.
Storey, Half	Means that portion of a building situated within the roof or having its floor level not lower than 1.2 metres below the line where the roof and outer walls meet and having a roof not steeper than fifty-five degrees above the horizontal.
Street Line	Means the division between a street and a lot.
Street, Public	Means a roadway owned and maintained on a year-round basis by a public authority.
Stormwater Management Facility	Means an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.

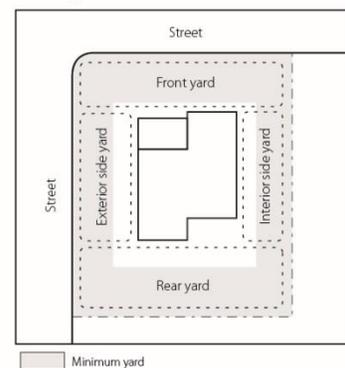
The determination of what constitutes a “storey” is based on the Ontario Building Code.

Term	Definitions
Structure	Means anything that is erected, built or constructed of parts joined together the result of which is fixed to, supported by or incorporated within the soil and/or any other structure, and without limiting the generality shall include a satellite dish, air conditioner, a swimming pool, hot tub, outdoor uncovered/unenclosed deck raised above-grade, a building, but shall not include pavement, curbs, walkways, clothes line pole, trellis, arbour, flag pole, kiddie pool, play structure, basketball pole/net or such like objects or a fence.
Supermarket	Means a retail store for the sale of food, food stuffs, beverages, housewares, health and beauty aids, pharmaceutical products, pet supplies, hardware, plants and nursery products and general merchandise related thereto and having a gross leasable floor area of more than 3,000.0 square metres.
Supportive Living Residence	Means a dwelling, or part thereof, where accommodations are provided, along with support services such as personal care, medical care, and/or nursing, for persons with special needs. The dwelling may contain accommodation for staff.
T	
Trucking Operation	Means an establishment engaged primarily in the provision of local and long distance trucking, transfer and related services including repair and maintenance of trucks with the exception of those establishments engaged principally in the transportation of used uncrated household goods.

Term	Definitions
U	
Use	Means the purpose for which any lot, building, structure or premises is arranged, designed, intended, occupied or maintained.
V	
Visual Barrier	Means a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, brick, mortar, prefabricated metal or other similarly sold material.
Veterinary Clinic	Means a premises used for the diagnosis, examination, treatment and overnight care of animals supervised by a licensed veterinarian, all within enclosed buildings and may include the dispensing and sale of associated medical products and other pet products and services, but does not include a kennel.
W	
Warehouse Facility	Means a building or structure, or part thereof, used for the bulk storage or distribution of goods and equipment to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A warehouse including self-storage units and mini-warehouses but shall not include a waste management facility, salvage yard or towing establishment.

Term	Definitions
Waterbody	Means the Welland Canal.
Waterway, Navigable	Means a waterbody sufficiently deep and wide to give a passage to a boat.
Wholesaling Facility	Means a building or structure or part thereof where the purpose of the business is the buying of goods for resale to other industrial, commercial, institutional and agricultural business users including other wholesalers, and includes distribution.
X	
Y	
Yard	Means any open uncovered, unoccupied space appurtenant to a building.
Yard, Exterior Side	Means a yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the nearest wall of a building or structure on the lot.
Yard, Front	Means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot.
Yard, Interior Side	Means a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the nearest wall of a building or structure on the lot.
Yard, Rear	Means a yard extending across the full width of the lot between the rear

Yard Types



Portions of building below-grade are subject to the same yard

Term	Definitions
	lot line and the nearest wall of any building or structure on the lot.
Yard, Required	Means the minimum yard required by the provisions of this By-law, or any variances approved by the Committee of Adjustment.
Yard, Side	Means a yard extending from the front yard to the rear yard between a side lot line and the nearest wall of a building or structure on a lot.
Z	
Zone	Means a defined area of land use shown on the Zone Maps of this By-law.

requirements as building above-grade, unless otherwise permitted by this By-law (i.e., parking structures in the Mixed Use Zones).

SECTION 5 GENERAL PROVISIONS

5.1 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.
- b) No person shall erect or use a building or structure unless the street referenced in Subsection 5.1 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.

5.2 Accessory Dwelling Units

Notwithstanding any other provisions of this By-law, where an accessory dwelling unit is permitted by this By-law it shall be in accordance with *Planning Act*, as amended, Regulation O. Reg. 384/94 and the following provisions:

- a) Only one accessory dwelling unit shall be permitted per lot.
- b) An accessory dwelling unit is permitted in association with a single-detached dwelling, two-unit dwelling and townhouse dwelling if no building or structure ancillary to the single-detached dwelling, two-unit dwelling or townhouse dwelling contains a residential dwelling unit.
- c) An accessory dwelling unit is permitted in a building accessory to a single-detached dwelling, two-unit dwelling or townhouse dwelling if the single-detached dwelling, two-unit dwelling or townhouse dwelling contains a single residential dwelling unit.
- d) Parking shall be in accordance with Section 6.

5.3 Accessory Uses, Buildings and Structures

The following provisions shall apply to all accessory uses, buildings and structures. These provisions shall not apply to any attached private garages and parking areas.

5.3.1 General

- a) Where this By-law provides that a lot may be used for a permitted use or a building or structure may be erected or used for a permitted use, that use

shall include any accessory building or structure or accessory use, but shall not include:

- i) Any occupation for gain or profit conducted within or accessory to a dwelling unit except where specifically permitted by this By-law;
 - ii) Any building used for human habitation, except where specifically permitted by this By-law;
 - iii) An outdoor furnace or outdoor wood-burning sauna;
 - iv) Any storage container, portable storage unit, repurposed motor vehicle in whole or in part, “sea can” container, intermodal container or other such like container in any Zone other than an Industrial Zone.
- b) The accessory use, building or structure shall be located on the same lot and in the same Zone as the principal use, building or structure.

5.3.2 Location

- a) Except as otherwise provided herein, no person shall erect or locate a detached private garage or other accessory building:
- i) In any yard other than an interior side or rear yard;
 - ii) Without maintaining a minimum setback of 0.9 metres from any side or rear lot line;
 - iii) Closer to a street line than the minimum setback required for a main building on the same lot, or in the case of a detached private garage, not less than 5.5 metres to a street line; or
 - iv) So as to interrupt or encroach into a required planting strip.
- b) No person shall erect or locate an accessory building less than 0.9 metres from any main building.

5.3.3 Height

Except as otherwise provided herein, no person shall erect an accessory building which exceeds 6.0 metres in height in any Residential Zone.

5.3.4 Lot Coverage

- a) The total lot coverage of all accessory buildings and structures on a lot shall not exceed ten percent of the area of any lot in any Zone. This does not apply to decks or open air swimming pools.

5.3.5 Special Provisions for Certain Accessory Uses, Buildings and Structures

- a) Accessory Dwelling Units: Refer to Subsection 5.2;
- b) Bicycle Parking Requirements: Refer to Subsection 6.7;
- c) Drive-Through Facilities: Refer to Subsection 5.9;
- d) Encroachments: Permitted Yard, Setback and Height Encroachments (applicable to certain accessory buildings and structures): Refer to Subsection 5.10;
- e) Fences and Privacy Screens: Refer to Subsection 5.12;
- f) Garbage and Refuse Storage and Enclosures: Refer to Subsection 5.14;
- g) Garden Suites: Refer to Subsection 5.15;
- h) Home Industries: Refer to Subsection 5.17;
- i) Home Occupations: Refer to Subsection 5.18;
- j) Loading Spaces: Refer to Subsection 6.6;
- k) Parking and Loading Regulations: Refer to Section 6;
- l) Pergolas: Refer to Subsection 5.28;
- m) Seasonal Outdoor Uses: Refer to Subsection 5.36;
- n) Swimming Pools and Hot Tubs: Refer to Subsection 5.41;
- o) Trailers, Recreational Vehicles and Boat Parking and Storage: Refer to Subsection 6.12.

5.4 **Apartment Units in Commercial and Mixed Use Zones**

Where permitted by this By-law an apartment unit permitted in Commercial and Mixed Use Zones shall be in accordance with the following provisions:

- a) Apartment unit(s) shall be located in the second or higher storey of commercial buildings.

- b) An apartment unit shall be prohibited on the same lot as a motor vehicle body shop, motor vehicle dealership, motor vehicle repair establishment, motor vehicle service station or motor vehicle washing establishment.
- c) Parking and loading requirements shall be provided for the apartment unit(s) in accordance with Section 6.

5.5 Bed and Breakfast Establishments

Bed and breakfast establishments are subject to the following regulations:

- a) The bed and breakfast establishment shall have the operator residing on the premises; and
- b) A bed and breakfast establishment shall only be permitted in a single-detached dwelling and shall not contain more than three rooms for hire; and
- c) The bed and breakfast establishment shall be a secondary use to the principal Residential use of a single-detached dwelling and shall maintain the residential character of the dwelling; and
- d) No external display or advertising shall be permitted on the site, other than in accordance with the Home Occupations provisions of the City of Welland Sign By-law, as amended, or its successor; and
- e) Bed and breakfast establishments must front on a public street and be fully serviced by a municipal sewer system and a municipal water system if they are available on the public street.

5.6 Condominiums

5.6.1 Standard Condominiums

Internal lot lines created by:

- a) a registration of a Plan of Condominium; or
- b) a Plan or Plans of Condominium registered on all or a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the *Planning Act*, as amended;

shall not be construed to be lot lines for the purposes of Zoning regulations provided that all applicable regulations of this By-law relative to the whole lot and its external lot lines, existing prior to any Condominium Plan registration are strictly observed.

5.6.2 Vacant Lot Condominiums

- a) More than one single-detached dwelling, two-unit dwelling or townhouse dwelling shall be permitted on a lot provided that each dwelling has direct access to a public street or an internal private driveway or road that is a common element in a registered Condominium connecting to a public street and that each dwelling is located on a lot in a Vacant Land Condominium.
- b) For the purposes of this regulation, the front lot line for each unit in a Vacant Land Condominium shall be deemed to be that lot line abutting the internal driveway portion of the common element or the lot line abutting a public street wherever the driveway access is, and the dwelling on such a lot shall comply with all applicable Zoning regulations.

5.6.3 Common Element Condominiums

Notwithstanding Section 5.13 of this By-law, single-detached dwellings, two-unit dwellings or townhouse dwelling shall be permitted on lots without frontage on a public street provided that all such dwellings are located on Parcel of Tied Lands (POTL) to a Common Element Condominium (CEC) consisting of at least a common private driveway connecting to a public street.

Where lands have been comprehensively planned and are subject to an approved Site Plan or Development Agreement pursuant to Section 41 of the *Planning Act*, as amended, any Zoning deficiencies resulting from the creation of the POTL, shall be deemed to conform to the regulations of the By-law provided that:

- a) All applicable regulations of the By-law relative to the whole lot and its external lot lines, existing prior to any Condominium Plan registration are complied with; and
- b) Each dwelling unit shall have an unobstructed access at grade or ground floor level, having a minimum width of 1.0 metres, from the front yard to the rear yard of the lot either by:
 - i) Direct access on the lot without passing through any portion of the dwelling units; or
 - ii) Direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or recreation room or any hallway that is not separated by a door to any such room; or
 - iii) Access over adjacent lands that, if the lands are not owned by the City or the Region of Niagara, are secured by an easement or are a common element of the Condominium.

Any additions or alterations to the dwelling; accessory structures; yard projections; and driveways and widening(s) of driveways added subsequent to the registration of the Condominium, which are not shown on the approved Site Plan must comply with the applicable Zoning regulations for the type of dwelling contained within the POTL. For the purposes of this regulation, the front lot line shall be deemed to be the shortest lot line abutting the public street, internal driveway or internal walkway which provides primary access to the dwelling.

5.7 Construction Uses and Sales Offices

The following uses are permitted in all Zones within the City:

- a) A temporary construction office, temporary fenced compound, tool shed, scaffold, storage container, garbage dumpster or other building or structure incidental to construction on the lot where it is situated and only for so long as it is necessary for the work in progress and until or unless the work is completed or abandoned. "Abandoned", for the purpose of this clause, shall mean the failure to proceed expeditiously with the construction of the work.

Notwithstanding the Fence By-law, as amended, 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.
- b) A temporary sales office used for the sale of residential, industrial or commercial lots or units in a Plan of Subdivision or a Plan of Condominium which has received Draft Approval or has been Zoned to permit the development shall be permitted for a maximum of five years. A temporary sales office shall comply with the applicable setbacks of the Zone in which the office is located.
 - c) A temporary construction trailer and a temporary fenced compound for construction materials, provided such trailer or compound is located at the time of the installation, at least 45.0 metres from an existing dwelling unit under construction.
 - i) Notwithstanding the Fence By-law, as amended, such fence enclosing a compound in a Residential Zone shall meet the following criteria:
 - (1) Maximum height of 2.6 metres;

- (2) Chain link construction;
- (3) No barbed wire;
- (4) No electric fencing; and
- (5) May be located within the required front yard.

5.8 Day Care Centres

Where a day care centre is provided within a commercial or mixed use building larger than 1,858.0 square metres, the floor area devoted to the day care centre shall not be included in the maximum gross floor area permitted, or in the calculation of the required parking requirements for the building.

5.9 Drive-Through Facilities

- a) A drive-through use shall be a permitted accessory use to a permitted Commercial use with the exception of a Commercial use within the Downtown Mixed Use Centre Zone.
- b) A drive-through shall include a minimum of eight designated stacking spaces for restaurants and two stacking spaces for any other use.
- c) A stacking space shall be a minimum of 5.5 metres in length and 3.0 metres in width.
- d) A stacking lane shall not be permitted within 10.0 metres of any Residential Zone. The required setback may be reduced to a minimum of 3.0 metres, provided that a noise wall, certified by a professional engineer, no taller than 1.8 metres exclusive of decorative elements, is installed prior to occupancy of the drive-through facility. The noise levels shall not exceed the maximum levels specified by the Ministry of Environment's NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.
- e) Stacking spaces shall not be included in the calculation of required parking.
- f) Stacking spaces shall not be located within any parking aisle or driveway.

