SCHEDULE B: SPECIAL EXCEPTIONS

1. RL2-1

1. The uses permitted in the RL2-1 Zone shall be those permitted in the RL2 Zone.

2. The Zone Provisions for the RL2-1 Zone shall be those provided by the RL2 Zone save and except the following:

Front Yard	Minimum 5.0 metres
Rear Yard	Minimum 6.5 metres

(PART OF SEAWAY HEIGHTS SUBDIVISION)

2. RL2-2

1. The uses permitted and the provisions for the RL2-2 Zone shall be those permitted and provided for in the RL2 Zone save and except as follows:

Minimum Front Yard Setback	5 metres
Maximum Lot Coverage	50%
Minimum Rear Yard Setback (Accessory Structures, including but not limited to: pools, decks, stairs, railings, hot tubs and sheds, subject to Niagara Peninsula Conservation Authority Approval)	4 metres
To allow for the construction of a fence along the rear and side lot lines.	

(6, 16, 24, 32, 40, 48, 56, 64, 74, 82, 90, 98, 106, 114, 130 AND 138 GRETEL PLACE)

3. RL2-3

1. Notwithstanding any other Section of the Zoning By-law, as amended, no person shall erect any building or structure including, but not limited to, swimming pools, tennis courts, gazebos, sheds, accessory buildings or fences on any portion of the subject

property within a setback of 2.0 metres from the southerly lot line.

(PART OF TOWPATH VILLAGE SUBDIVISION)

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4. RM-4

1. The USES permitted in the RM-4 Zone shall be a single-detached, semi-detached, a townhouse, an apartment building.

2. For the purposes of this Zone, the following definition shall apply:

   "Upper Level Platform – A raised, unenclosed platform greater than 1.5 metres in height and less than 2.4 metres in height above grade, excluding guardrails and handrails projecting horizontally from the face of the wall of the main building supported by columns or brackets on the ground."

3. The provisions of the RM-4 Zone shall be those provided in Zoning Provisions Table 1.

4. Notwithstanding Section 5.13 development is permitted on private streets.

5. Notwithstanding Section 5.10 – Encroachments the following shall apply:

   (a) The walking surface of upper level platforms shall be permitted to encroach a maximum of 3.0 metres into the required rear yard;

   (b) Porches/roofed platforms may exceed 75% of the width of the main building;

   (c) Porches/roofed platforms are permitted to encroach a maximum of 2.0 metres into the front yard. In the case of corner lots, such encroachment of porch/roofed platform is not permitted;

   (d) Covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be no closer than 1.0 metre from the front lot line. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted;

6. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in

width, to the street.

7. For street townhouse units with decks in the rear yard, the side yard setback shall be a minimum 0 metres. A maximum 1.8 metre high screening device, measured from grade, may be located between decks in the rear yard.

8. For street townhouse units with porches/roofed platforms in the front yard, the side yard setback shall be a minimum 0 metres except for corner lots.

9. The number of dwelling units per block is as follows:

BLOCK NO.	MINIMUM NO. OF UNITS	MAXIMUM NO. OF UNITS
12	82	280

(NORTH VILLAGE SUBDIVISION, BLOCK 12)

TABLE 1

ZONE	PERMITTED USES	MINIMUM LOT REQUIREMENTS			MINIMUM YARDS (M)					MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE
		FRONTAGE (M)	AREA (M^2)	LANDSCAPED OPEN SPACE	FRONT			SIDE	REAR		
					TO GARAGE	TO MAIN BUILDING	TO PORCH				
RM-4	Single-detached dwellings	11.6	320		6.0	4.5	2.5	0.6 and 1.2	7.0		65%
RM-4 RM-4	Semi-detached dwellings For each Dwelling unit of a semi-detached dwelling	18.0 9	500 250		6.0	4.5	2.5	1.2 Common Wall – 0	7.0		65%
RM-4 RM-4	Street Townhouse For each Dwelling Unit of a Street Townhouse	6.0	180	20%	6.0	4.5	2.5	 End unit - 3.0 Interior Units - 1.2 Common Wall - 0	7.0	12.5	65%
RM-4	Apartment/Condominium Building	0	0	25%		4.5		4.5	4.5	8 storeys	

5. RM-5

1. The uses permitted in the RM-5 Zone shall be a single-detached dwelling, a semi-detached dwelling, a street townhouse.

2. For the purposes of this Zone, the following definition shall apply:

   "Upper Level Platform – A raised, unenclosed platform greater than 1.5 metres in height and less than 2.4 metres in height above Grade, excluding guardrails and handrails projecting horizontally from the face of the wall of the main Building supported by columns or brackets on the ground."

3. The provisions of the RM-5 Zone shall be those provided in Zoning Provision Table 1.

4. Notwithstanding Section 5.13 development is permitted on private streets.

5. Notwithstanding Section 5.10 – Encroachments the following shall apply:

   (a) The walking surface of upper level platforms shall be permitted to encroach a maximum of 3.0 metres into the required rear yard;

   (b) Porches/roofed platforms may exceed 75% of the width of the main building;

   (c) Porches/roofed platforms are permitted to encroach a maximum of 2.0 metres into the front yard. in the case of corner lots, such encroachment of porch/roofed platform is not permitted;

   (d) Covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be no closer than 1.0 metre from the front lot line. in the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted;

6. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in width, to the street.

7. For street townhouse units with decks in the rear yard, the side yard setback shall be a minimum 0 metres. A maximum 1.8 metre high screening device, measured from grade, may be located between

decks in the rear yard.

8. For street townhouse units with porches/roofed platforms in the front yard, the side yard setback shall be a minimum 0 metres except for corner lots.

9. The number of dwelling units per block as shown on the draft approved plan of subdivision is as follows:

BLOCK NO.	MINIMUM NO. OF UNITS	MAXIMUM NO. OF UNITS
2	9	27
3	18	54
4	18	54
5	18	54
7	15	50
9	9	28
11	16	47

(NORTH VILLAGE SUBDIVISION, BLOCKS 2, 3, 4, 5, 7, 9, 11)

TABLE 1

ZONE	PERMITTED USES	MINIMUM LOT REQUIREMENTS			MINIMUM YARDS (M)					MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE
		FRONTAGE (M)	AREA (M^2)	LANDSCAPED OPEN SPACE	FRONT			SIDE	REAR		
					TO GARAGE	TO MAIN BUILDING	TO PORCH				
RM-5	Single-detached dwellings	11.6	320		6.0	4.5	2.5	0.6 and 1.2	7.0		65%
RM-5	Semi-detached dwellings	18.0	500		6.0	4.5	2.5	1.2	7.0		65%
RM-5	For each Dwelling unit of a semi-detached dwelling	9	250					Common Wall – 0	7.0		65%
RM-5	Street Townhouse	6.0	180	20%	6.0	4.5	2.5		7.0	12.5	65%
RM-5	For each Dwelling Unit of a Street Townhouse							End unit - 3.0 Interior Units - 1.2 Common Wall - 0			

6. RM-6

1. The uses permitted in the RM-6 Zone shall be a single-detached dwelling, a semi-detached dwelling, a street townhouse.

2. For the purposes of this zone, the following definition shall apply:

   "Upper Level Platform – A raised, unenclosed platform greater than 1.5 metres in height and less than 2.4 metres in height above grade, excluding guardrails and handrails projecting horizontally from the face of the wall of the main building supported by columns or brackets on the ground."

3. The provisions of the RM-6 Zone shall be those provided in Zoning Provisions Table 1.

4. Notwithstanding Section 5.13 development is permitted on private streets.

5. Notwithstanding Section 5.7 – Encroachments the following shall apply:

   (a) The walking surface of upper level platforms shall be permitted to encroach a maximum of 3.0 metres into the required rear yard;

   (b) Porches/roofed platforms may exceed 75% of the width of the main building;

   (c) Porches/roofed platforms are permitted to encroach a maximum of 2.0 metres into the front yard. in the case of corner lots, such encroachment of porch/roofed platform is not permitted;

   (d) Covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be no closer than 1.0 metre from the front lot line. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

6. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in width, to the street.

7. For street townhouse units with decks in the rear yard, the side yard setback shall be a minimum 0 metres. A maximum 1.8 metre high

screening device, measured from grade, may be located between decks in the rear yard.

8. For street townhouse units with porches/roofed platforms in the front yard, the side yard setback shall be a minimum 0 metres except for corner lots.

9. The number of dwelling units per block is as follows:

BLOCK NO.	MINIMUM NO. OF UNITS	MAXIMUM NO. OF UNITS
10	15	45

(NORTH VILLAGE SUBDIVISION, BLOCK 10)

TABLE 1

ZONE	PERMITTED USES	MINIMUM LOT REQUIREMENTS			MINIMUM YARDS (M)					MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE
		FRONTAGE (M)	AREA (M^2)	LANDSCAPED OPEN SPACE	FRONT			SIDE	REAR		
					TO GARAGE	TO MAIN BUILDING	TO PORCH				
RM-6	Single-detached dwellings	11.6	320		6.0	4.5	2.5	0.6 and 1.2	6.0		65%
RM-6	Semi-detached dwellings	18.0	500		6.0	4.5	2.5	1.2	6.0		65%
RM-6	For each Dwelling unit of a semi-detached dwelling	9	250					Common Wall – 0	6.0		65%
RM-6	Street Townhouse	6.0	180	20%	6.0	4.5	2.5		6.0	12.5	65%
RM-6	For each Dwelling Unit of a Street Townhouse							End unit - 3.0 Interior Units - 1.2 Common Wall - 0			

7. **RL1-7**

1. The Zone Provisions of the RL1-7 Zone shall be those required in the RL1 Zone, with the westerly lot line designated as the front lot line. Notwithstanding the foregoing, the existing front yard setback of 3.9 metres for the most southerly residential dwelling **(72 Milkweed Trail)** shall be the required front yard setback.

2. That notwithstanding Sections 5.22, residential development will be permitted on private water and sanitary services which are ultimately connected to a municipal system.

(72, 86 AND 100 MILKWEED TRAIL)

8. **RL1-8**

1. That the provisions of the RL1-8 Zone shall be those provided for in the RL1 Zone with the westerly lot line designated as the front lot line.