5.10 Encroachments: Permitted Yard, Setback and Height Encroachments

5.10.1 Accessibility Ramps and Lifts

Notwithstanding the yard provisions of this By-law, lifts, hoists, ramps, and railings used for barrier-free access shall be permitted in any required yard, but not in a visibility triangle.

5.10.2 Awnings and Balconies

Notwithstanding any other provisions of this By-law, awnings which do not exceed 4.0 metres in height and which are structurally attached to the main wall of a building, and unenclosed balconies shall be permitted to encroach up to a maximum of 1.5 metres within a required front yard and/or exterior side yard.

5.10.3 Bay Windows

Notwithstanding the yard provisions of this By-law, no person shall permit a bay window, excluding eaves and cornices, with a maximum width of 3.0 metres and a maximum height not exceeding the required height specified in this By-law, to project into a required front, rear or exterior side yard further than a maximum distance of 1.0 metre.

5.10.4 Building in Built-up Area (Residential Zones)

Notwithstanding any other provision of this By-law, in any Residential Zone, a main building between existing main buildings or adjacent to existing main buildings which are adjacent to the lot and which are separated by no more than 20.0 metres, may be built with a setback equal to, or greater than, the average setback of the adjacent buildings.

5.10.5 Decks, Porches, Steps

- a) Open or roofed porches and stairs may project 1.5 metres into any required front or exterior side yard and 3.0 metres into any rear yard, provided the structure is not higher than 1.5 metres from grade.
- b) In any interior side yard, the setback requirements for the main building shall apply with the exception of steps not higher than 0.5 metres, above-grade.
- c) Stairs that lead to areas below-grade are permitted within any yard but not within a required yard; however, they may project a maximum of 1.5 metres provided said structure is not higher than 4.0 metres from grade.
- d) Decks may project into any required front or exterior side yard a distance of not more than 1.5 metres provided said structure is not higher than 4.0 metres from grade.
- e) Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 1.5 metres above-grade.
- f) In an interior side yard, the setback requirements for the main building shall apply.

5.10.6 Driveways, Parking and Walkways

Driveways, parking areas and walkways shall be permitted to traverse required yards.

5.10.7 Heat Pumps, Air Conditioners and Ventilating Equipment, etc.

- a) Heat pumps, air conditioners and ventilating equipment, etc., shall be permitted to encroach into any interior side or rear yard, but not closer than 0.5 metres to any lot line.
- b) Heat pumps and air conditioners, etc., shall not be permitted in any front yard.
- c) Heat pumps and air conditions shall be permitted in any exterior side yard, but not closer than 3.0 metres to a street line.

5.10.8 Height Exceptions

Notwithstanding any other provisions in this By-law, nothing in the By-law shall apply to prevent the erection or use of:

- a) A stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the building, provided:
 - i) The maximum height at the top of such elevators or elements is no higher than 6.0 metres above the roof of the building;
 - ii) No structure shall enclose space so as to constitute a part or all of a penthouse or other habitable space; and
 - iii) Such elements are screened to a maximum height of 6.0 metres above the roof.
- b) A spire or feature ornamental to a place of worship, a belfry, a flag pole, a clock tower, a chimney, a radio or television tower, or an antenna or satellite dish; and
- c) Elements such as free standing chimney stacks, scrubbers, and other similar equipment for the purpose of pollution abatement in the case of an industrial building.

5.10.9 Ornamental Structure

Notwithstanding the yard provisions of this By-law, no person shall permit a sill, belt course, chimney, cornice, eave, awning, gutter, parapet, pilaster or other ornamental structure with or without a foundation to project into any required yard further than a maximum distance of 0.5 metres.

5.10.10 Structures

Notwithstanding the yard provisions of this By-law, clothes lines, flag poles, garden trellises, fences, retaining walls, monuments, pergolas or lawful swings, shall be permitted in any required yard, except where specifically excluded in a corner lot visibility triangle or planting strip in accordance with the provisions of this By-law.

5.11 Expropriation: Reduction in Regulations

5.11.1 Reduced Lot Area and/or Lot Frontage and/or Lot Depth of a Vacant Lot

If the lot area and/or frontage and/or depth is reduced on a vacant lot as a result of the action of the City, the Region of Niagara or of the Provincial or Federal Government or a Crown Agency, such as an expropriation or dedication, then a permitted use may be located on the vacant lot provided all other regulations of the By-law are complied with.

5.11.2 Reduced Regulations on a Lot with an Existing Permitted Use

Where, as a result of the action of the City, the Region of Niagara or of the Provincial or Federal Government or Crown Agency, a lot with an existing permitted building, structure, or use becomes non-complying with one or more regulations of this By-law, then the existing building, structure or use may be repaired, renovated, altered or enlarged, provided that the repair, renovation, alteration, or enlargement does not cause further contravention to the regulations of this By-law. Furthermore, the non-complying circumstance shall be considered to comply with this By-law.

5.12 Fences and Privacy Screens

Fences and walls are permitted in all Zones subject to the following provisions:

5.12.1 Provision Applicable to All Zones

Fences shall be subject to the provisions of Fence By-law, as amended.

5.12.2 Privacy Screens

a)	Privacy screens are permitted on decks and balconies for single-detached dwellings subject to the following regulations:	
	i) Maximum Height from Platform	2.0 metres

ii)	Setback from a Street	as per minimum front yard required in the corresponding Residential Zone
iii)	Setback from a Side Lot Line	1.0 metres
iv)	Setback from a Rear Lot Line	1.0 metres
b)	Privacy screens are permitted for two-unit dwellings, multiple dwellings, street townhouse dwellings and apartment dwellings and are subject to the following regulations:	
i)	Maximum Height	2.5 metres
ii)	Setback from a Street:	as per minimum front yard required in the corresponding Residential Zone
iii)	Setback from a Side Lot Line	0 metres
iv)	Setback from a Rear Lot Line	1.0 metres
c)	Privacy screens are permitted for apartment dwelling units and multiple dwelling units and are subject to the following regulations:	
i)	Maximum Height	2.0 metres
ii)	Setback from a Street	as per minimum front yard required in the corresponding Residential Zone
iii)	Setback from a side lot line	1.0 metres
iv)	Setback from a rear lot line	1.0 metres

5.13 Frontage on a Public Street or Navigable Waterway

- a) Except as outlined elsewhere in this By-law, no person shall erect any building or structure or create a lot in any Zone unless the lot fronts upon an improved public street.
- b) Notwithstanding the foregoing, an existing lot, shown in registered land titles, in accordance with the *Land Titles Act*, as amended, may be built upon and existing structures altered provided the said lot or structure is

connected to both municipal water and sanitary sewer services or complies with relevant legislation for private services. For the purposes of establishing minimum setbacks for a lot on a private road or right-of-way, the private road or right-of-way on which the existing lot fronts shall be considered to be the front lot line.

5.14 Garbage and Refuse Storage and Enclosures

- a) An enclosure for the outside storage of domestic waste containers accessory to single-detached dwellings, two-unit dwellings, converted dwellings, multiple dwellings or residential structures containing less than four dwelling units shall not be required, unless otherwise specified.
- b) For all other uses other than those specified in Subsection 5.14 a), no person shall store garbage or refuse on any lot except within the main building on the lot or within a wholly enclosed accessory building or structure or enclosed waste management container or specialized partially underground waste container system.
- c) Where an enclosure is provided in accordance with Subsection 5.14 b), said enclosure shall be surrounded by masonry, concrete or wooden walls on all sides up to the height of the structure to screen the waste container.
- d) Where an enclosure or private waste management container is provided in accordance with Subsection 5.14 b), the enclosure shall be associated with an area of at least 9.0 metres by 3.0 metres, to be used for the purposes of picking up garbage or refuse from the enclosed container.
- e) Any enclosure or accessory building provided in accordance with Subsection 5.14 a), shall be located not less than 6.0 metres from any adjacent Residential or Institutional Zone.

5.15 Garden Suites

A garden suite shall only be permitted on a lot Zoned for a single-detached dwelling subject to a Temporary Use By-law passed under Section 39 of the *Planning Act*, as amended, and the following:

- a) A garden suite shall be a small, portable building which can be readily removed and is separate from the principal dwelling;
- b) It is adequately serviced by the principal dwelling;
- c) An accessory dwelling unit and a garden suite shall not be permitted on the same lot;
- d) No new driveway shall be permitted;

- e) The owner of the subject property shall enter into an Agreement pursuant to Section 39.1 (1) of the *Planning Act*, as amended, with and satisfactory to the City of Welland dealing with such matters related to the temporary use of the garden suite as the Council considered necessary including:
 - i) The installation, maintenance and removal of the garden suite; and
 - ii) The period of occupancy of the garden suite by any of the persons named in the Agreement; and
 - iii) The monetary or other form of security that the Council may require for actual or potential costs to the municipality related to the garden suite; and
- f) Such other requirements as may be deemed necessary through the Temporary Use By-law.

5.16 Group Home

A group home shall be permitted within any zone where a dwelling is permitted, subject to the following:

- a) Maximum occupancy shall be ten, exclusive of staff; and
- b) Parking shall be provided in accordance with Section 6.

5.17 Home Industries

Where a home industry is permitted as an accessory use by this By-law within an Agricultural or Rural Zone, a home industry shall:

- a) Be conducted by at least one resident of the dwelling unit and shall not employ more than two persons in addition to the resident of the dwelling unit on a full-time or part-time basis;
- b) Be conducted on the same lot as the principal dwelling unit;
- c) Be permitted within the dwelling unit or any accessory structure in accordance with the provisions of Subsection 5.3 and subject to a building permit;
- d) Be clearly secondary to the principal use of the lot and shall not alter the exterior of the dwelling unit except in accordance with the provisions of this Subsection;
- e) Not create noise, vibration, fumes, odour, dust, glare or radiation which is beyond the normal use of the dwelling or which becomes offensive or obnoxious or creates a nuisance;

- f) Not occupy more than twenty-five percent of the gross floor area of the principal dwelling on the lot;
- g) On lots up to and including 0.4 hectares, be permitted in an accessory structure with a maximum floor area of 200.0 square metres;
- h) On lots greater than 0.4 hectares, be permitted in an accessory structure with a maximum floor area of 400.0 square metres, and, shall
- i) Not include the selling of any goods on the property other than those goods constituting the finished product of the home industry, except that the sale of goods or items over the internet, mail or telephone is permitted, provided that customers do not enter the property to inspect or take possession of goods.

5.18 Home Occupations

5.18.1 General

A home occupation is permitted in any single-detached dwelling, two-unit dwelling and townhouse dwelling in any Zone.

5.18.2 Provisions

Where a home occupation is permitted by this By-law, a home occupation shall not:

- a) Occupy more than a total of twenty-five percent of the gross floor area of the dwelling unit or 28.0 square metres, whichever is lesser;
- b) Permit non-resident employees to be engaged in a home occupation;
- c) Alter the exterior of the dwelling unit by virtue of the operation of a home occupation;
- d) Include the open storage of goods, materials or equipment or display of goods visible from outside the dwelling unit;
- e) Use an accessory building for the home occupation, except for the storage of goods, materials or equipment required for the home occupation, provided that, should a garage area be used for said storage, the required parking for the dwelling unit shall be maintained;
- f) Become offensive or obnoxious or create a nuisance to adjoining properties by reason of increased vehicular traffic or parking, or delivery of goods, materials or equipment, or electrical interference, or emission of odour, dust, smoke, noise, gas, fumes, light, vibration, radiation, or refuse;

- g) Include the sale of any goods on the site other than those goods constituting the finished product of the home occupation;
- h) Include more than a total of two clients, students or customers of the home occupation to be on the premises at any one time.

5.18.3 Exception

A private home day care or babysitting service may be established as a home occupation, and shall not be restricted by Subsection 5.18.2 h).

5.18.4 Prohibited Uses

Without limiting the generality or applicability of the provisions for home occupations, the following uses shall not be considered home occupations:

- a) Kennel;
- b) Veterinary Clinic;
- c) Motor Vehicle Body Shop;
- d) Motor Vehicle Repair Establishment;
- e) Motor Vehicle Dealership;
- f) Motor Vehicle Washing Establishment;
- g) Painting of Vehicles, Trailers or Boats;
- h) Multiple Chair Hairdresser or Barber;
- i) Welding Shop;
- j) Service and Repair Shop for Large Appliances or Commercial and Industrial Equipment; and
- k) Arcade.

5.19 **Minimum Distance Separation – MDS I and II**

The Minimum Distance Separation (MDS) regulations are used to determine an appropriate setback distance between a livestock facility and another land use. The objective is to prevent land use conflicts and minimize nuisance complaints from odour. The minimum distance separation will vary according to a number of variables including type of livestock, size of farm operation, type of manure system and the form of development present or proposed.

5.19.1 MDS I – New Non-Farm Uses

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted within a Zone, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) setback from a livestock facility, calculated using the formulas published by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as may be amended from time to time.

5.19.2 MDS II – New or Expanding Livestock Facilities

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) setback, calculated using the Formulas published by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as may be amended from time to time. Notwithstanding the above, an existing manure storage system which does not meet the MDS II requirements, may be replaced by a more compatible system which results in a reduction in the separation distance required, provided the livestock housing capacity is not increased.

5.20 **Model Homes in Draft Plans of Subdivision**

Notwithstanding any other provisions of this By-law, where a Subdivider's Agreement has been executed (signed) by the owner, more than one single-detached dwelling, two-unit dwelling, street townhouse dwelling, multiple dwelling or apartment dwelling may be constructed on a lot prior to registration of the Plan of Subdivision subject to the following restrictions:

- a) The use shall be permitted in the Zone in which the dwelling is to be located;
- b) Each dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
- c) For the purpose of this Section, a "multiple dwelling: shall only include that form of housing type commonly described as a block or cluster townhouse";
- d) The maximum number of model homes shall not exceed ten percent of the total number of lots intended for single-detached dwellings, two-unit dwellings, street townhouse dwellings, multiple dwellings or apartment dwellings within the Plan of Subdivision proposed for registration, to a maximum of twenty dwelling units;

- e) The model home shall comply with all other provisions of this By-law as though the dwellings and/or units were constructed on the lot within the future registered Plan of Subdivision; and
- f) The model home shall comply with all applicable terms and conditions of the said Subdivider's Agreement.

5.21 Multiple Zones on a Lot

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the permitted uses and Zone regulations of the applicable Zone as if it were a separate lot.

5.22 Municipal Services

5.22.1 Water Services

- a) Except as provided elsewhere in this By-law, all development, including lot creation, must be connected with municipal water services with the exception of the following:
 - i) Development will be permitted with individual private on-site clean and sustainable water capable of serving the proposed development on Agricultural Zoned land.
- b) A private well shall not be permitted as a principal or accessory structure on any lands within the limits of the City where municipal water services are available within the road right-of-way abutting the property, with the exception of the following:
 - i) A well which legally existed prior to the passing of this By-law; or
 - ii) A well which is installed for the purposes of environmental site remediation, water monitoring, or site de-watering; or
 - iii) A well which used for non-Residential purposes other than potable water such as irrigation, cooling, or manufacturing purposes.

5.22.2 Sanitary Services

Except as provided elsewhere in this By-law all development, including lot creation, must be connected with full municipal sanitary services, with the exception of the following:

- a) Development will be permitted on individual on-site sewage services when associated with severances and existing lots in agricultural areas and infilling situations in existing un-serviced developed areas where other

forms of servicing are not feasible, provided it can be demonstrated to the satisfaction of the City that the individual on-site sewage services will not result in an unacceptable level of environmental impact.

5.23 Non-Conforming Buildings and Structures

- a) Nothing in this By-law shall prevent the enlargement, repair, renovation, reconstruction, or structural alteration of a building or structure that existed one day prior to this By-law coming into effect, and which does not conform with the Zone requirements or other requirements of this By-law, provided:
 - i) The enlargement, repair, renovation, reconstruction, or structural alteration does not increase the situation of non-conformity;
 - ii) The enlargement, repair, renovation, reconstruction, or structural alteration does not pose a threat to a public health or safety; and
 - iii) All other applicable provisions of this By-law are complied with.
- b) Legally existing non-conforming buildings shall be deemed to comply with this By-law.

5.24 Non-Complying Lots

A non-complying lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, may be used and buildings erected thereon for purposes permitted in the applicable Zone.

A non-complying lot that existed on the date of passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, may be enlarged by lot addition, and the resultant lot shall be deemed to comply with all of the provisions of this By-law including minimum lot frontage and minimum lot area. All Zone provisions applicable to any existing buildings on the resultant lot shall thereafter be deemed to comply with the provisions of this By-law.

5.25 Non-Conforming Uses

- a) The provisions of this By-law shall not prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purpose, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose. Where the use ceases, the use will be deemed to have been discontinued.

- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition or reconstruction of any building or structure which existed on the date of passing of this By-law, provided that the strengthening, restoration or reconstruction does not increase the building height, size, or volume or change the use of such building or structure, except which minor changes as may be expressly required for the restoration of the building or structure to a safe condition.
- c) 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 twenty-five percent of the existing gross floor area and that such enlargement or extension is in compliance with the Zone the lot is located in; and
 - ii) The erection of any accessory building provided that such accessory building complies with the requirement of Subsection 5.3.

5.26 Partial Destruction to Existing Buildings

A building destroyed to the extent of more than fifty percent of the structure (exclusive of walls below-grade) at the date of damage, and which does not comply with the requirements of this By-law with respect to use, lot occupancy or height, shall not be restored except in conformity with the regulations of the Zone in which the said building is located.

5.27 Patios, Outdoor

Patios are permitted accessory to a place of assembly or restaurant, subject to the minimum yards for the Zone in which it is located. The following additional regulations apply:

- a) Patios are not permitted in any yard abutting a Residential or Institutional Zone;
- b) Patios are not permitted on a balcony on any lot abutting a Residential or Institutional Zone;
- c) Patios shall be not be considered as gross floor area when calculating gross floor area for the use it serves; and
- d) Patios shall not be permitted on a lot in any Industrial Zone abutting a lot in any Residential or Institutional Zone.

5.28 Pergolas

- a) Pergolas attached to the main building, shall meet the yard provisions as determined in each appropriate Zone.
- b) 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 not greater than 3.0 metres in height above-grade.
- c) The size of a pergola shall not exceed five percent of the lot area.

5.29 Planting Strips

5.29.1 Planting Strips Required Abutting Residential Zones

- a) A planting strip shall be required along the portion of the lot line abutting the Residential Zone in the following circumstances:
 - i) Where a lot is used for a non-Residential purpose and the interior side or rear lot line abuts a Residential Zone; or
 - ii) Where such lot is in a non-Residential Zone and the front, side or rear lot line abuts a portion of a street, and where the opposite side of the street abuts a Residential Zone; or
 - iii) Where a lot is used for an apartment dwelling that is equal to or greater than four storeys in height, a planting strip shall be required on any lot line that abuts an RL1 or RL2 Zoned lot. This provision shall not apply to any apartment dwellings that legally existed on the date of the adoption of this By-law.
- b) Where a planting strip is required in accordance with a) above, the planting strip shall have a minimum width of 1.5 metres unless otherwise provided herein, except for points of ingress and egress.
- c) Planting strip referred to in this Section may form part of any landscaped open space required by this By-law.
- d) No accessory use, accessory structure or accessory building shall be permitted to locate within a required planting strip.

5.30 Prohibited Uses

Except where provision is made in the **SCHEDULE "B": SPECIAL EXCEPTION ZONES** of this By-law, no land shall be used and no building or structure shall be erected, located or used in any Zone for any of the following purposes:

- a) Any use which is in contravention of this By-law and which is not a legally non-conforming use or a legally non-complying building or structure;
- b) Any use which is in contravention of the *Environmental Protection Act*, as amended;
- c) Any use which is classified as a health hazard by the *Health Protection and Promotion Act*, as amended, or any regulations thereto;
- d) The manufacturing, processing, use or storage of explosives except in a G1 Zone;
- e) The manufacturing of pesticides, herbicides or fungicides except in a G1 Zone; or
- f) The manufacturing of fertilizer from dead animals or from human or animal waste except in a Rural or Agricultural Zone as part of an agricultural operation.

5.31 Public Uses

- a) Nothing in this By-law shall prevent the use of any land including the erection of buildings or structures as a public use provided by or on behalf of the City of Welland, Regional Municipality of Niagara or Province of Ontario, 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 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.
- b) Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the operation of water works, or sanitary operations, street lighting, cable and telephone lines, railways, and works for the transmission of gas, oil, water or electrical power or energy, provided that any such use, building or structure shall be in substantial compliance with the relevant provision of this By-law.
- c) The provisions of this By-law shall not be construed to limit or interfere with the construction, installation, occupation and maintenance of streets, roadways, water and gas pipelines, mains and conduits, sewers and sewer mains, and electrical transmission lines.
- d) Communications/telecommunications lines, pipelines or accessory structures used to provide regular access and maintenance to any such lines.

5.32 Regulation for Consolidated Lot Development

- a) Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any Zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.
- b) Where a comprehensive Condominium Plan of Subdivision has received Draft Plan Approval, as well as any required Site Plan Approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the Draft Approved Plan of Condominium is to be located, shall be deemed to be one lot for the purpose of applying the provision of the By-law. Zoning By-law provisions shall apply only to the external lot lines of the overall Condominium Plan, not to internal lot lines resulting from the registration of any Condominium phase.

5.33 Roomers and Boarders

Nothing in this By-law shall prevent the keeping of not more than four roomers or boarders in any single-detached dwelling, two-unit dwelling, street townhouse dwelling or multiple dwelling.

5.34 Seasonal Outdoor 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 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:

- a) Is seasonal in nature and does not include a permanent retailing area; and
- b) Is not located within a fire lane, parking or loading spaces required to fulfill the provisions of the 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.

5.35 Seasonal Outdoor Uses

Where permitted by this By-law, a seasonal outdoor use shall be subject to the following provisions:

- a) A seasonal outdoor use shall be prohibited on a vacant lot;

- b) A seasonal outdoor use shall not be located closer than 1.0 metres to any side or rear lot line;
- c) A seasonal outdoor use shall not be located closer to a street line than 3.0 metres; and
- d) A seasonal outdoor use shall not be located within a visibility triangle.

5.36 Setback Requirements Adjacent to a Provincial Highway

- a) Notwithstanding any other provision of this By-law, no person shall erect any building or structure within 14.0 metres of the boundary of a Provincial Highway.
- b) No person shall erect any building or structure without a permit from the Ontario Ministry of Transportation where such building or structure is:
 - i) Located within 45.0 metres of a Provincial Highway; or
 - ii) Located within 10.0 metres from the intersection of any road with a Provincial Highway; or
 - iii) Located within 395.0 metres of a Provincial Highway interchange.

5.37 Setback Requirements Adjacent to Railways

Notwithstanding any other provision of this By-law, a new dwelling on a lot abutting a railway right-of-way shall be setback 30.0 metres from the edge of the railway right-of-way with an intervening 2.5 metre high safety berm.

5.37A Short-Term Rentals are subject to the following regulations:

- a) A short-term rental is subject to licencing in accordance with the City's Short-Term Rentals Licencing By-law.
- b) A short-term rental shall only be permitted in a single-detached dwelling, two-unit dwelling, townhouse dwelling, multiple dwelling, apartment dwelling, and an accessory dwelling unit and shall not contain more than three guest bedrooms.
- c) The short-term rental shall be a secondary use to the principal residential use of a dwelling, and shall maintain the residential character of the dwelling.
- d) A short-term rental may be the principal use in Commercial Zones where residential uses are permitted.
- e) A Short-Term Rental may be the principal use of an accessory dwelling unit in Residential, Institutional, Open Space, and Agricultural Zones where Residential uses are permitted only if the operator is residing on the premises; and
- f) No external display or advertising shall be permitted on the site.

5.38 Sight Triangles

- a) Notwithstanding any other provision of this By-law, within a sight triangle as defined and required by this By-law, no person shall:
 - i) Erect any building, structure, opaque fence or use land within a sight triangle for the purpose of planting or growing of trees, or the planting or growing of hedges or shrubs to a height exceeding 1.0 metre measured from grade at the centreline of the street; and
 - ii) Use land in any sight triangle on a lot for the parking or storage of a vehicle; and
 - iii) For clarity, and without limiting the generality of the foregoing, no person shall use a sight triangle for any driveway, access, stacking lane, parking area or outdoor storage use.
- b) Notwithstanding any other provision of this By-law, a 5.0 metre by 5.0 metre sight triangle shall be required on a corner lot at any at-grade intersection of two or more streets or of a street and a rail line right-of-way.

5.39 Snow Storage Areas

An area equivalent to two percent of parking areas, loading spaces, private streets and driveways shall be required for snow storage for commercial, industrial or institutional uses, and residential uses where four or more parking spaces are required.

5.40 Swimming Pools and Hot Tubs

Notwithstanding any other provisions of this By-law, a private outdoor swimming pool and/or hot tub may only be erected and used in any interior side yard, exterior side yard or rear yard in accordance with the Pool Enclosure By-law, as amended, and the following provisions:

5.40.1 Distance from Lot Line

No person shall locate any part of a private outdoor swimming pool or hot tub, closer than 1.22 metres to any interior, exterior and rear lot line.

5.40.2 Treatment Equipment

Except where such equipment is located within a main or accessory building, no water circulating, heating or treatment equipment shall be located closer than 0.9 metres to any lot line.

5.40.3 Lot Coverage

A private outdoor swimming pool or hot tub shall not be considered part of the lot coverage.

5.40.4 Decks Associated with a Swimming Pool or Hot Tub

The provisions above shall not apply to a deck erected or used in association with a private outdoor swimming pool or hot tub. Decks shall be in accordance with Subsection 5.10.5 of this By-law.

5.41 **Through Lots and Corner Lots**

5.41.1 Through Lots

Where a lot which is not a corner lot has frontage on more than one street, the front yard requirements contained herein shall apply on each street in accordance with the provisions of the Zone or Zones in which such lot is located.

5.41.2 Corner Lots

Where a lot which is a corner lot has frontage on more than two streets, the shorter of the two shall be deemed to be front lot line and subject to the front yard requirements and the remaining street frontage shall be deemed to be the exterior side yard and subject to the exterior side yard requirement provisions of the Zone or Zones in which such lot is located. Where the frontage on both streets is equal, the City may deem any of the lot lines that divide the lot from the street as the front lot line.

5.42 **Use of City Lands**

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.

5.43 **Visual Barriers**

- a) Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres.
- b) Only that portion of a visual barrier consisting of a fence or wall shall have a maximum height of 2.5 metres and shall not be located within 3.0 metres of a street line.

5.44 Wayside Pits and Quarries and Portable Asphalt and Concrete Plants

Wayside pits and quarries and portable asphalt and concrete plants used for public authority contracts are permitted in all Zones without *Planning Act* approvals except in those areas zoned RL1, RL2, RM or RH or in an EP Zone.

SECTION 6 PARKING AND LOADING REGULATIONS

6.1 General Parking and Loading Provisions

6.1.1 Exclusive Use

Any minimum parking space, barrier-free parking space, bicycle parking space, stacking space, and loading space required by this By-law and any driveway or aisle leading to those spaces shall be unobstructed, available and exclusively used for that purpose at all times, unless otherwise specific by this By-law.

6.1.2 More Than One Use on a Lot

The parking space, loading space, barrier-free parking space, bicycle parking space, and stacking space requirements for more than one use on a single lot or for a building containing more than one use shall be the sum total of the requirements for each of the component uses or buildings, unless otherwise permitted by this By-law.

6.1.3 Location of Required Parking

- a) Any required parking space, barrier-free space, and bicycle parking space, required by this By-law in a Residential Zone shall be located on the same lot on which the use is located and are not permitted in the front yard unless it is located on a permitted driveway or parking area.
- b) Any parking space 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.
- c) Any required barrier-free space, bicycle parking space, and loading space required by this By-law shall be located on the same lot on which the use is located.
- d) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line, and subject to a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle.

6.1.4 Calculation and Rounding Provisions

Where the application of any ratio in this part of the By-law results in a fraction of a parking space, barrier free space, or bicycle parking space, the minimum number of spaces required shall be increased to the next highest whole number if the fraction is greater than or equal to 0.5.