(136 AND 188 MILKWEED TRAIL)

9. **RL1-9**

1. The Zone Provisions for the RL1-9 ZONE shall be those provided by the RL1 ZONE save and except the following:

Front Yard	Minimum 5.0 metres
Rear Yard	Minimum 6.5 metres

(PART OF SEAWAY HEIGHTS SUBDIVISION)

10. **RL2-10**

1. The Zone Provisions for the RL2-10 Zone shall be those of the RL2 Zone with the exception that the minimum exterior side yard requirements for semi-detached buildings will be 1.5 metres.

(JACKSON COURT WEST, JEFFERSON COURT WEST, SEAWAY HEIGHTS SUBDIVISION; PART OF TOWPATH VILLAGE 59M-230)

11. **RL2-11**

1. The uses permitted and the provisions for the RL2-11 Zone shall be those permitted and provided for in the RL2 Zone save and except as follows:

(a) Notwithstanding any other Section of the Zoning By-law, as amended, no person shall erect any building or tennis courts, gazebos, sheds, accessory buildings or fences on any portion of any property within a setback of 7.0 metres from the easterly rear property line.

(PART OF TOWPATH VILLAGE SUBDIVISION - 78-104 BRITANNIA AVENUE)

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12. RL1-12

1. Notwithstanding any other Section of this Zoning By-law, as amended, no person shall erect any building or structure including, but not limited to, swimming pools, tennis courts, gazebos, sheds, accessory buildings or fences on any portion of any property within a setback of 5.0 metres from the rear property line.

(PART OF TOWPATH VILLAGE SUBDIVISION - 110 BRITANNIA AVENUE)

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13. GEC-13

1. That the uses permitted in the GEC-13 Zone shall be those in the GEC Zone and a Motor Vehicle Body Shop, Motor Vehicle Dealership, Motor Vehicle Repair Establishment, Motor Vehicle Service Station, Motor Vehicle Washing Establishment.

2. That the provisions of the GEC-13 Zone shall be as follows:

Minimum Lot Area	0.9 hectares
Minimum Lot Frontage	50 metres
Minimum Front Yard	10 metres
Minimum Side Yard	10 metres
Minimum Rear Yard	10 metres
Minimum Landscaped Open Space	15 percent
Maximum Lot Coverage	40 percent
Outside Storage	Outside storage shall not exceed 50 percent of the gross floor area of any main building, shall be located only in the rear yard and shall be screened from public view and from abutting

lands.

(NIAGARA CENTRE LAND DEVELOPMENT LIMITED)

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14. GEC-14

1. That the uses permitted in the GEC-14 Zone shall be those in the GEC Zone and the following:

   Motor Vehicle Washing Establishment only ancillary to a Motor Vehicle Service Station

   Motor Vehicle Service Station

   Convenience Store with a maximum footprint of 120 square metres, only ancillary to an Motor Vehicle Service Station

2. That the provisions of the GEC-14 Zone shall be as follows:

Minimum Lot Area	1.4 hectares
Minimum Lot Area For Automobile Service Station	0.5 hectares
Minimum Lot Frontage	60 metres
Minimum Front Yard	10 metres
Minimum Side Yard	10 metres
Minimum Rear Yard	10 metres
Minimum Landscaped Open Space	15 percent
Maximum Lot Coverage	40 percent

(652 RIVER ROAD)

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15. RL2-15

1. That the provision of the RL2-15 Zone shall be those provided for in the RL2 Zone, save and except the following:

Minimum Number of Dwelling Units	54
Maximum Lot Coverage (Blocks 4 and 6)	60%

2. That the 0.3 metre increase in parking space width where abutting a wall is not required for townhouse dwellings

(SPARROW MEADOWS PHASE 7)

16. Reserved

17. Reserved

18. RM-18

1. The provisions for the RM-18 Zone shall be those provided for in the RM Zone save and except as follows:

   i. The maximum lot coverage for interior townhouse units shall be 55% and the maximum lot coverage for the whole of a townhouse block shall be 45%;

2. Notwithstanding Section 5.10 - Encroachments of By-law 2667 a privacy screen/wall with foundation may protrude a maximum of 2 metres into the required rear yard.

(SOUTH SIDE MORRIS TRAIL, LOTS 18-29, 54-83, PLAN 59M-269, ST. ANDREWS TERRACE SUBDIVISION)

19. RM-19

1. The provisions for the RM-19 Zone shall be those in the RM Zone save and except as follows:

Minimum Rear Yard	7.0 metres
Maximum Lot Coverage	60% for dwelling unit Porches/roofed platforms shall be excluded from the calculation of lot coverage

2. Notwithstanding Section 5.13 development is permitted on private streets.

3. Notwithstanding Section 5.10 of the Zoning By-law, as amended, porches/roofed platforms are permitted to encroach a maximum of 1.8 metres into the front yard on 50% of the dwelling units only, with no more than two (2) dwelling units in a row being permitted such encroachment. In the case of corner lots, such encroachment of the porch/roofed platform is

not permitted.

4. Notwithstanding Section 5.10 of the Zoning By-law, as amended, covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be located no closer than 1.0 metre from the front lot line on all lots except corner lots. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

(GALLOWAY TRAIL, EAST OF PERTH TRAIL)

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20. **RM-20**

1. That the provisions of the RM-20 Zone shall be those in the RM Zone save and except as follows:

Maximum Building Height	12.5 metres	12.5 metres
Minimum Landscaped Open Space	20%	20%
Maximum Lot Coverage	60%	60%

2. Notwithstanding Section 5.10 of the Zoning By-law, as amended, porches/roofed platforms are permitted to encroach a maximum 2.0 metres into the front yard. In the case of corner lots, such encroachment of PORCH/roofed platform is not permitted.

3. Notwithstanding Section 5.10 of the Zoning By-law, as amended, covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be located no closer than 1.0 metre from the front lot line on all lots except corner lots. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

4. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in width, to the street.

(CENTRAL VILLAGE SUBDIVISION - WEST OF WELLAND BY-PASS CANAL, EAST OF LOCHNESS GOLF COURSE)

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21. **RL2-21**

1. That the provisions of the RL2-21 Zone shall be those in the RL2 Zone save and accept as follows:

   SINGLE DETACHED DWELLING

Rear Yard	Minimum 6.0 metres
Side Yard	Minimum one side 1.2 metres and minimum 0.6 metres on the other side

   STREET TOWNHOUSE

Height	Maximum 12.5 metres

2. Notwithstanding Section 5.10 of the Zoning By-law, as amended, porches/roofed platforms are permitted to encroach a maximum 2.0 metres into the front yard. In the case of corner lots, such encroachment of porch/roofed platform is not permitted.

3. Notwithstanding Section 5.10, covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be located no closer than 1.0 metre from the front lot line on all lots except corner lots. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

4. That the number of dwelling units per block as shown on the Approved Draft Plan of Subdivision shall be as follows:

BLOCK NO. (DRAFT PLAN)	MINIMUM NO. OF DWELLING UNITS	MAXIMUM NO. OF UNITS
1	9	20
2	8	11
3	8	11
4	20	25
5	8	11
6	8	11
7	14	23
8	9	9

9	9	9
10	9	9
11	9	9
12	7	15

(CENTRAL VILLAGE SUBDIVISION - WEST OF WELLAND BY-PASS CANAL, EAST OF LOCHNESS GOLF COURSE, BLOCK 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)

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22. **RL2-22**

1. The provisions for the RL2-22 Zone for single-detached dwellings and triplexes shall be those provided in the RL2 Zone, save and except as follows:

2. Porches shall be excluded from the calculation of lot coverage.

3. Notwithstanding Section 5.13 development is permitted on private streets.

4. Notwithstanding Section 5.10 of the Zoning By-law, as amended, porches are permitted to encroach a maximum of 1.8 metres into the front yard for single-detached dwellings and freehold triplex units. In the case of corner lots, such encroachment of the porch is not permitted.

5. Notwithstanding Section 5.10 of the Zoning By-law, as amended, covered or uncovered steps/stairs that are used to provide access from the ground to the porch, permitted as an encroachment, shall be located no closer than 1.0 metre from the front lot line on all lots except corner lots. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

(NORTH OF DAIMLER PARKWAY, EAST OF PERTH TRAIL)

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23. **RL2-X23**

1. Notwithstanding Section 5.13 development is permitted on private streets.

(ST. ANDREWS TERRACE)

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24. **RL2-24**

1. The provisions for the RL2-24 Zone shall be those provided for in the RL2 Zone save and except as follows:

Minimum Lot Frontage	13.4 metres
Minimum Front Yard Setback	3.5 metres
Minimum Rear Yard Setback	7.5 metres
Minimum Side Yard Setback	1.2 metres

(360 NIAGARA STREET)

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25. RL1-25

1. The provisions for the RL1-25 Zone for the permitted use shall be as follows:

Minimum Lot Frontage	14 metres
Minimum Lot Area	420 square metres
Minimum Front Yard	4.5 metres to dwelling unit
	6.0 metres to attached garage
Minimum Interior Side Yard	1.25 metres
Minimum Rear Yard	7.0 metres
Maximum Lot Coverage	50%
	Porches/roofed platforms shall be excluded from the calculation of lot coverage

2. Notwithstanding Section 5.13 development is permitted on private streets.

3. Notwithstanding Section 5.10 of the Zoning By-law, as amended, porches/roofed platforms are permitted to encroach a maximum of 1.8 metres into the front yard on 50% of the dwelling units only, with no more than two (2) dwelling units in a row being permitted such encroachment. in the case of corner lots, such encroachment of the porch/roofed platform is not permitted;

4. Notwithstanding Section 5.10 of the Zoning By-law, as amended, covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be located no closer than 1.0 metre from the front lot line on all lots except corner lots. In the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted.

(GALLOWAY TRAIL, EAST SIDE OF PERTH TRAIL)

26. NC-26 – DELETED PER MOS – OLT CASE NO.: PL200293

~~The uses permitted in the NC-26 Zone shall be the following: golf course, club house, pro shop, restaurant, platform tennis courts and accessory uses.~~

~~The provisions for the NC-26 Zone shall be those provided for in the NC Zone.~~

~~***(289 DAIMLER PARKWAY)***~~

27. CC1-27

1. That the uses permitted in the CC1-27 Zone shall be those in the CC1 Zone and home improvement store; retail sale of home supplies, furniture and accessories; garden centre; small equipment rentals in association with other permitted uses; and outside display areas.