6.1.5 Cash-in-Lieu of Parking

Parking spaces, barrier free spaces and bicycle parking spaces required by this By-law for non-Residential uses shall not be required for a lot in any Mixed Use Zone if the City enters into an Agreement with the landowner respecting the payment of cash-in-lieu for some or all of the parking spaces, barrier free parking spaces, bicycle parking spaces, aisles, or driveways required, in accordance with Section 40 of the *Planning Act*, as amended.

6.1.6 Parking Space Dimensions

- a) Parking spaces may be varied in width depending on the angle measured perpendicular to the axis of the access aisle of the space provided. Where an aisle serves two different types of angled parking, which are located across from each other, the largest required access aisle shall be provided. The dimensions of parking spaces and parking space access aisles shall be in accordance with the following:
 - i) Ninety-degree (90°) parking spaces shall be 2.75 metres by 5.5 metres with a minimum 6.0 metres access aisle;
 - ii) Sixty-degree (60°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 5.5 metres access aisle;
 - iii) Forty-five-degree (45°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle;
 - iv) Thirty-degree (30°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle; and
 - v) Parallel parking spaces shall be 6.0 metres by 2.75 metres with a minimum 4.5 metres access aisle.
- b) Where a parking space is located abutting or near a wall, column or other similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a parking space, the minimum width of the parking space shall be increased by 0.3 metres for each side that is obstructed.
- c) The minimum required height clearance for a covered parking space is 2.0 metres.

6.1.7 Surface Treatment

All parking spaces in any Zone shall be provided and maintained with stable surfaces such as asphalt, concrete, interlocking brick, similar hardscape surface or other hard surfaced material sufficient to provide stability, prevent erosion, and be usable in all seasons.

6.1.8 Aisle Width and Access Driveways

- a) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway and shall be arranged so as not to interfere with normal public use of the street or laneway; and
- b) The minimum width of an aisle providing access to a parking space within a parking area is 6.0 metres.
- c) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic; and
- d) In the case of hotels/motels, required parking provided in accordance with Table 6.3 and 6.4 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service.

6.2 **Applicability**

- a) Whenever a new development occurs or whenever an existing development is enlarged, extended or increased in capacity, in accordance with this By-law, off-street vehicle parking and loading spaces shall be provided and maintained on the property and within the Zone for all uses unless otherwise indicated in the specific Zone.
- b) Off-street parking and loading shall be in accordance with Subsection 6.1 - General Parking and Loading Provisions, Subsection 6.3 - All Downtown Zones - Required Parking and Queuing Spaces, Subsection 6.4 - All Zones Except Downtown Zones - Required Parking and Queuing Spaces by Use, and Subsection 6.6 - Loading Spaces.
- c) Additional parking spaces, barrier-free parking spaces, bicycle parking spaces, or stacking spaces shall be provided in accordance with the provisions of this By-law for all uses and all gross floor area on a lot in the following circumstances:
 - i) Where a new building is erected or additional gross floor area is added to a legal or legal non-conforming building existing on the effective date of this By-law; and/or

- ii) Where a change in use occurs that has the effect of requiring the additional spaces identified in Subsection 6.2 b).

6.3 Downtown Zones - Required Parking and Queuing Spaces

No parking and queuing spaces is required for all permitted uses and for dwelling units in buildings containing not more than three dwelling units. For buildings containing four or more dwelling units, one parking space for each dwelling unit above three units shall be required except where a dwelling unit is 50.0 m² in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit.

6.4 All Zones Except Downtown Zones – Required Parking and Queuing Spaces by Use

The minimum required parking and queuing spaces for permitted uses in all Zones, except Downtown Zones permitted by this By-law shall be in accordance with the following Tables.

Table 6.4.1: Residential and Accessory Residential Uses in All Zones Except Downtown Zones - Required Parking Spaces

Column 1	Column 2
Use	Required Number of Parking Spaces
Accessory Dwelling	1 additional tandem parking space
Apartment Dwelling Multiple Dwelling	1 space per unit, except where a dwelling unit is 50.0 m ² in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each such unit and no visitor parking is required
Bed and Breakfast	1 additional parking space per guest room permitted in the front yard
	Where 3 guest rooms are provided, one required parking space is not required to have direct, unobstructed access to a public street
Boarding or Lodging House	0.25 additional space per lodging unit

Column 1	Column 2
Use	Required Number of Parking Spaces
Emergency Shelter, Group Home, Residential Care Facility	1 space for each 5 persons accommodated or designed for accommodation
	Where the building is less than 350.0 m ² in gross floor area:
	i) Up to 3 in tandem parking spaces are permitted;
	ii) Two of the 3 parking spaces may be located in the driveway, and they may be located in a front yard if they are located in the laneway that leads to a required parking space;
	iii) Only one of the 3 parking spaces must have direct access to a public street or public lane by a driveway; and
	iv) Where parking is occurring in-tandem anywhere on the lot, no parking is permitted in the rear yard of the lot.
Detached Dwelling Two-Unit Dwelling Street Townhouse Dwelling	1 space per unit; one of which may be provided in an attached or detached garage
Dwelling Units on the 2nd and 3rd Floor of a 2 or 3 storey commercial building	1 space per unit
Home Day Care	No minimum required
Home Industry	No minimum required
Home Occupation	No minimum required

Column 1	Column 2
Use	Required Number of Parking Spaces
Retirement Home	0.25 spaces per assisted living unit and dwelling unit
Short-Term Rental	0.5 additional parking space per guest room

Table 6.4.2: Commercial Uses in All Zones except Downtown Zones - Required Parking Spaces

Column 1	Column 2
USE	Required Number of Parking Spaces
Adult Entertainment Establishment	1 space per 2 person capacity
Bank; Financial Establishment	1 space for each 50.0 m ² of gross floor area which accommodates such use
Bowling Alley	1 space per lane, not including restaurant
Building and Lumber Supply Establishment; Building or Contracting Supply Establishment	1 space for each 50.0 m ² of gross floor area, which accommodates the office, retail and showroom component of the use
Driving Range/Mini Golf	1.5 spaces per tee or hole
Funeral Home	1 space per 20.0 m ² of gross floor area, 15 spaces minimum
Golf Course	4 spaces for each hole
Hotel/Motel	1 space per guest room or suite
Kennel	1 space per employee plus 1 per 100.0 m ² gross floor area

Column 1	Column 2
USE	Required Number of Parking Spaces
Lodge, Fraternity, Private Club	10 spaces per 100.0 m ² of gross floor area
Motor Vehicle Body Shop, Motor Vehicle Dealership, Motor Vehicle Rental Establishment, Motor Vehicle Repair Establishment,	1 space per 110.0 m ² of gross floor area
	25% of all required parking need not have direct, unobstructed access to a public street
Motor Vehicle Service Station	
Motor Vehicle Washing Establishment	1 space per 30.0 m ² of gross floor area
Movie Theatre	1 space per 4 seats
Office:	
i) Medical Office or Clinic	1 space per 30.0 m ² of gross floor area
ii) Other	1 space per 30.0 m ² of gross floor area
Personal Services	1 space for each 30.0 m ² of gross floor area which accommodates such use
Pet Care Establishment	1 space for each 30.0 m ² of gross floor area which accommodates such use
Place of Assembly	10 spaces per 100.0 m ² of gross floor area
Recreational Establishment	1 space per 30.0 m ² of gross floor area
Restaurant	1 space per 30.0 m ² of gross floor area

Column 1	Column 2
USE	Required Number of Parking Spaces
Retail or Retail Centre	1 space per 30.0 m ² of gross floor area
Service Commercial Establishment	1 space per 30.0 m ² of gross floor area
Tavern/Bar/Pub	1 space per 30.0 m ² of gross floor area
Trucking Operation	1 space for each 30.0 m ² of gross floor area which accommodates the office component of the use
Other Commercial Uses Not Listed Above	1 space for each 30.0 m ² of gross floor area which accommodates such use

Table 6.4.3: Drive-Through Commercial Uses - Required Queuing Spaces

Column 1	Column 2
Use	Minimum Number of Queuing Spaces Required
Motor Vehicle Washing Establishment	Manual: 3 at the entrance and 1 at the bay exit
	Automatic: 5 at the entrance and 2 at the bay exit
Drive-Through Facility	8
In All Other Cases	2

Table 6.4.4: Institutional and Community Uses - Required Parking Spaces

Column 1	Column 2
Use	Required Number of Parking Spaces
Art Gallery, Library, Museum	1 space per 30.0 m ² of gross floor area
Cemetery, Crematorium	1 space per employee plus 1 per 4 seats chapel capacity
Community Centre	1 space per 30.0 m ² of gross floor area
Convent, Monastery	1 space per 4 beds
Day Care Centre	1 space per 50.0 m ² of gross floor area which accommodates such use; except, no additional parking shall be required where a day care centre is located within an educational establishment or place of worship or commercial building
Emergency Service	No minimum requirement
Hospital, Health Care Facility	1 space per 60.0 m ² of gross floor area
Long Term Care Facility	0.25 spaces per bed
Place of Worship	1 space per 5 person capacity for the place of worship area; plus,
	1 space per 30.0 m ² of gross floor area for any additional accessory assembly area

Table 6.4.5: Educational Uses - Required Parking Spaces

Column 1	Column 2
Use	Required Number of Parking Spaces
Elementary School (Public/Private)	1.25 spaces per classroom

Column 1	Column 2
Use	Required Number of Parking Spaces
Secondary School (Public/Private)	2 spaces per classroom not including portables
University, College	The greater of:
	i) 5 spaces for each classroom plus 1 space for every 7 seat capacity in an auditorium, theatre or stadium; or
	ii) 1 space for each 30.0 m ² of the gross floor area

Table 6.4.6: Industrial Uses - Required Parking Spaces

Column 1	Column 2
Use	Required Number of Parking Spaces
Bulk Fuel and Oil Storage	1 space for each 180.0 m ² of gross floor area, which accommodates the office component of the use
Commercial School	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use
Communications Establishment	1 space for each 180.0 m ² of gross floor area which accommodates such use
Contractors' Establishment	1 space for each 180.0 m ² of gross floor area which accommodates such use
Custom Workshop	1 space for each 180.0 m ² of gross floor area which accommodates the office, retail and showroom component of the use

Column 1	Column 2
Use	Required Number of Parking Spaces
Dry Cleaning and Laundry Plant	1 space for each 180.0 m ² of gross floor area which accommodates such use
Heavy Equipment Sales and Service	1 space for each 180.0 m ² of gross floor area which accommodates such use
Heavy Industrial	1 space for each 180.0 m ² of gross floor area
Industrial Administrative Office	1 space for each 180.0 m ² of gross floor area
Laboratory	1 space for each 180.0 m ² of gross floor area
Labour Association Hall	1 space for each 30.0 m ² of gross floor area
Landscape Contracting Establishment	1 space for each 180.0 m ² of gross floor area
Light Equipment/Machinery Sales, Rental and Service Establishment	1 space for each 180.0 m ² of gross floor area which accommodates such use
Light Industrial	1 space for each 180.0 m ² of gross floor area
Motor Vehicle Body Shop	1 space for each 180.0 m ² of gross floor area
Motor Vehicle Dealership	1 space for each 180.0 m ² of gross floor area which accommodates such use
Motor Vehicle Washing Establishment	i) For a self-serve (manual) car wash sufficient space shall be provided on-site to accommodate 3 vehicles in a line commencing at

Column 1	Column 2
Use	Required Number of Parking Spaces
	the entrance of each wash bay and 1 vehicle at the bay exit;
	ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate 5 vehicles in a line commencing at the entrance of each wash bay and 2 vehicles in a line at each bay exit
Private Power Generation Facility	1 space for each 180.0 m ² of gross floor area
Repair Shop	1 space for each 180.0 m ² of gross floor area which accommodates the office, retail and showroom component of the use
Research and Development Establishment	1 space for each 180.0 m ² of gross floor area
Salvage Yard	1 space for each 180.0 m ² of gross floor area which accommodates the office and retail component of the use
Surveying, Engineering, Planning or Design Business	1 space for each 180.0 m ² of gross floor area
Trucking Operation	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use
Warehouse/Public Storage/Wholesaling	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use
Waste Management Facility	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use, plus 1 for each 200.0 m ² of gross floor area

Column 1	Column 2
Use	Required Number of Parking Spaces
	which accommodates the remainder of the use
Other Industrial Uses Not Listed Above	1 space for each 180.0 m ² of gross floor area

6.5 Barrier Free Parking

6.5.1 Number of Barrier Free Parking Spaces

Where ten or more parking spaces are required by Section 6.3 or 6.4 for all uses on a lot, barrier free parking shall be designated and provided as part of the required parking spaces pursuant to Table 6.5.1 unless otherwise specified in the respective Zones.

Table 6.5.1: Barrier Free Parking

Column 1	Column 2
Required Parking Spaces	Minimum Required Designated Barrier Free Parking Spaces
10-50 spaces	1 space
50-100 spaces	2 spaces
100 or more spaces	2 spaces plus for every additional 100 required spaces, 1 additional barrier free space shall be provided

6.5.2 General Provisions for Barrier Free Parking Spaces

- a) Each barrier free parking space shall have a minimum width of 4.5 metres and a minimum length of 5.5 metres.
- b) Where the application of any ratio in this part of the By-law results in a fraction of a barrier free parking space being required, the minimum number of spaces required shall be increased to the next highest whole number.

6.6 Loading Spaces

Where a loading space is provided, the following regulations apply:

- a) A minimum of one off-street loading space shall be provided in conjunction with every principal building, including a mixed use building, but excluding residential buildings less than four storeys high.
- b) The minimum dimensions of a loading space are 3.5 metres in width and 12.0 metres in length, with a minimum vertical clearance of 4.2 metres.
- c) A loading space shall abut the building for which the loading space is provided.
- d) A loading space shall be setback 7.5 metres from any Residential Zone except if it is located entirely within a structure.
- e) A loading space is not permitted:
 - i) In any minimum yard or front yard except where screened from view by a visual barrier; and
 - ii) Between the main wall closest to the flankage lot line and the flankage lot line in a flankage yard; and
 - iii) In a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a visual barrier.

6.7 Bicycle Parking

6.7.1 Number of Required Bicycle Parking Spaces

If a lot is Zoned in a Residential, Mixed Use, Commercial, Industrial or Institutional Zone, bicycle parking shall be provided in accordance with Table 6.7.1:

Table 6.7.1: Minimum Required Bicycle Parking Spaces

Column 1	Column 2
Use	Minimum Required Bicycle Parking Spaces
Residential Uses	
Apartment Dwelling, Multiple Dwelling, Retirement Home	0.25 spaces per dwelling unit

Column 1	Column 2
Use	Minimum Required Bicycle Parking Spaces
Hotel or Motel	1 space per 1,000.0 m ² of gross floor area
Office, Retail Uses	
Office, Retail or Restaurant use with less than 3,000 m ² of gross floor area	1 space per 1,000.0 m ² of gross floor area
Office, Retail, or Restaurant use with over 3,000 m ² of gross floor area	1 space per 1,000.0 m ² of gross floor area
Institutional Uses	
School, Post-Secondary	1 space per 100.0 m ² of gross floor area
Multiple Uses on a Lot	
Where multiple uses are located on a lot in any non-Residential Zone	1 space per 1,000.0 m ² of gross floor area, plus the minimum number of parking spaces for the dwellings
Any other non-Residential Use	1 space per 1,000.0 m ² of gross floor area

6.7.2 General Provisions for Bicycle Parking Spaces

- a) Where the minimum number of bicycle parking spaces calculated in accordance with Table 6.7.1 results in a fraction, the minimum number of bicycle parking spaces shall be rounded up to the next whole number.
- b) Bicycle parking shall be located on the same lot as the use or building for which it is provided.
- c) Bicycle parking may be located within any yard, but not within a visibility triangle.
- d) A maximum of fifty percent of bicycle parking spaces may be located within a required landscaped area.
- e) Bicycle parking spaces shall be a minimum of 0.6 metres by 1.8 metres.

- f) Bicycle parking shall be accessed by an aisle with a minimum width of 1.5 metres.
- g) Any bicycle parking areas and associated aisles shall be located and designed such that they are directly accessible by cyclists from a driveway or parking aisle designed in accordance with the provisions of Subsection 6.1.8.
- h) Bicycle racks shall be provided for bicycle parking on a surface comprised of crushed stone, brick, asphalt or concrete.
- i) The provisions of this Subsection shall only apply to the erection of a new building, redevelopment of a lot, or a change in use.

6.8 Exception for Existing Hospitals and Places of Worship

Notwithstanding Subsection 6.4 - Table 6.4.4 herein, for a hospital or place of worship within any Zone located in all or part of a building existing on the effective date of this By-law:

- a) No parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained; and
- b) The place of worship shall not be required to provide additional parking beyond that required by Subsection 6.4 - Table 6.4.4 of this By-law; and
- c) Where an addition, alteration or expansion of an existing hospital or place of worship building is proposed, the parking requirements of Subsection 6.4 - Table 6.4.4 shall only apply to the increased gross floor area of the building.

6.9 Residential Parking Requirements

6.9.1 Single-Detached, Two-Unit Dwellings

On a lot containing a single-detached dwelling or two-unit dwelling:

- a) The required parking spaces shall be located a minimum distance of 5.5 metres from the street line;
- b) A driveway shall be located so as to lead directly from a street or laneway to a required parking space, either within a garage or outside, with such driveway having a minimum width of 2.7 metres;
- c) The width of a driveway may not exceed the exterior width of an attached garage;

- d) Notwithstanding Subsection 6.9.1 c), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;
- e) Where the driveway is provided in the front yard, all other portions of the front yard shall be a landscaped area;
- f) A maximum of one driveway shall be permitted for each dwelling unit, except in the case of a corner lot where a maximum of one driveway may be permitted from each street frontage; and
- g) On a corner lot, no access driveway shall be permitted through a daylighting triangle;
- h) In the case of a two-unit dwelling, the required parking may be arranged in tandem.

6.9.2 Street Townhouse Dwellings

On a lot containing a street townhouse dwelling:

- a) The required parking spaces for such dwelling shall be located a minimum distance of 5.8 metres from the street line to which the driveway is accessed.
- b) A driveway shall be located to lead directly from a street or lane to a required parking space, either within a garage or outside, and shall have a minimum width of 2.7 metres.
- c) A driveway may be widened to a maximum of seventy-five (75%) of the lot width or 6.0 metres, whichever is the lesser.

6.9.3 Multiple Dwellings and Apartments

On a lot containing a multiple dwelling or apartment dwelling:

- a) With the exception of any visitor parking required by Subsection 6.4 - Table 6.4.1 required parking for apartment dwellings shall not be located between the façade and front lot line. In no case shall any parking be located within 3.0 metres of a street line.
- b) Visitor parking may be permitted between the façade and a street provided that no more than fifty percent of the front yard shall be used for visitor parking and access to such parking.

6.10 Other Vehicles in Residential Zones - Parking Provisions

This Section applies to the parking of the applicable vehicles on any lands used for a single-detached dwelling, two-unit dwelling, or multiple dwelling excluding an apartment, in any Residential Zone.

6.10.1 Commercial Vehicles

- a) Parking in a driveway of one commercial vehicle is permitted provided the commercial vehicle:
 - i) Does not exceed a gross weight of 4,500.0 kilograms;
 - ii) Does not exceed a maximum vehicle length of 6.0 metres; and
 - iii) Does not exceed a maximum vehicle height of 2.3 metres.
- b) The owner or occupant of the building or structure may personally use any accessory building or structure on the lot for the storage of one commercial vehicle in an Agricultural or Rural Zoned lot.

6.11 Commercial Vehicles - Parking and Storage

- a) No commercial vehicle greater than 4,500.0 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.
- b) The owner or occupant of the building may personally use any building which is accessory to the building, for the storage of one commercial vehicle.
- c) No school bus, used as a commercial vehicle, designed for carrying ten or more passengers, shall be parked or stored in a Residential Zone.
- d) Any bus used for place of worship purposes may be parked on the lot on which the place of worship is located.

6.12 Trailers, Recreational Vehicles and Boat Parking and Storage

6.12.1 Vacant Lot

No person shall in any Zone use any vacant lot for the parking or storage of any trailer, mobile home or boat or other recreational vehicle, unless specifically permitted by this By-law.

6.12.2 Private Storage – Outside

No person shall, on a developed lot:

- a) Store or park more than one boat or trailer or other recreational type of vehicle without maintaining at least one legal parking space on the subject site;
- b) Store or park any boat or trailer or other recreational type vehicle that exceeds 10.0 metres in length;
- c) Store or park a boat or trailer or any other recreational type vehicle at any time except:
 - i) During any season of the year, within the rear or interior side yard, on a stable surface such as asphalt, concrete, interlocking brick, similar hardscape surface or other hard surfaced material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water; or
 - ii) From May 15 to October 15 of any year, in a legal parking area, provided the vehicle is a minimum of 5.0 metres from the curb face abutting the street or edge of the paved surface of the street where no street curb exists.
- d) Use a boat, trailer or recreational type vehicle for human habitation unless specifically permitted by this By-law.

6.12.3 Trailer Sales, etc.

Notwithstanding any other provision of this By-law, where the principal use of the lands, building, structure or lot is that of retail or wholesale, repair or reconditioning, seasonal storage for sales purposes as in businesses referred to as recreational vehicles sales and service, parking or storage of said vehicles shall be permitted in accordance with the following:

- a) No trailer shall obstruct any public street, sidewalk or public walkway.
- b) No part of trailer storage or parking area, other than a driveway or access lane, shall be located closer than 3.0 metres to any lot line, or the required building setback from the street line, whichever is lesser.
- c) Planting strip(s) shall be provided for boat or trailer storage or parking areas in accordance with Subsection 5.29.

6.12.4 Trailers, Recreational Vehicles and Boat Storage as Principal Use

Notwithstanding this clause, storage of trailers, boats, and other recreational type vehicles may be permitted as a principal use of a lot in specified Zones subject to all other applicable provisions of this By-law.

6.13 **Parking Structures**

- a) Any part of an enclosed parking structure that projects 1.6 metres or more above-grade shall be subject to the yard requirements of the Zone.
- b) Entrance and exit ramps to below-grade and above-grade parking structures or buildings shall be set back 7.5 metres from a street line.
- c) Below-grade parking structures shall not extend into a required landscape buffer and shall be set back 3.0 metres from all other property lines and street lines.

6.14 **Vehicles Prohibited in Residential and Mixed Use Zones**

The parking and storage of following vehicles are prohibited outside of building on all lots in a Residential and Mixed Use Zone:

- a) More than one unlicensed motor vehicle and vehicles in a wrecked; dismantled, or inoperative condition;
- b) Motor vehicles equipped with more than three (3) axles, excluding space wheels designed to support the vehicle when parked or stored;
- c) Buses;
- d) Vehicles designed to run only on rails;
- e) Farm tractors;
- f) Construction vehicles, except for those needed for construction uses permitted under Subsection 5.7 of this By-law; and

6.15 **Drive-Through Facilities and Queuing/Stacking Spaces**

6.15.1 Minimum Number of Queuing Spaces

Where a drive-through facility is a listed permitted use, and is provided on a site, off-street motor vehicle queuing space must be provided for that drive-through facility leading both to and from each service bay, window, kiosk or booth for the uses specified and at the rate set out in Table 6.15.1.

Table 6.15.1: Minimum Number of Queuing Spaces Required

Column 1	Column 2
Use	Minimum Number of Queuing Spaces Required
Motor Vehicle Washing Establishment	i) For a self-serve (manual) care wash sufficient space shall be provided on-site to accommodate 3 vehicles in a line commencing at the entrance to each wash bay and 1 vehicle at the bay exit;
	ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate 5 vehicles in a line commencing at the entrance to each wash bay and 2 vehicles in a line at each bay exit.
In all other cases	Refer to SECTION 5: GENERAL PROVISIONS, Subsection 5.9 - Drive-Through Facilities

6.16 Tandem Parking

Where an office use, a light or heavy industrial use, a warehouse, a hospital, a funeral home, or a place of worship is required to provide fifty or more motor vehicle parking spaces, ten percent of those required motor vehicle parking spaces need not have direct, unobstructed access to a public street.

6.17 Landscaping Provisions for Parking Lots

Except in the case of an Industrial Zone, a minimum of ten percent of the area of any parking lot, whether a principal or an accessory use, must be provided as perimeter or interior landscaped area comprised of the following:

- a) A landscaped buffer must be provided between the perimeter of the parking lot and a lot line in accordance with Table 6.17.1. A driveway may cross the landscaped buffer.

Table 6.17.1: Minimum Required Width of a Landscaped Buffer of a Parking Lot

Column 1	Column 2	Column 3	Column 4
Location of Landscaped Buffer	For a parking lot containing 10 or fewer spaces	For a parking lot containing more than 10 but fewer than 100 spaces	For a parking lot containing 100 or more spaces
Abutting a Street	1.5 metres	2.0 metres	3.0 metres
Not Abutting a Street	None	1.5 metres	1.5 metres
Abutting a Residential or Institutional Zone	1.5 metres	1.5 metres	1.5 metres

- b) In addition to the landscaped buffer, interior landscaping may be provided including various landscaped islands, landscaped medians, pedestrian pathways or public plazas to meet the minimum ten percent requirement.
- c) All outdoor loading and refuse collection areas contained within a parking lot must be:
 - i) Located at least 3.0 metres from a lot line abutting a public street;
 - ii) Located at least 1.0 metres from any other lot line; and
 - iii) Screened from view by an opaque screen with a minimum height of 2.0 metres; unless the refuse collection system is a specialized partiality semi-underground waste container system.

6.18 Elevation of Garage Entrance in Certain Types of Residential Buildings

A single-detached dwelling, two-unit dwelling, or individual street townhouse dwelling unit in any Residential Zone, where an individual private driveway leads directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street.

SECTION 7 RESIDENTIAL ZONES

The Residential Zones apply to lands designated RESIDENTIAL in the Official Plan.

7.1 Applicable Zones

The Residential Zones established in Section 3 of this By-law apply to lands Zoned:

- RL1 Residential Low Density 1
- RL2 Residential Low Density 2
- RM Residential Medium Density
- RH Residential High Density

7.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 7.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Residential Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 7.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 7.2.1.

Table 7.2.1: Permitted Uses in Residential Zones

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	RL1	RL2	RM	RH
Accessory Dwelling Unit	✓(1)	✓(1)	✓(1)	
Accessory Uses, Buildings and Structures	✓(2)	✓(2)	✓(2)	✓(2)
Apartment Dwelling			✓	✓
Bed and Breakfast	✓(3)	✓(3)		
Boarding and Lodging House			✓	✓

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	RL1	RL2	RM	RH
Day Care			✓	✓
Garden Suite	✓(4)	✓(4)		
Group Home	✓	✓	✓	✓
Home Occupation	✓(5)	✓(5)	✓(5)	✓(5)
Multiple Dwelling		✓	✓	
Retirement Home			✓	✓
Semi-Detached Dwelling	✓	✓		
Short-Term Rental	✓(7)	✓(7)	✓(7)	✓(7)
Single-Detached Dwelling	✓	✓		
Street Townhouse Dwelling		✓	✓	
Townhouse Dwelling (Block)		✓	✓	
Two-Unit Dwelling	✓	✓		
Commercial				
Art Gallery				✓(6)
Pet Shop				✓(6)
Restaurant				✓(6)
Retail Establishment				✓(6)
Grocery Store/Supermarket				✓(6)
Day Care Centre				✓(6)

Footnotes:

- (1) Refer to Section 5.2 - Accessory Dwelling Units
- (2) Refer to Subsection 5.3 - Accessory Uses, Buildings and Structures
- (3) Refer to Section 5.5 - Bed and Breakfast Establishments

- (4) Refer to Section 5.15 - Garden Suites
- (5) Refer to Section 5.18 - Home Occupations
- (6) With a maximum gross floor area of 100.0 m²
- (7) Refer to Section 5.37A – Short-Term Rentals

7.3 Regulations for Residential Zones

The regulations for lots in Residential Zones are set out in Table 7.3.1. No person shall within any Residential Zone use any lot or erect, alter or use any building or structure, except in accordance with the following Zone regulations.