2. That notwithstanding Section 6.4 of the Zoning By-law, as amended, the Minimum required PARKING SPACES for a BUILDING with an area of 3,450 square metres shall be 89.

3. That notwithstanding Section 6.1.8 of the Zoning By-law, as amended, the minimum aisle width for 2.7 metre wide, 90^{o} parking spaces located within the front yard (east) shall be 6.7 metres.

(693 SOUTH PELHAM ROAD)

28. RM-28

1. The provisions for the RM-28 ZONE shall be those in the RM Zone save and accept as follows:

Minimum Lot Frontage	0 metres
Minimum Lot Area	2,840 square metres
Minimum North Yard Setback	7.5 metres
Minimum East Yard Setback	3.0 metres
Minimum South Yard Setback	7.5 metres
Minimum West Yard Setback	3.0 metres
Minimum Landscaped Open Space	40 percent
Maximum Lot Coverage	40 percent

Minimum Gross Floor Area Per Unit 65 square metres

2. That notwithstanding any other Section of the Zoning By-law:

   (a) The subject lands may exist as a lot without frontage on a street;

   (b) A building(s) or structure(s) may be erected and used on the subject lands;

   (c) Access to the subject lands will be by way of a permanent easement over the adjoining lands to the west;

   (d) A total of one (1) parking space per dwelling unit shall be provided on the subject lands with an additional minimum of four (4) parking spaces being provided, through a long term lease, on the adjacent property to the west.

   (e) A closed board fence shall not be required between the subject lands and the lands to the west as a buffer for the parking area.

(658 SOUTH PELHAM ROAD)

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29. RL2-29

1. That the provisions of the RL2-29 Zone shall be those provided for in the RL2 Zone save and except as follows:

SINGLE-DETACHED DWELLING

Lot Frontage	Minimum 24 metres measured along the south lot line
North Yard	Minimum 7.5 metres
South Yard	Minimum 6.0 metres
East Yard	Minimum 3.0 metres
West Yard	Minimum 7.5 metres

SEMI-DETACHED DWELLING WITH MAIN ENTRANCE FACING SOUTH

REGULATIONS FOR A SEMI-DETACHED DWELLING	REGULATIONS FOR EACH DWELLING UNIT OF A SEMI-DETACHED DWELLING
Lot Frontage - Minimum 18 metres measured along the south lot line	Minimum 12 metres measured along the south lot line for westerly unit

	Minimum 6 metres measured along the south lot line for easterly unit
North Yard	Minimum 7.5 metres
South Yard	Minimum 6.0 metres
East Yard	Minimum 3.0 metres
West Yard	Minimum 1.5 metres
Common Wall	0 metres

SEMI-DETACHED DWELLING WITH MAIN ENTRANCE FACING EAST

REGULATIONS FOR A SEMI-DETACHED DWELLING	REGULATIONS FOR EACH DWELLING UNIT OF A SEMI-DETACHED DWELLING
Lot Frontage – Minimum 10 metres measured along the south lot line	Minimum 10 metres measured along the south lot line for southerly unit Street Frontage – 0 metres for northerly UNIT
North Yard	Minimum 1.5 metres
South Yard	Minimum 5.0 metres
East Yard	Minimum 3.0 metres
West Yard	Minimum 7.5 metres
Common Wall	0 metres

2. Access for the northerly unit must be through a permanent Easement/Right-of-Way over the southerly unit.

3. Notwithstanding Section 5.10 Encroachments, a porch and balcony may project 1.5 metres in the east yard.

(NORTH SIDE OF MCCORMICK STREET, WEST OF WELLAND RECREATIONAL WATERWAY)

30. RM-30

1. The provisions for the RM-30 Zone shall be those provided for in the RM Zone save and except as follows:

APARTMENT

Minimum Lot Frontage	17 metres
Minimum Lot Area	530 square metres
Minimum Front Yard Setback	6.0 metres
Minimum Rear Yard Setback	7.5 metres
Minimum North Side Yard Setback	2.4 metres
Minimum South Side Yard Setback	0.8 metres
Maximum Lot Coverage	40%

2. Notwithstanding Section 5.3.2 of the Zoning By-law, the minimum south side yard setback for the existing accessory building (garage) shall be 0.8 metres.

3. Notwithstanding Section 6.4 of the Zoning By-law, the existing fourplex shall have a minimum of 4 required parking spaces.

(284 NIAGARA STREET)

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31. RL2-31

1. The provision for the RL2-31 Zone shall be those of the RL2 Zone and the following:

Triplex

Minimum Lot Frontage	21 metres
Minimum Lot Area	665 square metres
Minimum Front Yard Setback	6 metres
Minimum North Side Yard	1.69 metres
Minimum South Side Yard	2.4 metres
Minimum Rear Yard	6.96 metres

2. Notwithstanding Section 5.3.2 of the Zoning By-law, as amended, the following provisions shall apply:

	3 CAR GARAGE (ACCESSORY BUILDING)	**SHED (ACCESSORY**

BUILDING)

Minimum East Yard Setback	0.0 metres	0.81 metres
Minimum South Yard Setback	0.01 metres	

(262 NIAGARA STREET)

32. **CC2-32**

1. Notwithstanding the lot frontage requirement of Section 5.13 of the zoning by-law, as amended, the lot has no frontage on a public road.

(144A THOROLD ROAD)

33. **RL2-33**

1. That the uses permitted in the RL2-33 Zone shall be those in the RL2 Zone and a parking lot.

(207 ROSS STREET)

34. **RM-34**

1. That the provisions of the RM-34 Zone shall be those provided for in the RM Zone save and except the following:

   Maximum Lot Coverage 59%

2. Notwithstanding the any provisions of the Zoning By-law, as amended, one parking space is permitted in the front yard.

(WEST SIDE OF SOUTH PELHAM ROAD, SOUTH OF FITCH STREET)

35. **RL2-35**

1. That the provisions of the RL2-35 Zone shall be those provided for in the RL2 Zone save and except the following:

   Minimum Number of Dwelling Units Across Lots 1-21 and 32-61 Plan 59M-429 51

(SPARROW MEADOWS ESTATES LOTS 1-21, 32-61, PLAN 59M-429)

36. **RL2-36**

1. That the provisions of the RL2-36 Zone shall be those provided for in the RL2 Zone save and except the following:

   Minimum Number of Dwelling Units 20

(SPARROW MEADOWS ESTATES BLOCK 82)

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37. RM-37

1. That the provision of the RM-37 Zone shall be those provided for in the RM Zone save and except the following:

   Minimum Number of Dwelling Units 16

2. That the 0.3 metre increase in parking space width where abutting a wall is not required for townhouse dwellings.

(SPARROW MEADOWS ESTATES LOTS 22-31 AND BLOCK 85)

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38. NC-38

1. That the uses permitted in the NC-38 Zone be those permitted in the NC Zone and the NC Zone and a motor vehicle service station.

(SPARROW MEADOWS ESTATES BLOCKS 89 AND 90)

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39. RM-39

1. Notwithstanding any Section of the Zoning By-law a deck may be setback 0 metres from the side lot line.

2. Notwithstanding any Section of the Zoning By-law a screening device may be located 0 metres from both side lot lines and shall be no greater than 3.0 metres in height above grade with an overall aggregate area for each screening device of no larger than ten (10) square metres.

3. Notwithstanding any Section of the Zoning By-law where a main building is erected upon a corner lot with its main front entrance facing the flank of such lot, such main building shall be deemed to have one front yard setback, on the street upon which such lot fronts and a 1.2 metre setback on the street upon which said lot flanks.

4. Notwithstanding any Section of the Zoning By-law where a main building is erected upon a corner lot with its main front entrance facing the front of such lot, such main building shall have a front yard as required in this by-law, but the width of the side yard facing the street upon which the lot flanks shall be 1.2 metres.

5. Notwithstanding the maximum lot coverage of 60% of the area of the lot, porches and roofed platforms are excluded from the calculation of lot coverage.

(VANIER ESTATES SUBDIVISION)

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40. **RL2-40**

1. Notwithstanding Section 5.12.2 of the Zoning By-law, a screening device may be located 0 metres from both side lot lines and shall be no greater than 3.0 metres in height above grade with an overall aggregate area for each screening device of no larger than ten (10) square metres.

2. Notwithstanding Section 5.10 of the Zoning By-law, a porch may encroach into any rear yard setback by a maximum of 3.0 metres.

3. Notwithstanding Section 6.9 of the Zoning, a driveway or parking area within the front yard or exterior side yard shall not exceed 60% of the width and/or area of such front yard or exterior side yard.

4. Notwithstanding any provision of the Zoning By-law, where a main BUILDING is erected upon a corner lot with its main front entrance facing the flank of such lot, such main building shall be deemed to have one front yard setback, on the street upon which such lot fronts and a 1.2 metre setback on the street upon which said lot flanks.

5. Notwithstanding the maximum lot coverage of 60% of the area of the lot, porches and roofed platforms are excluded from the calculation of lot coverage.

(VANIER ESTATES SUBDIVISION)

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41. **RH-41**

1. That the uses permitted in the RH-41 Zone shall be those in the RH Zone and an accessory dwelling unit, two-unit dwelling, street townhouse and block townhouse.

(200 WEST MAIN STREET)

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42. **RM-42**

1. The provisions for the RM-42 Zone shall be those provided for in the RM Zone save and except as follows:

   Minimum Front Yard Setback 1.6 metres

Minimum East Side Yard Setback	2.4 metres
Minimum West Side Yard Setback	0.4 metres

2. Notwithstanding Section 5.3.2 of the Zoning By-law, the minimum south SIDE yard setback for the existing accessory building shall be 0.3 metres.

3. Notwithstanding Section 6.40 of the Zoning By-law, the existing triplex shall have a minimum of 2 required parking spaces.

(35 ELGIN STREET)

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43. **RH-43**

1. That the uses permitted in the RH-43 Zone shall be those in the RH Zone and a ten (10) storey, 105 unit tiered apartment building.

2. That the provisions of the RH-43 Zone shall be those provided for in the RH Zone save and except as follows for a ten (10) storey, 105 unit tiered apartment building:

West Yard	Minimum 6.0 metres
East Yard	Minimum 20.0 metres
North Yard	Minimum 16.0 metres
South Yard	Minimum 13.0 metres
Lot Density	Maximum 141 units per net hectare

3. Notwithstanding any other height provisions of the Zoning By-law, as amended, the maximum height of the apartment building shall be 36.0 metres from the grade, measured at the north end of the apartment building, to the top of the 10th storey roof deck.

4. Notwithstanding the parking requirements of Section 6.40 of Zoning By-law, as amended, on-site parking shall be provided at 1.25 spaces per unit.

   (a) An apartment building shall be constructed in a tiered format to the satisfaction of the City

   (b) Exterior wall materials shall not include vinyl, aluminum or metal siding, concrete blocks, plastic, or mirrored glass. Stucco may only be used for accents and not as a primary wall material.

   (c) Rooftop vents, mechanical equipment, elevator penthouses, and other rooftop equipment shall be screened from view on all sides

using a decorative screen that is integrated with the main building architecture and uses similar/complimentary exterior materials. Solar panels may be used for, or mounted onto, the rooftop screen.

5. Community Benefits Pursuant to Section 37 of the Planning Act:

   (a) The Owner shall pay for all costs associated with the design and construction of a transit stop at the front of the subject property, along Niagara Street, that will include a bus bay along with a shelter and seating on a concrete pad. The location and design of the transit stop and shelter is subject to the approval of the City of Welland.

   (b) The Owner shall pay for all costs associated with design and construction of a gazebo or sitting area for the City park to the south of the property. The location and design of the gazebo or sitting area is subject to the approval of the City of Welland.

   (c) The Owner shall pay for all costs associated with the removal and replacement of the fence along the south property line adjacent to the City park in consultation with the City of Welland.

   (d) The Owner shall pay for all costs associated with the design and construction of a passive recreational trail linking the park to the south of the property with the Welland Canal Recreational Trail to the satisfaction of the City of Welland.

(130 NIAGARA STREET AND 32 SEELEY STREET AND UNOPENED SEELEY ROAD ALLOWANCE)

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44. **DMC-44**

1. The Zone Provisions for the DMC-44 Zone shall be the Zone Provisions for the DMC Zone save and except the required rear yard shall be 0 metres.

(17-19 EAST MAIN STREET)

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45. **DMC-45**

1. The Zone Provisions for the DMC-45 Zone shall be the Zone Provisions for the DMC Zone save and except the required rear yard shall be 1.395 metres.

(76 DIVISION STREET)

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46. **DMC-46**

1. The Zone Provisions for the DMC-46 Zone shall be the Zone Provisions for the DMC Zone save and except that the required rear yard shall be 0 metres.

2. That notwithstanding any other provision of the Zoning By-law, the subject lands shall be exempt from the provisions of having frontage on a street.

(46 DIVISION STREET)

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47. **RH-47**

1. That notwithstanding any provisions of the By-law to the contrary the following provision shall apply to the RH-47 Zone.

Minimum Lot Frontage	0 metres
Minimum Side Yard	0 metres
Minimum Landscaped Open Space	15%
Maximum Building Height	18 metres (8 storeys)

2. Parking may be provided in the front yard in the RH-47 Zone where such Zone abuts Tanguay Avenue.

3. The minimum parking requirements for apartments for senior citizens shall be 0.4 spaces per dwelling unit.

(LANDS BETWEEN WELLINGTON STREET, TANGUAY AVENUE AND PROMENADE RICHELIEU)

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48. **RL2-48**

1. That the provision of the RL2-48 Zone shall be those provided for in the RL Zone save and except the following:

Minimum Number of Dwelling Units	79

(SPARROW MEADOWS ESTATES BLOCKS 75-81)

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49. **RM-49**

1. That the provision of the RM-49 Zone shall be as follows for triplexes and townhouses:

TRIPLEX/TOWNHOUSE LOT

Lot Frontage	155 metres
Lot Area	1.5 hectares
Maximum Lot Coverage	40%

UNIT LOT LINE TO TRIPLEX/TOWNHOUSE LOT LINE

East Front Yard Setback	2.5 metres
West Rear Yard Setback	2.0 metres
North Side Yard Setback	3.0 metres
South Side Yard Setback	2.5 metres

INDIVIDUAL TRIPLEX/TOWNHOUSE UNITS/LOTS

Lot Frontage	Minimum 9.8 metres
Lot Area	Minimum 210 square metres per dwelling unit
minimum setback from dwelling to internal drive	4.5 metres
minimum setback from attached garage to internal drive	6.0 metres
minimum distance from rear of dwelling to closest unit lot line	4.0 metres
minimum separation distance between blocks of triplexes/townhouses	2.0 metres

2. Notwithstanding any other Section of the Zoning By-law, access for the purposes of this By-law a private street shall be considered a street.

(70 ELMWOOD AVENUE)

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50. RH-50

1. Notwithstanding any other Section of the Zoning By-law, access for the purposes of this By-law a private street shall be considered a street.

(30 NOVA CRESCENT)

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51. RH-51

1. The provisions for the RH-51 Zone shall be those in the RH Zone save and except as follows:

Minimum North Yard Setback	3.0 metres

Minimum East Yard Setback	3.0 metres
Minimum South Yard Setback	3.0 metres
Minimum West Yard Setback	6.0 metres
Minimum Floor Area per Dwelling Unit	
Bachelor	37.0 square metres
One Bedroom	45.0 square metres
Two Bedroom	55.0 square metres
More Than Two Bedrooms	65.0 square metres
Maximum Number Dwelling Units	302

2. The minimum parking requirements are 1.3 spaces per dwelling unit and parking will be permitted in the front yard (west);

3. For zoning purposes, all parts within the RH-51 Zone proposed for phased condominium registration, which are designed and intended to function as an integral component of a comprehensive condominium development, shall be deemed to be one (1) lot for application of the Zoning regulations. Zoning regulations shall be applied from the external property boundaries of the RH-51 Zone and not from any internal property lines created for condominium registration purposes.

(330 PRINCE CHARLES DRIVE)

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52. **RM-52**

1. That the provision of the RM-52 Zone shall be those of the RM Zone save and except the following:

East Yard	Minimum 3.0 metres
North Yard	Minimum 4.5 metres
South Yard	Minimum 4.5 metres

(240 DENISTOUN STREET)

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53. **L1-53**

1. The uses permitted in the L1-53 Zone are those in the L1 Zone and pet store and indoor kennel.

(97 VICTORIA STREET)

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54. **RL1-54**

1. Notwithstanding the provisions of Section 5.22, the following described lands, in a RL1 Zone, shall be given an exemption to allow the use of the said lands for the purposes of the construction of a single detached dwelling without municipal water supply and municipal sanitary sewer being available.

(700 RIVERSIDE DRIVE)

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55. **RE-55**

1. That the uses permitted in the RE-55 Zone shall be those permitted in the RE Zone, and a Motor Vehicle Repair Establishment.

2. The gross floor area of a Motor Vehicle Repair Establishment be limited to the size of the existing building (2,060 square metres).

(566 RIDGE ROAD)

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56. **RE-56**

1. The uses permitted in the RE-56 Zone will be those in the RE Zone, a saw mill, kiln, light manufacturing of finished lumber products, yard storage, one (1) single detached residential dwelling.

2. The provisions for the RE-56 Zone will be those in RE Zone save and except as follows:

Minimum Lot Area	1.2 Hectares

(416 NETHERBY ROAD)

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57. **O2-57**

1. The uses permitted in the O2-57 Zone will be those in the O2 Zone and a raceway.

(603 NETHERBY ROAD)

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58. **RL2-58**

1. That uses permitted in the Residential Low Density RL2-58 Zone be those permitted in the RL2 Zone, save and except as shown on Schedule “B” to this By-law, attached hereto.

2. All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:
    a. Notwithstanding Section 4, “Landscaping” in how it relates to Landscape Area (minimum) 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 but does include a walkway.

    b. Notwithstanding Section 5.10.5 Decks, Porches, Steps
        i. Open or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3.0 metres into any rear yard, provided the structure is not higher than 3.0 metres from grade.
        ii. Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 3.0 metres above-grade.

3. Notwithstanding Section 6.1.6 Parking Space Dimensions, subsection b) shall not apply.

4. Notwithstanding Section 6.9.1 Residential parking Requirements, Single-Detached, Two-Unit dwellings the following shall apply:

    The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

5. Notwithstanding Section 6.9.2 Residential Parking Requirements, Street

Townhouse Dwellings the following shall apply:
The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

6. The maximum number of residential lots per block are as per identified on the draft approved plan of subdivision; the total number of new lots within the subdivision shall not exceed 1,405 lots (for greater clarity this number does not include blocks being conveyed to the City of Welland including but not limited to: Open Space, Park, and stormwater management ponds).

(401 CANAL BANK STREET)

H-RL2-58

1. Special Exception No. H-RL2-58 as follows:
    a. Notwithstanding Section 7.2, Permitted Uses, any lot within any H-RL2-58 zone shall only be used for the following uses prior to the removal of the "Holding Zone (H)" provision:
        i. An Elementary School;
        ii. Accessory Uses, Buildings and Structures to an Elementary school
    b. Notwithstanding any other section of By-law 2017-117, as amended, nothing in this by-law prohibits the creation of an elementary school block with a maximum lot area of 31,000 square meters.

Removal of the Holding Zone "H" may occur once the following has been satisfied:

a. The District School Board of Niagara provides a letter advising that they do not require the lands for school purposes; or
b. A period of five (5) years has elapsed from the date of the registration of the plan of subdivision in which the lands are registered.