Table 7.3.1: Regulations for Residential Zones

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 11
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
RL1									
Single-Detached	400.0 m ²	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
Two-Unit Dwelling	400.0 m ²	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
Semi-Detached Dwelling	600.0 m ² for each dwelling and 300.0 m ² for each unit	15.0 m for each dwelling and 7.5 m for each unit	4.5 m and 6.0 m (1)	1.2 m (2)	3.0 m	7.5 m	11.0 m (3)	45%	20%
RL2									

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 11
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
Single-Detached	270.0 m ²	9.0 m	4.5 m and 6.0 m (1)	1.0 m	1.0 m	6.0 m	11.0 m (3)	50%	20%
Two-Unit Dwelling	300.0 m ²	12.0 m	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Semi-Detached Dwelling	400.0 m ² for each dwelling and 200.0 m ² for each unit	12.0 m for each dwelling and 6.0 m for each unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Street Townhouse with Garage Facing Front Lot Line	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Street Townhouses with Garage Access from Lane	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Block Townhouse	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 11
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
Multiple Dwelling	540.0 m ²	18.0 m	4.5 m and 6.0 m (1)	2.0 m	2.0 m	6.0 m	11.0 m (3)	50%	20%
RM									
Street Townhouse with Garage Facing Front Lot Line	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Street Townhouses with Garage Access from Lane	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Street Townhouse Unit	162.0 m ² /unit	5.5 m	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Block Townhouse	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Apartment	780.0 m ²	45.0 m	0 m	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%
Boarding and Lodging Group Home	540m ²	15.0 m	4.5 m and 6.0 m (1)	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 11
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
Day Care Centre									
Multiple Dwelling	NA	15.0 m	4.5 m	3.0 m (2)	4.0 m	7.5 m	20.0 m (4)	55%	20%
Retirement Home	NA	15.0 m	4.5 m	3.0 m (2)	6.0 m	7.5 m	20.0 m (4)	55%	20%
RH									
Apartment Dwelling	1000.0 m ²	40.0 m	3.0 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%
Boarding and Lodging Group Home	540.0 m ²	10.0 m	4.5 m and 6.0 m (1)	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%
Day Care Centre	NA	10.0 m	4.5 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%

Footnotes:

- (1) 6.0 m to garage
- (2) No interior side yards are required where the lot line is the dividing line between attached units
- (3) 3 storeys
- (4) 6 storeys
- (5) 8 storeys
- (6) Separation between townhouse blocks

7.4 Additional Regulations

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 8 COMMERCIAL ZONES

The Commercial Zones apply to lands designated INTENSIFICATION AREA, DOWNTOWN, COMMERCIAL, COMMUNITY COMMERCIAL CORRIDOR, COMMUNITY COMMERCIAL NODE, EASTERN APPROACH, REGIONAL SHOPPING NODE and RESIDENTIAL in the Official Plan.

8.1 Applicable Zones

The Commercial Zones apply to lands Zoned:

- DMC Downtown Mixed Use Centre
- RS Regional Shopping Node
- CC1 Community Commercial Node
- CC2 Community Commercial Corridor
- NC Neighbourhood Commercial

8.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 8.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Commercial Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 8.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 8.2.1.

Table 8.2.1: Permitted Uses in Commercial Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Accessory Uses, Buildings and Structures	✓	✓	✓	✓	✓
Art Gallery	✓	✓	✓	✓	✓
Assembly Hall	✓	✓			

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Bed and Breakfast Establishment	✓				✓
Short-Term Rental	✓		✓	✓	✓
Commercial					
Clubs, Private		✓	✓	✓	
Custom Workshop	✓	✓	✓	✓	✓
Department Store	✓	✓	✓		
Drive-Through Establishment		✓	✓	✓(3)	✓(3)
Educational Establishment	✓	✓	✓	✓	
Emergency Service	✓	✓	✓	✓	✓
Financial Establishment	✓	✓	✓	✓	✓
Flea Market	✓	✓			
Food Production	✓	✓	✓	✓	
Funeral Home	✓	✓	✓	✓	
Garden Centre	✓	✓	✓	✓	✓
Grocery Store	✓	✓	✓	✓	
Health Related Retail Use	✓	✓	✓	✓	
Home and Auto Sales and Supply Establishment		✓	✓	✓	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Home Furnishing Establishment	✓	✓	✓	✓	
Home Improvement Establishment	✓	✓	✓	✓	
Home Occupation	✓				
Mini Storage		✓		✓	
Motor Vehicle Sales Dealership		✓	✓	✓(3)	
Motor Vehicle Service Station	✓	✓	✓	✓(3)	
Motor Vehicle Repair Shop		✓	✓	✓	
Motor Vehicle Washing Establishment		✓	✓	✓(3)	
Light Equipment/ Machinery Sales, Rental and Service Establishment		✓	✓	✓	
Outside Display and Sales Area	✓	✓	✓	✓	✓
Parking Lot	✓	✓	✓	✓	
Parking Structure or Garage	✓	✓			
Pet Care Establishment	✓	✓	✓	✓	✓
Pet Shop	✓	✓	✓	✓	✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Place of Entertainment	✓	✓	✓	✓	
Repair Shop	✓	✓		✓	
Research and Development Establishment	✓	✓	✓		
Restaurant	✓(2)	✓	✓	✓	✓
Retail Centre	✓	✓	✓		
Retail Establishment	✓	✓	✓	✓	✓
Sample or Showroom	✓	✓	✓	✓	
School, Commercial	✓	✓	✓	✓	✓
Seasonal Outdoor Use	✓	✓	✓	✓	✓
Service Commercial Establishment	✓	✓	✓	✓	✓
Supermarket	✓	✓	✓		
Veterinary Clinic	✓	✓	✓	✓	✓
Hospitality					
Hotel	✓	✓		✓	
Motel	✓	✓		✓	
Community					
Art Gallery	✓	✓			✓
Community Centre	✓	✓	✓	✓	✓
Community Garden	✓		✓	✓	✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Day Care Centre	✓	✓	✓	✓	✓(3)
Day Care, Home	✓				
Library	✓	✓	✓	✓	✓
Museum	✓	✓	✓	✓	✓
Place of Worship	✓			✓(4)	
Social Services Establishment	✓	✓	✓	✓	
Office					
Medical Office or Clinic	✓	✓	✓	✓	✓
Office	✓	✓	✓	✓	✓
Office, Major Use	✓	✓			
Survey, Engineering, Planning or Design Business	✓	✓	✓	✓	
Recreational					
Athletic/Fitness Establishment	✓	✓	✓	✓	
Park	✓	✓	✓	✓	✓
Recreational Establishment	✓	✓	✓	✓	
Residential					
Block Townhouse				✓	
Boarding or Lodging House	✓			✓	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Dwelling, Accessory Unit	✓				
Dwelling, Apartments	✓(1)		✓	✓	
Dwelling, Converted	✓(1)		✓	✓	
Dwelling, Multiple	✓(1)		✓	✓	
Dwelling,					
Dwelling Units Above Permitted Uses	✓		✓	✓	✓
Emergency Shelter	✓				
Group Home	✓(1)		✓	✓	✓
Long Term Care Facility	✓				
Residential Care Facility	✓				
Retirement Home	✓				
Other					
Fabricating and Processing Establishments		✓			
Warehouse		✓			
Prohibited					
Drive-Through Establishments	✓				
Motor Vehicle Body Shop	✓				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
Motor Vehicle Repair Establishment	✓				
Open Storage	✓				

Footnotes:

- (1) Dwelling units may occupy a maximum of seventy-five percent of the ground floor area of any building in the Downtown Mixed Use Centre Zone. The street front portion of such building shall be used exclusively for non-Residential uses, save and except access to ground floor dwelling units is permitted.
- (2) Drive-through restaurant facilities prohibited along East Main Street, West Main Street and Division Street in the Downtown Mixed Use Centre Zone.
- (3) Permitted only on a lot abutting an arterial road.
- (4) Maximum lot area shall be 2.5 hectares. The maximum percentage of gross floor area permitted to be occupied by a place of worship is fifty-percent of the total gross floor area on the lot.

8.3 Regulations for Commercial Zones

The regulations for lots in Commercial Zones are set out in Table 8.3.1. No person shall within any Commercial Zone use any lot or erect, alter or use any building or structure, except in accordance with the following Zone regulations.

Table 8.3.1: Regulations for Commercial Zones

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 11	Col. 12
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min and max)	Side Yard Interior (min)	Side Yard Exterior (min and max)	Rear Yard (min)	Building Height (max)	Gross Floor Area (max)(1)	Landscaped Area (min)	Lot Coverage (max)
DMC	NA	NA	0 m and 5.0 m	0 m (2)	0 m (2) and 7.5 m	4.5 m	24.0 m (5)	NA	NA	40%
RS	2.0 ha	NA	3.0 m and 17.5 m (2)	0 m (4)	0 m (2) and 17.5 m	7.5 m	24.0 m (5)	NA	15%	40%
CC1	600.0 m ²	NA	0 m and 17.5 m	0 m (2)	3.0 m and 17.5 m (2)	4.5 m	24.0 m (5)	17,187.0 m ²	10%	40%
CC2	NA	NA	0 m and 3.0 m	0 m (2)	3.0 m and NA	3.0 m	24.0 m (5)	NA	15%	50%
NC	0.2 ha	30.0 m	0 m and 7.5 m	0 m (2)	3.0 m and 7.5 m	4.5 m	11.0 m (3)	1,858.0 m ² (6)	10%	30%

Footnotes:

(1) For all permitted Commercial uses on a lot

(2) 4.5 m abutting a lot in any Residential or Institutional Zone

(3) 2 storeys

(4) 7.5 m abutting a lot in any Residential or Institutional Zone

(5) 8 storeys

(6) Refer to City of Welland Official Plan Policy 4.4.2.7.D

8.4 Additional Regulations

8.4.1 Motor Vehicle Service Stations

a) Regulations

Notwithstanding the regulations specified by the Zone where a motor vehicle service station is a permitted use, the regulations identified in Table 8.4.1 shall apply.

Table 8.4.1: Regulations for Motor Vehicle Service Station

Column 1	Column 2
Regulations	Requirements
Lot Width	30.0 m
Lot Coverage	50%
Front Yard or Any Yard Adjacent to a Street	2.0 m to a building, light standard, and sign, and 3.0 m to fuel pump and fuel pump island
Side and Rear Yard Not Abutting a Residential Use	2.0 m
Rear Yard Abutting a Residential Use	7.5 m
Building Height	11.0 m
Convenience Store Gross Floor Area	150.0 m ² maximum
Convenience Store Parking	4.0 spaces per 150.0 m ² of gross floor area

b) Access

Each means of access shall maintain the following requirements:

- i) A width of 7.5 metres measured perpendicular to the centre line of the abutting public street; and
- ii) A maximum of two accesses per street frontage having a minimum separation of 7.5 metres measured along the street line.

8.4.2 Motor Vehicle Washing Establishments

The regulations specified by the Zone in which a Motor Vehicle Washing Establishment use is permitted shall apply in addition to the following:

- a) Front yard and exterior side yard 6.0 metres; except 20.0 metres where car wash bay doors face a street
- b) Where a car wash abuts a Residential Zone the yard abutting the Residential Zone shall be as required by the Zone of the property or 12.0 metres, whichever is greater.
- c) Queuing Lane:
 - i) For a self-serve (manual) car wash sufficient space shall be provided on-site to accommodate three vehicles in a line commencing at the entrance of each wash bay and one vehicle at the bay exit;
 - ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate ten (10) vehicles in a line commencing at the entrance of each wash bay and two vehicles in a line at each bay exit.

8.4.3 Other Applicable Regulations and Sections

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 9 OPEN SPACE ZONES

The Open Space Zones apply to lands designated OPEN SPACE and RECREATION, and WELLAND RECREATIONAL WATERWAY, in the Official Plan.

9.1 Applicable Zones

The Open Space Zones apply to lands Zoned:

- O1 Neighbourhood Open Space Zone
- O2 Community Open Space Zone
- WRW Welland Recreational Waterway

9.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 9.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Open Space Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 9.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 9.2.1.

Table 9.2.1: Permitted Uses in Open Space Zones

Column 1	Column 2	Column 3	Column 4
Permitted Uses	O1	O2	WRW
Accessory Uses, Buildings and Structures	✓(1)	✓(1)	✓(1)
Arena		✓	✓
Band Stand		✓	✓
Botanical Garden		✓	✓
Cemetery		✓	✓
Community Centre		✓	✓
Community Garden		✓	✓

Column 1	Column 2	Column 3	Column 4
Permitted Uses	O1	O2	WRW
Conservation	✓	✓	✓
Flood and Erosion Control Facilities	✓	✓	✓
Forestry, Fish and Wildlife Management	✓	✓	✓
Golf Courses		✓	✓
Marinas, Yacht Club, Boat Liveries		✓	✓
Parks	✓	✓	✓
Passive Recreation Trail	✓	✓	✓
Play-Lots	✓	✓	✓
Parking Area		✓	✓
Recreational Establishment		✓	✓
Recreation, Passive	✓	✓	✓
Shelters/Pavilions	✓	✓	✓
Ancillary Commercial			
Day Care Facility		✓	✓
Outdoor Patio		✓(2)	✓
Place of Assembly		✓	✓
Restaurant		✓	✓
Retail Establishment		✓	✓
Sports Equipment Rental and Sales		✓	✓
Residential			
Accessory Dwelling Unit			✓ (3)
Accessory Uses, Buildings and Structures			✓ (3)

Column 1	Column 2	Column 3	Column 4
Permitted Uses	O1	O2	WRW
Apartment Dwelling			✓ (3)
Bed and Breakfast			✓ (3)
Boarding or Lodging House			✓ (3)
Day Care			✓ (3)
Group Home			✓ (3)
Home Occupation			✓ (3)
Multiple Dwelling			✓ (3)
Retirement Home			✓ (3)
Short-Term Rental			✓ (3)
Street Townhouse Dwelling			✓ (3)
Townhouse Dwelling (Block)			✓ (3)
Two-Unit Dwelling			✓ (3)

Footnotes:

- (1) Refer to Section 5.2 – Accessory Dwelling Units
- (2) Refer to Section 5.27 - Patios, Outdoor
- (3) The provisions of the RM Zone shall apply to medium density development and the provisions of the RH Zone shall apply to high density development

9.3 Regulations for Open Space Zones

The regulations for lots in Open Space Zones are set out in Table 9.3.1. No person shall within any Open Space Zone use any lot or erect, alter or use any building or structure except in accordance with the following Zone regulations.