(401 CANAL BANK STREET)

Schedule “B”

The provisions of the RL2-58 Zone shall be those provided for in the Zoning Provisions Table below:

Use	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 8.0m (min)	224 m^2	8.0 m	4.5m and 6.0m (1)	0.6m and 1.2m (4)	1.0 m	6.0 m	13.0 m (3,5)	50%	20%
Single Detached 10.0m (min)	280 m^2	10.0 m	4.5m and 6.0m (1)	0.6m and 1.2m (4)	1.0 m	6.0 m	13.0 m (3,5)	50%	20%
Semi-Detached Dwelling	300.0 m^2 for each dwelling and 150 m^2 for each unit	11.0 m for each dwelling and 5.5 m for each unit	4.5m and 6.0m (1)	1.0 m	1.0 m	6.0 m	13.0 m (3,5)	50%	20%
Street Townhouse 3-Storey	N/A	5.5 m/unit	3.5m and 6.0m (1)	1.0 m	1.0 m	6.0 m	13.0 m (3,5)	60%	20%

(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) A minimum of 0.6 m on one side and minimum of 1.2 m on the other

(5) Lots that are directly adjacent to the railway right of way cannot be greater than 2-storeys or 11.0 m in height

59. CC2-59

1. That the uses permitted in the CC2-59 Zone shall be those in the CC2 Zone and business offices, day care facility, respite care, and dwellings over permitted commercial uses.

2. That the provisions of the CC2-59 Zone shall be those provided for in the CC2 Zone save and except as follows:

Minimum Front Yard	2.8 metres
Minimum North Side Yard	1.7 metres
Planting Strip	1.7 metres along the north lot line
	2.8 metres along the front lot line
Minimum East Yard	2.0 metres
Minimum South Yard for the Roofed Garbage Enclosure	2.0 metres
Maximum Number of Respite Care Beds	40

(152 AND 170 HELLEMS AVENUE AND 131 YOUNG STREET)

60. RE-60

1. The uses permitted in the RE-60 Zone shall be the uses permitted in the RE Zone, a courier service, cartage operation, warehouse and a trucking operation and single detached dwelling.

(933 FORKS ROAD)

61. A1-61

2. The uses permitted in the A1-61 Zone are those in the A1-61 Zone and a radio broadcasting station and transmission towers.

(870 FORKS ROAD)

62. RM-62

1. The uses permitted in the RM-62 Zone shall be single detached dwellings.

2. For the purposes of this zone, the following definition shall apply:

   "Upper Level Platform – A raised, unenclosed platform greater than 1.5 metres in height and less than 2.4 metres in height above grade, excluding guardrails and handrails projecting horizontally from the face of the wall of the main building supported by columns or brackets on the ground."

3. The provisions of the RM-62 Zone shall be those in the RM, save an except as follows:

Lot Frontage	Minimum 11.6 metres
Lot Area	Minimum 320 square metres
Front Yard	Minimum 4.5 metres to dwelling unit
	Minimum 6.0 metres to Attached Garage
Rear Yard	Minimum 7.0 metres
Side Yard	Minimum one side – 1.2 metres
	Minimum other side – 0.6 metres
Lot Coverage	Maximum 65%
	The walking surface of Upper Level Platforms shall be included in the lot coverage calculation

4. Notwithstanding Section 5.10 – Encroachments the following shall apply:

   (a) The walking surface of upper level platforms shall be permitted to encroach a maximum of 3.0 metres into the required rear yard;

   (b) Porches/roofed platforms may exceed 75% of the width of the main building;

   (C) Porches/roofed platforms are permitted to encroach a maximum of 2.0 metres into the front yard. in the case of corner lots, such encroachment of porch/roofed platform is not permitted;

   (d) Covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be no closer than 1.0 metre from the front lot line. in the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted;

5. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in width, to the street.

6. The number of dwelling units per block as shown on the Approved Draft Plan of Subdivision is as follows:

BLOCK NO.	MINIMUM NO. OF UNITS	MAXIMUM NO. OF UNITS
0	8	14

(NORTH VILLAGE, BLOCK 6)

63. **RM-63**

1. The uses permitted in the RM-63 Zone shall be single-detached dwellings.

2. For the purposes of this Zone, the following definition shall apply:

   "Upper Level Platform – A raised, unenclosed platform greater than 1.5 metres in height and less than 2.4 metres in height above grade, excluding guardrails and handrails projecting horizontally from the face of the wall of the main building supported by columns or brackets on the ground."

3. The provisions of the RM-63 Zone shall be those in the RM, save an except as follows:

Lot Frontage	Minimum 11.6 metres
Lot Area	Minimum 320 square metres
Front Yard	Minimum 4.5 metres to dwelling unit
	Minimum 6.0 metres to Attached Garage
Rear Yard	Minimum 7.0 metres
Side Yard	Minimum one side – 1.2 metres
	Minimum other side – 0.6 metres
Lot Coverage	Maximum 65%
	The walking surface of Upper Level Platforms shall be included in the lot coverage calculation

4. The provisions of Section 5.13, as amended, shall apply save and except references to street may be read as private streets.

5. Notwithstanding Section 5.10 – Encroachments the following shall apply:

   (a) The walking surface of upper level platforms shall be permitted to encroach a maximum of 3.0 metres into the required rear yard;

   (b) Porches/roofed platforms may exceed 75% of the width of the main building;

   (C) Porches/roofed platforms are permitted to encroach a maximum of 2.0 metres into the front yard. in the case of corner lots, such encroachment of porch/roofed platform is not permitted;

   (d) Covered or uncovered steps/stairs that are used to provide access from the ground to the porch/roofed platform, permitted as an encroachment, shall be no closer than 1.0 metre from the front lot line. in the case of corner lots, no encroachment of covered or uncovered steps/stairs is permitted;

6. Notwithstanding Section 6.1.8, as amended, each required parking space shall be made accessible for ingress and egress by means of a hard surface driveway, being a minimum of 2.7 metres in width, to the street.

7. The number of dwelling units per block as shown on the Approved Draft Plan of Subdivision is as follows:

BLOCK NO.	MINIMUM NO. OF UNITS	MAXIMUM NO. OF UNITS
1	14	24
8	5	9

(NORTH VILLAGE, BLOCKS 1 AND 8)

64. **RH-64**

1. That the provisions of the RH-64 Zone shall be those provided for in the RH Zone save and except as follows:

   Minimum East Side Yard 1.5 metres

2. That the maximum permitted density may be increased to 188.5 units per net hectare, the maximum number of dwelling units may be 70 and the maximum permitted height may be increased to 12 storeys (42 metres) in exchange for the Owner of the subject lands entering into an Agreement(s)

with The Corporation of the City of Welland pursuant to Section 37 of the Planning Act, to the satisfaction of the City, to provide facilities or improvements for community benefit comprised of the following:

3. The provision of a bus shelter, concrete pad and associate appurtenances on King Street;

4. Improvements to the Welland Recreational Waterway path between Regent Street and Merritt Park to include 'street' furniture, lighting and enhanced vegetation;

5. To provide a 1,000 square foot building, to be located in Merritt Park, comprised of a storage area and accessible public washrooms.

6. Notwithstanding Section 6.1.3, as amended, parking may be provided in the front yard.

(1 GRIFFITH STREET)

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65. **INSH-65**

1. That the provisions of the INSH-65 Zone shall be those provided for in the INSH Zone save and except as follows:

Minimum Bachelor Dwelling Unit Size	33 square metres
Minimum One Bedroom Dwelling Unit Size	27 square metres

2. That notwithstanding the parking requirements contained in Section 6 of the By-law a minimum of 4 stacked parking spaces shall be required for 9 dwelling units.

(73 ONTARIO ROAD)

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66. **NC-66**

1. The uses permitted in the NC-66 Zone shall be those in the NC Zone and a clinic and business office and associated parking on the westerly 51 metres and only parking associated with permitted uses on the easterly 25.6 metres;

2. The Zone provisions for the NC-66 Zone shall be those in the NC Zone save and except as follows:

Minimum Lot Frontage	77.0 metres

Minimum Lot Area	4,000 square metres
Minimum Front Yard Setback	17.5 metres
Minimum Rear Yard Setback	13.5 metres
Minimum West Yard Setback	20.0 metres
Minimum East Yard Setback	25.6 metres
Minimum Landscaped Buffer Along West, North and East Property Lines	3.0 metres
Minimum South Yard Setback for Parking on Easterly 25.6 metres	17.5 metres

(180 THOROLD ROAD)

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67. **CC1-67**

1. That in addition to the uses permitted in the CC1 Zone a commercial greenhouses and accessory uses thereto and a single-detached dwelling are also permitted.

2. The Zone Provisions for the CC1-67 Zone shall be as follows:

Minimum Lot Frontage	100 metres
Minimum Lot Area	17,750 square metres
Minimum Front Yard	13.5 metres
Minimum Rear Yard	4.5 metres
Minimum North Side Yard	4.5 metres
Minimum South Side Yard	7.5 metres
Minimum West Side Yard Abutting 698 South Pelham Road	15 metres
Minimum Landscaped Open Space	15 percent
Maximum Lot Coverage	60 percent

Maximum Building Height 9 metres

Any accessory building shall be permitted outside of the rear yard so long as it conforms to all setback regulations for main buildings.

(684 SOUTH PELHAM ROAD)

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68. **RH-68**

1. That the uses permitted in the RH-68 Zone shall be those in the RH Zone and a student residence.

2. That the provisions of the RH-68 Zone shall be those provided for the in the RH Zone, save and except as follows:

   Rear Yard Setback 3.5 metres

   Northerly Side Yard Setback 2.5 metres

3. Notwithstanding Section 6.4 of the Zoning By-law, as amended, the minimum parking requirements are one (1) space per dwelling unit.

(699 NIAGARA STREET)

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69. **RL1-69**

1. That the provisions of the RL1-69 Zone shall be those provided for in the RL1 Zone, save and except as follows:

   Maximum Lot Coverage 46%

(EAST SIDE HOME STREET, LOTS 108 AND 109, PLAN 618, BEING PART OF PART 1 ON PLAN 59R-9842)

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70. **INS1-70**

1. Notwithstanding Section 6.1.3, the required parking may be provided both on-site and shared jointly on the adjacent lands to the east.

(SOUTH SIDE OF QUAKER ROAD, WEST OF W.C.R.C.S.S. BOARD OFFICES)

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71. **RM-71**

1. Notwithstanding any provision of the Zoning By-law, as amended, a parking space width of 2.45 metres and an aisle width of 7.0 metres shall be permitted in the exterior side yard.

2. Notwithstanding any provision of the Zoning By-law, as amended, an aisle width of 7.1 metres shall be permitted in the rear yard.

3. Notwithstanding any provision of the Zoning By-law, as amended, required parking may be provided in the exterior side yard, within 1.2 metres of the exterior side lot lines.

(117 WILLSON ROAD)

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72. **GEC-72**

Definition

1. In this Order,

"accessory" means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, including but not limited to,

(a) indoor and outdoor storage and distribution of products, parts, equipment, engines, machinery, goods, materials, substances and containers,

(b) servicing, hiring, loading and unloading of trailers, trucks, buses and other fleet vehicles,

(c) a business office, conference facility and data centre used in conjunction with the other uses on the site,

(d) a showroom and area for sales and display including the outdoor display of equipment and machinery,

(e) products, engines, equipment and machinery servicing areas, repair shops and workshops,

(f) a test yard for testing products, engines, equipment and machinery,

(g) a cafeteria or similar type of food establishment for use by employees, used in conjunction with the other uses on the site,

(h) facilities for training employees and vendors,

(i) facilities for employee recreation, health and fitness, health care and child care,

(j) a generating plant used in conjunction with the other uses on the site,

(k) satellite dishes, antennas, chimney stacks, scrubbers and other similar equipment,

(l) sleeping facilities for occasional use in conjunction with other uses on the site, and

(m) parking.

Application

2. (1) This Order applies to lands in the City of Welland in the Regional Municipality of Niagara, in the Province of Ontario, being part of Lot 17 in Concession V, Crowland and identified as Property Identifier Number 64411-0223 (LT), 64411-0224 (LT), 64411-0225 (LT) and 6441-0221 (LT).

(2) For the purpose of this Order, the lands described in subsection (1) shall be considered to be a single lot.

Use of Land

3. (1) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection 2 (1), except,

(a) the manufacturing, processing, fabrication, assembly, disassembly, treatment and packaging of products, parts, equipment, engines, machinery, goods, materials, including raw materials and substances;

(b) the remanufacturing, maintenance, painting, testing, repair, servicing and distribution of products, parts, equipment, tools, engines, machinery, goods, materials and substances;

(c) the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances used in conjunction with the other uses on the site;

(d) a laboratory including research, design, tests or investigations, data collection and manipulation, and development of information, products and devices;

(e) a facility for the demonstration of the types of manufacturing uses being conducted on the site, for the purposes of education and training;

(f) accessory uses, buildings and structures; and

(g) uses, buildings and structures lawfully in existence on the date this Order comes into force.

(2) The zoning requirements for the lands described in subsection 2 (1) are the following:

1. There is no minimum lot area.

2. There is no minimum lot frontage.

3. The minimum front yard setback is 6 metres.

4. The minimum side yard setback is,

   i. 4.5 metres on the west side,

   ii. 14 metres on the east side, and

   iii. 8.7 metres on the north-west side.

5. The minimum rear yard setback is 4.5 metres.

6. There is no maximum lot coverage.

7. The maximum height of all buildings and structures is 30 metres.

8. There is no maximum total floor area for any building or structure.

9. The minimum number of parking spaces is 1 space for each 180 square metres of gross floor area of all buildings.

10. There is no limit on the number of buildings and structures.

Effect of Order

4. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(3) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

(200, 242, 246 AND 250 BUCHNER ROAD)

73. **RS-73**

1. The permitted uses in the RS-73 Zone are those in the RS Zone and the following:

   Accessory uses, buildings and structures in accordance with General Provision 5.3.1.

   Call Centre

   Contractor's Establishment

   Custom Workshop

   Flea Market

   Health Related Retail

   Home Furnishing Retail Establishment

   Light Equipment/Machinery Rental and Service Establishment

   Office, Major

   Place of Assembly

   Place of Entertainment

   Place of Worship

   Repair Shop

   Sample or Showroom

   School, Commercial

   Seasonal Outdoor Storage

   Shopping Centre

   Social Services Establishment

   Survey, Engineering, Planning or Design Business

2. The provisions for the RS-73 Zone will be as follows:

Minimum Lot Area	2.0 Ha
Minimum Lot Frontage	0 m
Minimum Front Yard	3.0 m
Minimum Interior Side Yard	0 m
Minimum Exterior Side Yard	3.0 m
Minimum Rear Yard	7.5 m
Maximum Building Height	24.0 m
Maximum Gross Floor Area	N/A
Minimum Landscaped Area	10%
Maximum Lot Coverage	40%
Parking Requirements	3.75 spaces per 93 square metres of gross floor area of shopping centre uses

(800 NIAGARA STREET)

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74. **RH-74**

1. That the uses permitted in the RH-74 Zone shall be a three (3) storey, 35 unit apartment building;

2. That the provisions of the RH-74 Zone shall be those provided for in the RM4 zone save and except the following:

Front yard	Minimum 6.0 metres
Rear yard	Minimum 7.5 metres
North side yard	Minimum 3.0 metres
Lot density	Maximum 73 units per net hectare (maximum 35 units)

3. Notwithstanding any other height provisions of this By-law, the maximum height of the apartment building shall be 11.0 metres,

measured from grade to top of the 3rd storey roof slab.

4. Notwithstanding the parking requirements of Section 6.4, on-site parking shall be provided at 1.25 spaces per unit. Minimum number of parking spaces provided shall be 44.

(529 SOUTH PELHAM ROAD)

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75. A1-75

1. That the provisions of the R1-75 Zone shall be those provided for in the A1 Zone, save and except as follows:

Minimum Lot Area	4 hectares
Minimum Lot Frontage	100 metres
Minimum Front Yard	18 metres
Minimum Rear Yard	75 metres
Minimum West Side Yard	50 metres
Minimum East Side Yard	4.5 metres
Maximum Building Height	12 metres

(335 BIGGAR ROAD)

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76. RL2-76

1. That the provisions of the RL2-76 Zone shall be those provided for in the RL2 Zone, save and except as follows:

That a covered, unenclosed deck be permitted to encroach 2.5 metres into the required front yard.

That a covered, unenclosed rear deck be permitted to encroach 3.5 metres into the required rear yard.

(40 McCabe Avenue)

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77. A1-77

1. That the uses permitted in the A1-77 Zone shall be Agricultural uses but no dwelling unit is permitted.

(LANDS TO THE SOUTH OF 971 FORKS ROAD)

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78. A1-78

1. That the uses permitted in the A-X5 Zone shall be a single-detached residential dwelling and custom farming operation.

2. That the provisions of the A-X5 Zone shall be those provided for in the A Zone, save and except as follows:

Minimum Lot Area	1.8 hectares
Minimum Setback to neighbouring livestock barn and manure storage	320 metres
That the house existing on the property at the date of the passing of this By-law be permitted as a temporary structure while a new dwelling is constructed.	

(971 FORKS ROAD)

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79. RL2-79

1. That the provisions of the RL2-79 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Front Yard Setback	4 metres
Side Yard Setback between Townhouse Blocks and to Lot Lines (including corner lots)	3 metres
Rear Yard Setback	5 metres

(485 PRINCE CHARLES DRIVE)

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80. RL2-80

1. That the provisions of the RL2-80 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Side Yard Setback	0.9 metres

(148 & 152 LOUISE STREET)

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81. INSH-81

1. That the uses permitted in the INSH-81 Zone shall be those in the INSH Zone and one residential unit on the ground floor in front of the permitted commercial use, and a food processing warehouse.

2. That the provisions of the INSH-81 Zone shall be those provided for in the INSH Zone, save and except as follows:

Rear Yard	1.2 metres

Maximum Unit Size for a Commercial Use	193 square metres
Minimum Amenity Area for a Residential Use	0 square metres

3. No fence is required to be maintained between the parking lot and abutting lands

(16 STEEL STREET)

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82. CC1-82

1. That the provisions of the CC1-82 Zone shall be those provided for in the CC1 Zone, save and except as follows:

Building Setback to Aqueduct Street	38 metres
That access from Aqueduct Street is prohibited	
That the Owner construct a solid, 1.8 metre privacy acoustic fence along the property line with Aqueduct Street and along the property line with 379 Aqueduct Street	

(383 AQUEDUCT STREET)

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83. RL2-83

1. That the provisions of the RL2-83 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Minimum Front Yard Setback	5 metres
Maximum Lot Coverage	50%
Minimum Rear Yard Setback (Accessory Structures, including but not limited to: pools, decks, stairs, railings, hot tubs and sheds, subject to Niagara Peninsula Conservation Authority Approval)	2 metres
To allow for the construction of a fence along the rear and side lot lines.	

(74, 80, 86, 94, 104, 112, 120, 128, 136, 144, 152, 160, 168, 176, 184, 192,198, 204 COURTNEY CRESCENT)

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84. RL2-84

1. That the provisions of the RL2-84 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Maximum Lot Coverage	No maximum lot coverage
Rear yard encroachment for covered or uncovered decks and porches To allow for the setback to a zone line be 0 metres To not recognize a zone line as a lot line	4.5 metres

(370 MURDOCK ROAD)

85. RM-85

1. That the provisions of the RM-85 shall be those provided for in the RM Zone, save and except as follows:

Maximum Lot Coverage	No maximum lot coverage
Encroachment of rear yard decks/porches (opened or roofed) To allow for the setback to a zone line to be 0 metres To not recognize a zone line as a lot line	4.5 metres

(370 MURDOCK ROAD)

86. RL2-86

1. That the provisions of the RL2-86 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Minimum Lot Area for a Single Detached Dwelling	Not Applicable
Maximum Lot Coverage (all units)	Not Applicable
Front yard Setback to Dwelling (all units)	3 metres

(152, 162, 334, 374, 386 AND AN UNADDRESSED PARCEL ON VIGER DRIVE)

87. GEC-87

1. That the Provisions of the GEC-87 Zone shall be those provided for in the GEC and GEC-13 Zones, save and except as follows:

To permit a Home and Auto Supply/Home Improvement Store with a maximum Gross Floor Area of 5,550 square metres	
Minimum south yard (side & rear) setback	0 metres
Minimum west side yard (210 Primeway Drive only)	4 metres
Required Barrier Free parking spaces	0 spaces
Required Parking Spaces	2.5 spaces/93 square metres of building area

(210 PRIMEWAY DRIVE AND 790 RIVER RD)

88. RL2-88

1. That the Provisions of the RL2-88 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Opened or roofed porch and stairs encroachment into the front yard	1.7 metres
Required Parking Space setback from street line	1.6 metres
Front yard setback for dwelling	3 metres
Front yard setback for garage	3 metres