Table 9.3.1: Regulations for Open Space Zones

Column 1	Column 2	Column 3	Column 4
Regulations	O1	O2	WRW
Required Yards			The provisions of the RM Zone shall apply to medium density development and the provisions of the RH Zone shall apply to high density development
Front Yard Setback (minimum)	6.0 m	7.5 m	
Side Yard Setback (minimum)	6.0 m	7.5 m	
Flankage Yard (minimum)	6.0 m	7.5 m	
Rear Yard Setback (minimum)	6.0 m	7.5 m	
Building Height (maximum)	5.0 m	11.0 m	
Maximum Building Gross Floor Area	100.0 m ² (1)		
Maximum Size for Ancillary Commercial Uses	NA	100.0 m ² (2)	
Landscaped Area (minimum)	25%	25%	
Setback from Water's Edge	15.0 m	15.0 m	

Footnotes:

- (1) The building shall only be used for utility and storage purposes
- (2) Per individual establishment

9.4 Additional Regulations

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS and SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 10 ENVIRONMENTAL OVERLAY ZONES

The Environmental Overlay Zones apply to lands designated as ENVIRONMENTAL PROTECTION AREAS (including Flood Hazards, Valleys and Provincially Significant Wetlands) and ENVIRONMENTAL CONSERVATION AREAS (including other evaluated wetlands, Significant Woodlots, and Significant Wildlife Habitat) in the Official Plan.

10.1 Applicable Zones

The Environmental Overlay regulations apply to lands Zoned:

- HA Hazard Overlay
- EP Environmental Protection Overlay
- EC Environmental Conservation Overlay

10.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 10.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Environmental Overlay Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 10.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 10.2.1.

Table 10.2.1: Permitted Uses in Environmental Overlay Zones

Column 1	Column 2	Column 3	Column 4
Permitted Uses	HA	EP	EC
Agriculture Uses, excluding Buildings	✓	✓(1)	✓(1)
Boat Launching Ramp	✓		
Conservation Use	✓	✓	✓
Docking Facility	✓		
Flood and Erosion Control Facilities	✓	✓	✓

Column 1	Column 2	Column 3	Column 4
Permitted Uses	HA	EP	EC
Forestry, Fish and Wildlife Management	✓	✓	✓
Golf Courses, excluding Buildings	✓		
Park	✓		
Picnic Area	✓		
Playground	✓		
Passive Recreation Trail	✓	✓	✓
Recreation, Passive	✓		

Footnote:

- (1) Existing agricultural uses only, excluding buildings and structures

10.3 Regulations for Environmental Overlay Zones

All lands within a Hazard Overlay Zone, Environmental Conservation Overlay Zone and Environmental Protection Overlay Zone are identified on maps within Schedule “A” with a hatched overlay.

10.4 Regulations for Hazard Overlay Zones

- a) Where a Hazard Overlay Zone is shown on a map forming Schedule “A”, it includes hazards associated with the watercourses (riverine erosion, flooding hazard) and the Welland Recreational Waterway shoreline. Along a watercourse, the Hazard Overlay Zone includes the greater of the stable top of bank for erosion hazards, or the flooding hazard of the watercourse.
- b) Notwithstanding the permitted uses in the applicable underlying Zones shown on a map forming Schedule “A”, where a lot is also subject to a Hazard Overlay Zone, no use, building or structure or any expansion to an existing building or structure shall be permitted unless a permit for development or site alteration is issued by the Niagara Peninsula Conservation Authority.
- c) Uses permitted in Table 10.2.1 may require a permit from the Niagara Peninsula Conservation Authority. Where a permit is used by the Niagara Peninsula Conservation Authority, the requirements of the underlying

Zones shall apply to the extent permitted by the permit issued by the Niagara Peninsula Conservation Authority.

10.5 Regulations for Environmental Protection Overlay Zones

- a) Notwithstanding the permitted uses in the applicable underlying Zones shown on maps within Schedule “A”, where a lot is also subject to an Environmental Protection Overlay Zone, no uses and no building or structures or any expansions to existing buildings or structures shall be permitted until an Environmental Impact Study (EIS), in accordance with the EIS Guidelines, and other studies that may be required by the City, based on approved guidelines or terms of reference, are approved.
- b) The requirement for an EIS may be scoped or waived in accordance with the EIS guidelines.
- c) The uses permitted in Table 10.2.1 may be permitted subject to a scoped EIS in accordance with the EIS guidelines.
- d) The EIS required by Subsection 10.5 a), shall confirm the boundaries of any Natural Heritage Feature or Area within the Environmental Protection Overlay Zone and any required buffer to the Natural Heritage Feature or Area. Where the EIS determines that the boundary is smaller than the Environmental Protection Overlay Zone shown on maps forming Schedule “A”, the lands no longer falling within the boundary of the Environmental Protection Overlay Zone shall be subject to the requirements of the underlying Zone.

10.6 Regulations for Environmental Conservation Overlay Zones

- a) Notwithstanding the permitted uses in the applicable underlying Zones shown on maps within Schedule “A”, where a lot is also subject to an Environmental Conservation Overlay Zone, no uses and no building or structures or any expansions to existing buildings or structures shall be permitted until an Environmental Impact Study (EIS), in accordance with the EIS Guidelines, and other studies that may be required by the City, based on approved guidelines or terms of reference, are approved.
- b) The requirement for an EIS may be scoped or waived in accordance with the EIS Guidelines.
- c) The uses permitted in Table 10.2.1 may be permitted subject to a scoped EIS in accordance with the EIS guidelines.
- d) The EIS required by Subsection 10.6 a), shall confirm the boundaries of any Natural Heritage Feature or Area within the Environmental Conservation Overlay Zone and shall demonstrate that, over the long

term, there will be no significant negative impact on the natural heritage feature or area or its ecological functions from the uses permitted in the underlying Zone.

10.7 Additional Regulations

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 11 INSTITUTIONAL ZONES

The Institutional Zones apply to lands designated INSTITUTIONAL and HEALTH AND WELLNESS in the Official Plan.

11.1 Applicable Zones

The Institutional Zones apply to lands Zoned:

- INS1 Institutional
- INSH Health and Wellness

11.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 11.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Institutional Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 11.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 11.2.1.

Table 11.2.1: Permitted Uses in Institutional Zones

Column 1	Column 2	Column 3
Permitted Uses	INS1	INSH
Institutional		
Accessory Uses, Buildings and Structures	✓(1)	✓(1)
Art Gallery	✓	✓
Community Centre	✓	✓
Community Garden	✓	✓
Cemetery	✓	✓
Day Care Centre	✓	✓
Educational Establishment	✓(2)	✓(3)

Column 1	Column 2	Column 3
Permitted Uses	INS1	INSH
Emergency Service	✓	✓
Health Related Retail		✓
Hospital, Public		✓
Laboratories		✓
Library	✓	✓
Long Term Care Facility	✓	✓
Medical Clinic	✓	✓
Medical Office	✓	✓
Multiple Dwelling		✓
Museum	✓	✓
Office	✓	✓
Park	✓	✓
Place of Worship	✓	✓
Private Club	✓	
Pharmacy		✓
Recreational Establishment	✓	✓
School, Commercial	✓	✓
Scientific or Medical Laboratory		✓
Service Commercial Establishment		✓
Social Services Establishment	✓	✓
Residential		
Accessory Dwelling Units	✓	✓

Column 1	Column 2	Column 3
Permitted Uses	INS1	INSH
Accessory Uses, Buildings and Structures	✓(1)	✓(1)
Apartment Dwelling		✓
Bed and Breakfast Establishment	✓	
Emergency Shelter	✓	✓
Group Home	✓	✓
Home Occupation	✓(4)	✓(4)
Long Term Care Facility	✓	✓
Residential Care Facility	✓	✓
Retirement Home	✓	✓
Short-Term Rental	✓	✓
Single-Detached Dwelling	✓(5)	✓(5)
Street Townhouse Dwelling	✓(5)	✓(5)
Two-Unit Dwelling	✓(5)	✓(5)
Commercial		
Restaurant		✓
Retail		✓

Footnotes:

- (1) For applicable regulations refer to Subsection 5.3 - Accessory Uses, Buildings and Structures
- (2) Except a College or University
- (3) Restricted to a College or University
- (4) For applicable regulations refer to refer to Subsection 5.18 - Home Occupations
- (5) For applicable regulations refer to Residential Low Density 2 - RL2 Zone, Table 7.3.1

11.3 Regulations for Institutional Zones

The regulations for lots in Institutional Zones are set out in Table 11.3.1. No person shall within any Institutional Zone use any lot or erect, alter or use any building or structure, except in accordance with the following Zone regulations.

Table 11.3.1: Regulations for Institutional Zones

Column 1	Column 2	Column 3
Regulations	INS1	INSH
Lot Frontage (minimum)	12.0 m	12.0 m
Lot Area (minimum)	400.0 m ²	NA
Lot Area (maximum)	3,700.0 m ²	NA
Required Yards:		
Front, Side and Rear Yard Setback (minimum)	6.0 m	3.0 m
Building Height (maximum)	14.0 m (4 storeys) in all other cases	24.0 m (8 storeys)
Maximum Lot Coverage	40%	NA
Landscaped Area (minimum)	15%	15%

11.4 Additional Regulations

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 12 INDUSTRIAL ZONES

The Industrial Zones apply to lands designated INDUSTRIAL in the Official Plan.

12.1 Applicable Zones

The Industrial Zones apply to lands Zoned:

- L1 Light Industrial
- G1 General Industrial
- GEC Gateway Economic Centre
- X Aggregate Extraction

12.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 12.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Industrial Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 12.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 12.2.1.

Table 12.2.1: Permitted Uses in Industrial Zones

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	L1	G1	GEC	X
Accessory Uses, Buildings and Structures	✓(1)	✓(1)	✓(1)	✓
Aggregate Extraction Operation				✓
Animal Shelter	✓	✓		
Athletic/Fitness Establishment	✓(2)	✓(2)	✓(2)	
Building or Contracting Supply Establishment	✓	✓	✓	

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	L1	G1	GEC	X
Bulk Storage		✓(3)	✓(3)	✓(3)
Cannabis Production Facility	✓	✓	✓	
Commercial Greenhouse	✓		✓	
Contractor's Establishment	✓	✓	✓	
Custom Workshop	✓	✓	✓	
Day Care Centre	✓(2)	✓(2)	✓(2)	
Dry Cleaning and Laundry Plant	✓	✓		
Existing Adult Entertainment Parlour		✓		
Financial Institution	✓(2)	✓(2)	✓(2)	
Food Production	✓	✓	✓	
Funeral Home including Crematorium	✓	✓		
Generating Plant	✓	✓	✓	
Heavy Equipment Sales, Rental and Service	✓	✓	✓	
Heavy Industrial		✓	✓	
Hotel/Motel			✓	
Laboratories	✓	✓	✓	
Light Equipment/Machinery Sales Rental and Service Establishment	✓	✓	✓	
Light Industrial	✓	✓	✓	

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	L1	G1	GEC	X
Manufacturer Showroom/ Accessory Retail Sales	✓(3)	✓(3)	✓(3)	
Market Garden – Open Air Market	✓	✓		
Medical Office or Clinic			✓(2)	
Motor Vehicle Body Shop	✓	✓		
Motor Vehicle Dealership	✓	✓		
Motor Vehicle Repair Establishment	✓	✓		
Motor Vehicle Service Station	✓	✓		
Motor Vehicle Washing Establishment	✓	✓		
Offices	✓(3)	✓(3)	✓(3)	
Office, Major			✓	
Outside Storage	✓(3)	✓(3)	✓(3)	
Parking Lot	✓	✓	✓	
Place of Assembly	✓	✓		
Printing Establishment	✓	✓	✓	
Propane Transfer Facility	✓	✓	✓	
Repair Shops and Services	✓	✓	✓	
Research and Development	✓	✓	✓	
Restaurant	✓(2)	✓(2)	✓(2)	
School, Commercial	✓	✓	✓	
Service Commercial Establishment	✓(2)	✓(2)	✓(2)	

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	L1	G1	GEC	X
Sleeping Facilities for Occasional Use	✓	✓	✓	
Storage Yard	✓	✓		
Surveying, Engineering, Planning or Design Business	✓(2)		✓(2)	
Technology Industry	✓	✓	✓	
Training Facilities	✓	✓	✓	
Trucking Operation	✓	✓	✓	
Warehouse/Public Storage	✓	✓	✓	
Waste Transfer/Processing/ Recycling Facility	✓	✓		
Wholesale Facility		✓		

Footnotes:

- (1) Refer to Subsection 5.3 - Accessory Uses, Buildings and Structures
- (2) Shall only be permitted as an accessory use in a mixed use building/property.
- (3) Shall only be permitted as an accessory use to a principal use.

12.3 Regulations for Industrial Zones

The regulations for lots in an Industrial Zone are set out in Table 12.3.1. No person shall within any Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the regulations including in the following Table.

Table 12.3.1: Regulations for Industrial Zones

Column 1	Column 2	Column 3
Regulations	L1, G1, GEC	X
Lot Area (minimum)	0 m ²	40 ha

Column 1	Column 2	Column 3
Regulations	L1, G1, GEC	X
Lot Frontage (minimum)	0 m	45.0 m
Front Yard (minimum)	6.0 m	15.0 m
Side Yard (minimum)	0 m	0 m
Rear Yard (minimum)	3.0 m	3.0 m
Yard Abutting a Residential or Institutional Zone (minimum)	3.0 m	90.0 m
Building Height (maximum)	No maximum	15.0 m (1)
Planting Strip		30.0 m
Abutting a Street (minimum)	3.0 m planting strip, except for points of ingress and egress	3.0 m planting strip, except for points of ingress and egress
Abutting a Residential or Institutional Zone (minimum)	3.0 m planting strip	3.0 m planting strip
Fencing	On lands abutting a Residential or Institutional Zone fencing shall be installed along the common boundary and shall have a minimum height of 1.8 m which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.	On lands abutting a Residential or Institutional Zone fencing shall be installed along the common boundary and shall have a minimum height of 1.8 m which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.