(48 ST. GEORGE STREET)

89. RM-89

1. That the Provisions of the RM-89 Zone shall be those provided for in the RM Zone, save and except as follows:

Side yard setback for detached garages	0.0 metres
Front yard setback from dwelling and attached garage	2.0 metres
Front yard setback to a street line for a required parking space	2 metres
Minimum lot frontage	3.5 metres
Minimum rear yard setback	2.0 metres

To allow five (5) townhouse units to not have frontage on a street, but have rear lane access To treat all units as street townhouse units with garage access from lane	
Maximum Lot Coverage	60%
Maximum Lot Coverage for Accessory Structure	15%
Minimum Parking Stall Width abutting a wall	2.7 metres

(170 BROADWAY AVENUE AND 27 PERENACK AVENUE)

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90. RL1-90

1. That the Provisions of the RL1-90 Zone shall be those provided for in the RL1 Zone, save and except as follows:

Minimum Lot Area	330 square metres
That the daylighting triangle will not be considered the lot frontage	

(897 NIAGARA STREET)

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91. RM-91

1. That the Provisions of the RM-91 Zone shall be those provided for in the RM Zone, save and except as follows:

Rear yard setback	– 6.0 metres from rear wall of Block Townhouse Dwelling to the Lot line – 12.0 metres between rear walls and Block Townhouse Dwellings – 7.0 metres between rear and side walls of block townhouse dwellings – 5.8 metres to lot line for the apartment building
Encroachment of decks, covered or uncovered into rear yard	3.75 metres, provided the deck is not higher than 1.5 metres above grade

That the 0.3 metre increase width for obstructed parking spaces is not required for underground parking spaces or private garages

That no loading space for a 4-storey apartment building is required

That the required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

That parking spaces may be within 3.0 metres of the street line

That the townhouse units shall be considered as a "Block Townhouse" and subject to the provisions contained in City Zoning By-law 2017-117, as amended.

That all setbacks for the purpose of Zoning and Building Permit compliance for this property shall be taken from the dwelling to internal private roadway, existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.

Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential development area, and shall include common element areas.

That South Pelham Road shall be deemed to be the Lot Frontage for the property.

2. That for the purpose of the RM-91, the following definition shall apply to a Block Townhouse:
   Means a dwelling unit within a building containing three or more dwelling units with frontage along a private street or parking lot, each of which has an independent entrance and does not include another dwelling type defined in the Zoning By-law.

(633 SOUTH PELHAM ROAD)

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92. RL2-92

1. That the Provisions of the RL2-92 Zone shall be those provided for in the RL2 Zone, save and except as follows:

a) A maximum height of four (4) storeys for stacked townhouse units at 12.0 metres whereas the By-law permits a maximum of three (3) storeys at 11.0 metres

(***HUNTERS POINTE REDEVELOPMENT)***

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93. NC-93

1. That the Provisions of the NC-93 Zone shall be those provided for in the NC Zone, save and except as follows:
   a) A maximum height of three (3) storeys at 12.0 metres, to permit two (2) levels of residential above the commercial uses, whereas the By-law permits a maximum height of two (two storeys at 11.0 metres.
   b) Multiple Dwelling Units with a maximum height of three (3) storeys at 12.0 metres.

(***Hunters Pointe Redevelopment)***

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94. RL2-94

1. That the Provisions of the RL2-94 Zone shall be those provided for in the RL2 Zone, save and except as follows:

Side yard setback (interior and exterior)	0.9 metres
Front yard setback for a required parking Space	0 metres

(***WATERWAYS COMMON PHASE 2))***

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95. RS-95

1. That the provisions of the RS-95 Zone be those provided for in the RS Zone, save and except as follows:

That residential uses be permitted above commercial uses	
Minimum Lot Area	0.9 hectares

(***858-862 NIAGARA STREET)***

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96. RL2-96

1. That the permitted uses in the RL2-96 Zone be those permitted in the RL2 Zone, save and except as follows:

Rear yard encroachment for covered and uncovered porches no higher than 1.5 metres above grade.	3.75 metres

2. That on corner lots the daylighting triangle shall not deemed to be the front yard for setback purposes.

That the 0.3 metre increase in parking space width where abutting a wall is not required for townhouse dwellings

(320 SOUTH PELHAM ROAD)

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97. RL2-97

1. That the provisions of the RL2-97 Zone be those provided for in the RL2 Zone, save and except as follows:

Rear yard setback	5 metres
Rear yard encroachment for covered and uncovered porches no higher than 1.5 metres above grade.	3.75 metres
That on corner lots the daylighting triangle shall not deemed to be the front yard for setback purposes.	

(320 SOUTH PELHAM ROAD)

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98. CC2-98

1. That the permitted uses in the CC2-98 Zone be those permitted in the CC2 Zone, save and except as follows:

Northerly side yard setback	10 metres
Rear yard setback	2.5 metres
That the property be used for warehousing purposes only	

(12 PATRICIA AVE.)

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99. RM-99

1. That the uses permitted in the RM-99 Zone be those permitted in the RM Zone, save and except as follows:

Front yard Setback	– 6.0 metres from South Pelham Road to Units 1-4 and Units 30-35 – 4.5 metres to the dwelling and 6.0 metres to the garage, to be taken from the private roadway.
Rear Yard Setback	– 6.0 metres from rear wall of any Block Townhouse dwelling to any lot line – 1.5 metres from the rear lot line to the side wall of Unit 16.
Encroachment of decks, covered or uncovered into rear yard	3.75 metres into any required yard, provided the deck is no higher than 1.5 metres above grade.

That the required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

That the townhouse units shall be considered as a "Block Townhouse" and subject to the provisions contained in City Zoning By-law 2017-117, as amended.

That all setbacks for the purpose of Zoning and Building Permit compliance for this property shall be taken from the dwelling to internal private roadway, existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.

Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential development area, and shall include common element areas.

(401 SOUTH PELHAM RD)

100. T-RL2-100 – TO EXPIRE OCTOBER 6, 2023

1. That the permitted uses in the RL2-100 be those permitted in the RL2 Zone, save and except for the site specific provisions as shown on Schedule “B”

2. All other general provisions By-law 2017-117, as amended, shall apply save and except for the following:
    a. Notwithstanding Section 4, “Landscaping” in how it relates to Landscape Area (minimum) 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 <u>but does include a walkway.</u>

    b. Notwithstanding Section 5.10.5 Decks, Porches, Steps
        i. Open or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3.0 metres into any rear yard, provided the structure is not higher than 3.0 metres from grade.
        ii. Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 3.0 metres above-grade.

    c. Notwithstanding Section 6.1.6 Parking Space Dimensions, the following shall apply:
        i. Section 6.1.6b) shall not apply;

    d. Notwithstanding Section 6.9.1 Residential parking Requirements, Single-Detached, Two-Unit dwellings the following shall apply:
        i. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

(555 CANAL BANK STREET)

Schedule “B”

The provisions of the T-RL2-100 shall be those provided in the Zoning Provisions Table below:

Use	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 8.0m (min)	220 m^2	8.0 m	4.5m and 6.0m (1)	0.6m and 1.2m (3)	1.0 m	6.0 m	13.0 (2)	50%	20%
Single Detached 10.0m (min)	275m^2	10.0 m	4.5m and 6.0m (1)	0,6m and 1.2m (3)	1.0 m	6.0 m	13.0 (2)	50%	20%

(1) 6.0 m to garage

(2) 3-Storeys

(3) A minimum of 0.6 m on one side and a minimum of 1.2 m on the other

101. RR-101

1. That the uses permitted in the RR-101 Zone shall be restricted to single unit dwellings and accessory structures.

2. That the Zone provisions for the RR-101 Zone shall be as follows:

    a. A total of eight (8) single unit dwellings shall be permitted in the RR-101 Zone;
    b. The minimum lot area for any lot within the RR-101 Zone shall be 0.8 ha.
    c. The minimum lot frontage for any lot within the RR-101 Zones shall be 25.0 metres;
    d. The minimum front yard for any lot within the RR-101 Zone shall be 10.0 metres;
    e. The minimum interior side yard for any lot within the RR-101 Zone shall be 4.5 metres;
    f. The minimum rear yard for any lot within the RR-101 Zone shall be 7.5 metres;
    g. The maximum building height for any building in the RR-101 Zone shall be 11 metres;
    h. The maximum lot coverage in the RR-101 Zone shall be 15%;
    i. Development within the RR-101 Zone shall be via condominium development process.

(80, 98, 122, 148 COLBORNE STREET)

102. RM-102

1. That the uses permitted in the RM-102 Zone be those permitted in the RM Zone.

2. That the provisions of RM-102 Zone shall be those provided for in the RM Zone, save and except as follows:

Interior side yard setback	2 metres
Rear yard setback	6 metres
Minimum snow storage area	17 square metres
Minimum aisle width for bicycle parking area	1.2 metres
Minimum landscape parking strip for a parking lot containing more than 10 but fewer than 100 parking spaces	0.3 metres

(781 CLARE AVENUE)

103.
104. **RL2-103, H-RL2-103 AND CC2-104**

1. That the provisions of the RL2-103 Zone and H-RL2-103 Zone shall be those provided for in the RL2 Zone, save and except as shown on Schedule "B" to this By-law, and as follows:

    1) All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:

    a. Notwithstanding Section 4, "Landscaping", Landscape Area (minimum) 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 <u>but does include a walkway</u>.

    b. Notwithstanding Section 4, "Lot Line, Front" for any through lot abutting Canal Bank Street the front lot line shall be Canal Bank Street.

    c. Notwithstanding Section 5.10.5 Decks, Porches, Steps
        i. For Detached Dwelling, Two-Unit Dwelling and Street Townhouse, open or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3.0 metres into any rear yard.
        ii. For Detached Dwelling, Two-Unit Dwelling and Street Townhouse, Decks may project a maximum of 3.75 metres into the required rear yard.
        iii. For a Detached Dwelling, Two-Unit Dwelling and Street Townhouse, open or roofed decks, including rooftop decks, may be located on the first, second and/or third floor;
        iv. For a Detached Dwelling, Through-Lot, open or roofed porches and stairs may project 1.5 metres into any required front or exterior side yard and 3.75 metres into any rear yard.
        v. For a Detached Dwelling Through-lot, open or roofed decks, including rooftop decks, may be located on the first and/or second and/or third

floor.