Footnotes:

(1) 30 metres for aggregate extraction stockpiles

12.4 Additional Regulations

12.4.1 Motor Vehicle Service Stations

- a) Where a motor vehicle service station is a permitted use by this By-law, the regulations in Table 12.4.1 shall apply.

Table 12.4.1: Regulations for Motor Vehicle Service Station

Column 1	Column 2
Regulations	Requirements
Lot Width (minimum)	38.0 m
Lot Coverage (maximum)	30%
Front Yard or any Yard Adjacent to a Street (minimum)	2.0 m to a building; and 3.0 m for a light standard, sign, fuel pump or fuel pump island
Side and Rear Yard Not Abutting a Residential Use (minimum)	7.5 m
Rear Yard abutting a Residential Use (minimum)	10.0 m
Building Height (maximum)	10.5 m
Convenience Store Gross Floor Area (maximum)	150.0 m ²

- b) Each means of access shall maintain the following requirements;
- i) A width of 7.5 metres measured perpendicular to the centre line of the abutting public street; and
 - ii) A maximum of two accesses per street frontage having a minimum separation of 7.5 metres measured along the street line.

12.4.2 Motor Vehicle Washing Establishments

The regulations specified by the Zone in which a motor vehicle washing establishment use is permitted shall apply in addition to the following:

- a) Front Yard and Exterior Side Yard 6 metres; except 20 metres where car wash bay doors face a street

- b) Where a Car Wash abuts a Residential Zone the Yard Abutting the Residential Zone shall be 12.0 metres;
- c) Queuing Lane:
 - i) For a self-serve (manual) car wash sufficient space shall be provided on-site to accommodate three vehicles in a line commencing at the entrance of each wash bay and one vehicle at the bay exit;
 - ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate ten vehicles in a line commencing at the entrance of each wash bay and two vehicles in a line at each bay exit.

12.4.3 Outdoor Storage

Outdoor storage of materials, equipment, parts, refuse, waste, finished products, unfinished products is not permitted except in accordance with the following regulations:

- a) On lots less than 4.0 hectares in area outdoor storage is not permitted in a front yard.
- b) On lots 4.0 hectares in area or greater outdoor storage is permitted in the front yard but not within the required front yard, provided the outdoor storage area shall be screened from all streets and Residential Zoned lands.
- c) Outdoor storage is not permitted within 18.0 metres of a Residential or Institutional Zone.
- d) All refuse, waste and refuse and waste containers shall be screened such as not to be visible from any street or any Residential Zones.
- e) All outdoor storage areas shall be screened by a solid visual barrier having a minimum height of 1.8 metres and a maximum height of 2.5 metres.

12.4.4 Manufacturer's Showroom/Accessory Retail Sales (Maximum)

A maximum of twenty-five percent of the total gross floor area of the building or 500.0 m² may be used for a manufacturer's showroom/accessory retail sales, whichever is the lesser.

12.4.5 Cannabis Production Facility

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) Must maintain a minimum setback of 15 metres from all lot lines.
- f) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- g) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- h) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act; and
- i) Any building or structure or part thereof used for Cannabis Production Facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Zone;
 - ii. An Institutional Zone
- j) All residents and property owners within 300 metres of the property line of the proposed cannabis production facility must be notified of the proposed site plan including details of their proposed air control system and be provided with a 14 day period to review and comment on the proposed site plan and air treatment control system. Deficiencies shall be addressed by the cannabis production facility prior to approval of the site plan.
- k) The Cannabis production facility must enter into a site plan agreement with the city of Welland that ensures the proposed air treatment control system will be effective in mitigating nuisance odors at the property line which provides a mechanism for the city to enforce mitigation efforts and take action if the mitigation requirements outlined in the agreement are not effective.
- l) The Cannabis production facility must install light control such as shades or other technology to mitigate light emissions from sundown to sunup.

12.4.6 Other Applicable Regulations and Sections

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 13 AGRICULTURAL AND RURAL ZONES

The Agricultural and Rural Zones apply to lands designated AGRICULTURAL, RURAL and RURAL EMPLOYMENT in the Official Plan.

13.1 Applicable Zones

The Agricultural and Rural Zones of this By-law apply to lands Zoned:

- A1 Agricultural
- RR Rural Residential
- RE Rural Employment

13.2 Permitted Uses

Uses permitted in a Zone are noted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 13.2.1. A number(s) following the symbol “✓”, Zone heading or identified permitted use, indicates that one or more special regulations apply to the use noted or, in some cases, to the entire Zone.

No person shall within any Agricultural or Rural Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 13.2.1. Special regulations are listed in the footnotes at the end of the permitted uses in Table 13.2.1.

Table 13.2.1: Permitted Uses in Agricultural and Rural Zones

Column 1	Column 2	Column 3	Column 4
Permitted Uses	A1	RR	RE
Accessory Uses, Buildings and Structures	✓(1)	✓(1)	✓(1)
Accessory Dwelling Unit	✓	✓	
Agriculture	✓	✓	✓
Agri-Tourism	✓(8)		✓
Agriculture-Related Uses	✓		✓
Bed and Breakfast Establishment	✓	✓	✓
Cannabis Production Facility	✓		✓

Column 1	Column 2	Column 3	Column 4
Permitted Uses	A1	RR	RE
Cemetery	✓	✓	
Farm Labour Residence	✓		
Farm Produce/Product Stand	✓	✓	✓
Farm Machinery Sales and Repair			✓
Garden Suite	✓(3)	✓(3)	
Greenhouse	✓		
Group Home	✓	✓	
Home Industry	✓(4)	✓(4)	
Home Occupation	✓(7)	✓(7)	
Kennel	✓		
Landscape Contracting Establishment			✓
Lumber Yards			✓
Market Garden	✓		
Outside Storage (5)	✓		✓
Short-Term Rental	✓	✓	✓
Single-Detached Dwelling	✓(2)	✓	✓(6)
Single-Detached Dwelling (Principal Use on Existing Lot of Record)	✓	✓	
Trucking Operation (Related to Agricultural Uses)			✓
Veterinary Service	✓	✓	✓
Warehousing (Related to Agricultural Uses)	✓		✓

Footnotes:

- (1) Refer for Subsection 5.3 - Accessory Uses, Buildings and Structures
- (2) Permitted as an accessory or secondary use to an agricultural operation
- (3) Refer to Subsection - 5.15 Garden Suites
- (4) Refer to Subsection - 5.17 Home Industries
- (5) Accessory to a permitted principle use
- (6) Permitted as an accessory use to a permitted Rural Employment Use
- (7) Refer to Subsection - 5.18 Home Occupations
- (8) Buildings and Structures used for Agritourism are limited to 250 m² in gross floor area.

13.3 Regulations for Agricultural and Rural Zones

The regulations for lots in Agricultural and Rural Zones are set out in Table 13.3.1. No person shall within any Agricultural or Rural Zone use any lot or erect, alter or use any building or structure except in accordance with the following Zone regulations.

Table 13.3.1: Regulations for Agricultural Rural Zones

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Land-scaping (min)
A1, RR, RE									
Agriculture/Agriculture Related Uses	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	NA	10%	NA
Agri-tourism	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	NA	500m ² (6)	NA
Bed and Breakfast	1.0 ha	30.0 m	10.0 m	3.0 m	4.5 m	7.5 m	11.0 m (1)	20%	NA
Cannabis Production Facility	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	11.0 m (1)	25%	3.0 m (2) (4)
Cemetery	0.4 ha	12.0 m	10.0 m	10.0 m	10.0 m	10.0 m	6.0 m	NA	NA
Farm Labour Residence (3)	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	11.0 m (1)	NA	NA
Farm Machinery Sales and Repair	3.0 ha	30.0 m	10.0 m	10.0 m	10.0 m	10.0 m	11.0 m (1)	25%	3.0 m (4)

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Land-scaping (min)
Greenhouse	40.0 ha	30.0 m	10.0 m	10.0 m	10.0 m	10.0 m	NA	70%	NA
Group Home	0.4 ha	30.0 m	10.0 m	3.0 m	4.5 m	7.5 m	11.0 m (1)	30%	NA
Kennel	2.0 ha	30.0 m	10.0 m	4.5 m	4.5 m	7.5 m	11.0 m (1)	30%	3.0 m (2)
Landscape Contracting	3.0 ha	30.0 m	10.0 m	4.5 m	4.5 m	12.0	11.0 m (1)	25%	3.0 m (2)
Lumber Yard	3.0 ha	30.0 m	10.0 m	4.5 m	4.5 m	10.0 m	11.0 m (1)	25%	3.0 m (4)
Market Garden	40.0 ha	30.0 m	10.0 m	4.5 m	4.5 m	10.0 m	NA	70%	NA
Single-Detached Dwelling	0.4 ha	30.0 m	10.0 m	3.0 m	4.5 m	7.5 m	11.0 m (1)	20%	NA
Veterinary Service	1.5 ha	30.0 m	10.0 m	4.5 m	4.5 m	7.5 m	11.0 m (1)	20%	3.0 m (2)
Warehousing (5)	3.0 ha	30.0 m	10.0 m	15.0 m	15.0 m	12.0 m	11.0 m (1)	25%	3.0 m (4)

Footnotes:

- (1) Three storeys
- (2) Along the front lot line
- (3) Refer to Section 13.4 - Additional Regulations
- (4) Adjacent to lot lines abutting residential dwellings or Zones.
- (5) Secondary to agricultural uses only
- (6) Maximum gross floor area of all buildings/structures devoted to use

13.4 Additional Regulations

13.4.1 Outdoor Storage

- a) Not permitted in any minimum front yard, side yard or flankage yard.
- b) This Subsection does not apply to the storage or parking of agricultural vehicles or equipment.

13.4.2 Small Scale Retailing of Agricultural Products

The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation exclusive of a farm produce/product stand shall be 200.0 square metres.

13.4.3 Minimum Distance Separation

The Minimum Distance Separation formula of the Agricultural Code of Practice for both Agricultural and non-Agricultural uses must be followed.

13.4.4 Farm Labour Residence

- a) A maximum of one farm labour residence shall be permitted on a lot;
- b) Where a farm labour residence is in the form of a temporary detached dwelling or temporary bunk house, the following regulations shall apply:
 - i) Shall be located within 30.0 metres of the farm dwelling
 - ii) Shall have a maximum building height of 11.0 metres;
 - iii) Shall utilize the existing driveway access to the farm dwelling;
 - iv) Any temporary detached dwelling shall have a minimum floor area of 65.0 square metres and a maximum floor area of 115.0 square metres;
 - v) Any temporary bunk house shall have a minimum gross floor area of 65.0 square metres or 8.0 square metres per resident; whichever is greater;
- c) Where a farm labour residence is in the form of an accessory apartment attached to and forming part of the principal farm dwelling, the accessory apartment shall not exceed twenty-five percent of the gross floor area of the principal farm dwelling.

13.4.5 Cannabis Production Facility

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building
- d) Must be equipped with an air treatment control system.
- e) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- f) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- g) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act; and
- h) Any building or structure or part thereof used for Cannabis Production Facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - a. A Residential Use or Zone;
 - b. An Institutional Use

13.4.6 Other Applicable Regulations and Sections

For other applicable regulations and sections refer to **SECTION 4: DEFINITIONS, SECTION 5: GENERAL PROVISIONS** and **SECTION 6: PARKING AND LOADING REGULATIONS.**

SECTION 14 RAILWAY TRANSPORTATION ZONES

The Railway Transportation Zone applies to lands designated RAILWAY in the Official Plan.

14.1 Applicable Zones

The Railway Transportation Zones apply to lands Zoned:

- RT Railway Transportation

14.2 Permitted Uses

No person shall within any Railway Transportation Zone use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than railway lines and accessory uses.

14.3 Regulations for Railway Transportation Zones

- a) Setback for new buildings adjacent to a Rail Transportation RT Zone:
Refer to **SECTION 5: GENERAL PROVISIONS** - Subsection 5.38 - Setback Requirements Adjacent to Railways.
- b) Existing buildings are recognized under the legal non-conforming provision in Subsection 1.8 - Legal Non-Conforming Buildings and Uses of this By-law.

SECTION 15 ENACTMENT OF BY-LAW 2017-117

15.1 Being a By-law to establish a New Comprehensive Zoning By-law pursuant to the Planning Act (File 2015-09)

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of land and the character, location and uses of buildings and structures;

AND WHEREAS it is expedient to rezone those portions of the City of Welland, more specifically shown on those parts of the Schedules, attached hereto and forming part of this By-law;

NOW THEREFORE the Council of the Corporation of the City of Welland enacts By-law 2017-117.

15.2 Replacement of By-law 2667 and By-law 1538 and amendments

- a) By-law 2667 and By-law 1538 for the City of Welland and all amendments thereto, are hereby replaced by this By-law except they will continue to apply to the properties known municipally as 418, 424, and 430 Aqueduct Street; 650, 656, 664, 670, 678, 684, 694, and 698 Niagara; 69, 102, 165 and 158 Primeway Drive; lands at the s/e corner of First Street and Plymouth; 105 First Street; and 114, 142 Second Street be excluded from the By-law.
- b) For the purposed of administering the Transition Provisions of Subsection 2.9 of this By-law, Zoning By-law 2667 and 1538 shall only be repealed three years after the date of enactment of this By-law for all lands within the City of Welland with the exception of properties municipally known municipally as 418, 424, and 430 Aqueduct Street; 650, 656, 664, 670, 678, 684, 694, and 698 Niagara; 69, 102, 165 and 158 Primeway Drive; lands at the s/e corner of First Street and Plymouth; 105 First Street; and 114, 142 Second Street be excluded from the By-law.

15.3 Effective Date

This By-law shall become effective as of the date of passing of this By-law. In the event of appeal, the validity provisions in Section 2.1 shall apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
17TH DAY OF OCTOBER, 2017.

_____MAYOR

_____CLERK

SCHEDULE "A" ZONE MAPS

SCHEDULE "B" SPECIAL EXCEPTIONS