vi. For a Detached Dwelling-Rear Lane, decks may project a maximum of 3.75 metres into any rear yard.

vii.

d. Notwithstanding Section 5.12.2

i. Privacy Screens are permitted on decks and balconies for single-detached and single-detached through-lot dwellings subject to the following regulations:

Maximum height from platform	2 metres
Setback from a street	2 metres
Setback from a Side Lot Line	0.6 metres and 1.2 metres (a minimum of 0.6 metres on one side and a minimum of 1.2 metres on the other)
Setback from a Rear Lot Line	1.0 metres

e. Notwithstanding Section 6.1.6 Parking Space Dimensions Section 6.16 b) shall not apply.

f. Notwithstanding Section 6.9.1 Residential Parking Requirements, Single Detached, Single Detached Through-Lot, Two-Unit dwellings the following shall apply:

i. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres.

ii. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

g. Notwithstanding Section 6.9.2 Residential Parking Requirements, Street Townhouse Dwellings the following shall apply:

i. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres.

ii. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

2) The maximum number of dwelling units per block are as identified on the draft approved plan of subdivision; the total

number of new lots within the subdivision shall not exceed 870 lots (for greater clarity this number does not include blocks being conveyed to the City of Welland, including but not limited to Open Space, Park and stormwater management ponds and does not include any commercial or residential lots to be created within the mixed-use block).

2. Schedule “B”, of By-law 2017-117, as amended, be added as Special Exception No. H-RL2-103 as follows:

   a. Notwithstanding Section 7.2, Permitted Uses, any lot within any H-RL2-103 zone shall only be used for the following uses prior to the removal of the “Holding Zone (H)” provision:
      i. An Elementary School;
      ii. Accessory Uses, Buildings and Structures to an Elementary school
   b. Notwithstanding any other section of By-law 2017-117, as amended, nothing in this by-law prohibits the creation of an elementary school block with a maximum lot area of 31,000 square meters.
   c. Removal of the Holding Zone “H” may occur once the following has been satisfied:
      i. The Niagara District Catholic School Board provides a letter advising that they do not require the lands for school purposes; or
      ii. A period of five (5) years has elapsed from the date of the registration of the plan of subdivision in which the lands are registered.

3. That the provisions of the CC2-104 Zone shall be those provided for in the CC2 Zone, save and except as shown on Schedule “C” to this By-law, and as follows:

   1) Additional Permitted uses:
      Supermarket

      Retail Centre

      Retirement Home

      Hotel

      Assembly Hall

      Research & Development Establishment

      Art Gallery

      Commercial Parking Lot, Parking Structure, or Garage

Street Townhouses

2) All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:

a. Notwithstanding Section 4, “Landscaping”, Landscape Area (minimum) 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 but does include a walkway.

b. Notwithstanding Section 4, “Lot Line, Front” for any lot abutting Canal Bank Street means Canal Bank Street.

c. Notwithstanding Section 5.4 Apartment Units in Commercial and Mixed-Use Zones, Apartment unit(s) may be located on the first storey of a residential, commercial or mixed-use building.

d. Notwithstanding Section 6.1.6 Parking Space Dimensions Section 6.1.6 b) shall not apply.

e. Notwithstanding Section 6.9.2 Residential Parking Requirements, Street Townhouse Dwellings the following shall apply:
   i. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres.
   ii. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.
   bn

f. Notwithstanding Section 6.9.3 Residential Parking Requirements, Multiple Dwellings and Apartments, the following shall apply:
   i. Parking may be provided between the façade and front lot line for Dwelling Maisonette/Back-to-Back, Dwelling Multiple, Dwelling Stacked Townhouse, Dwelling, and Townhouse.
   ii. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres.
   iii. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

g. Notwithstanding Section 5.18.1 Home Occupations, the following shall apply:

A home occupation is also permitted in the first storey of an apartment as long as the first-floor apartment unit also has direct access to the outside.

(475, 555, 635 CANAL BANK STREET)

Schedule “B”

The provisions of the RL2-103 Zone shall be those provided for in the Zoning Provisions Table below:

Use	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 8.0m (min)	220 m^2	8.0 m	4.5m and 6.0m (1)	0.6m and 1.2m (4)	1.0 m	6.0 m	13.0 m (3)	50%	20%
Single Detached 8.0m (through lot)	180 m^2	8.0 m	2 m (5)	0.6m and 1.2m (4)	1.0 m	4.5m and 6m (1)	13.5 m (3)	N/A	N/A
Single Detached 10.0m (min)	275 m^2	10.0 m	4.5m and 6.0m (1)	0.6m and 1.2m (4)	1.0 m	6.0 m	13.0 m (3)	50%	20%
Semi-Detached Dwelling	300.0 m^2 for each dwelling and 150 m^2 for each unit	11.0 m for each dwelling and 5.5 m for each unit	4.5m and 6.0m (1)	1.0 m (2)	1.0 m	6.0 m	13.0 m (3)	50%	20%
Street Townhouse 3-Storey	N/A	5.5 m/unit	3.5m and 6.0m (1)	1.0 m (2)	1.0 m	6.0 m	13.0 m (3)	60%	20%

(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) A minimum of 0.6 m on one side and minimum of 1.2 m on the other

(5) The “Front Yard” of a through-lot abuts Canal Bank Street

Schedule “C”

The provisions of the CC2-104 Zone shall be those provided for in the Zoning Provisions Table below:

Use	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)	Gross Floor Area (max) (1)	Landscaped Area (min)
Uses permitted in CC2-104 (5)	N/A	N/A	0m and 3.0m (2)	0m (3)	3.0m and N/A	3.0m	24.0m	N/A	N/A	15%

(1) For all permitted commercial uses on a lot

(2) Maximum front yard for a residential use

(3) 4.5m for any non-residential use abutting a lot in a Residential Zone

(4) 8 storeys

(5) For any townhouse uses, use the provisions of the RL2-103 Zone

105. RM-105

1. That the permitted uses in the RM-105 Zone be those permitted in the RM Zone, save and except as follows:

Building Height	Three storeys (11 metres from average finished grade for a flat roof or 13 metres from average finished grade for a peaked roof)

(215 RIVERSIDE DRIVE)

106. INS1-106

1. That the permitted uses and provisions in the INS1-106 Zone be those permitted in the INS1 Zone, save and except as follows:

Apartment Dwelling Use	Permitted
Minimum Front Yard	2.5 metres
Minimum East Side Yard	3.0 metres
Snow Storage Areas	Minimum area of 28 square metres shall be required for snow storage areas
Bicycle Parking	Bicycle parking shall be accessed by an aisle with a minimum width of 0.91 metres

(50 LINCOLN STREET)

107. RM-107

1. That the permitted uses in the RM-107 Zone be those permitted in the RM Zone, save and except as follows:

Rear yard setback to a lot line	6.0 metres from rear wall of Block Townhouse dwelling to a lot line 4.8 metres from the rear wall of Unit 36 to a lot line 12.0 metres between rear walls of

	Block Townhouse Dwellings
	Decks, covered or uncovered, 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.
	Notwithstanding Section 6.1.6 b), that the 0.3 metre increase width for obstructed parking spaces is not required for private garages.
	That required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.
	That the proposed townhouse units shall be considered as a 'Block Townhouse' and subject to the provisions contained in City of Welland Zoning By-law 2017-117, as amended.
	That all setbacks for the purpose of zoning and building permit compliance for the RM-107 and INSH-108 Zone shall be taken from the dwelling to internal private roadway (back of curb), existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.
	Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential developable area and shall include common element areas.

(89 WEST CREEK COURT)

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108. INSH-108

1. That the permitted uses in the INSH-108 Zone be those permitted in the RM Zone, save and except as follows:

Rear yard setback to a lot line	6.0 metres from rear wall of Block Townhouse dwelling to a lot line
	4.8 metres from the rear wall of Unit 36 to a lot line
	12.0 metres between rear walls of Block Townhouse Dwellings

Decks, covered or uncovered, 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.

Notwithstanding Section 6.1.6 b), that the 0.3 metre increase width for obstructed parking spaces is not required for private garages.

That required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

That Block Townhomes be added as a permitted use and subject to the provisions outlined in the RM Zone of Section 7.3 of Zoning By-law 2017-117, as well as the site-specific provisions of the INSH-108 Zone.

That the proposed townhouse units shall be considered as a 'Block Townhouse' and subject to the provisions contained in City of Welland Zoning By-law 2017-117, as amended.

That all setbacks for the purpose of zoning and building permit compliance for the RM-107 and INSH-108 Zone shall be taken from the dwelling to internal private roadway (back of curb), existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.

Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential developable area and shall include common element areas.

(89 WEST CREEK COURT)

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109. H-RM-109, H-RM-110 AND H-RH-111
110.
111.

1. That the provisions in the H-RM-109, H-RM-110, and H-RH-111 Zone shall be those provided for in the RM and RH Zone, save and except as shown on Schedule "B" to this By-law, and as follows:

    - All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:

        a. Notwithstanding Section 4, "Building Height", where height is established as a number of storeys, height means the number of storeys.
        b. Notwithstanding Section 5.10.5, Decks, Porches, Steps:
            i. Open or roofed Decks, Porches, and Steps may project 1.0 metres into a required front or exterior side yard.
            ii. Stairs that lead to areas below-grade may project 1.0 metres

into a required front or exterior side yard.

c. Notwithstanding Section 5.12.2, Privacy Screens:
   i. Privacy screens are permitted for all uses in the RM-109 and RM-110 and RH-111 zones to a maximum height of 1.5 metres. Up to 1.8 m may be permitted where the upper 0.3 portion of fence is of lattice or other semi-transparent decorative woodwork.
d. Notwithstanding Section 5.14, Garbage and Refuse Storage and Enclosures:
   i. 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 sufficient for the purposes of picking up garbage or refuse from the container.
e. Notwithstanding Section 5.18.1, Home Occupations:
   i. Home occupations shall be permitted in any permitted dwelling or building type in the RM-109, RM-110, and RH-111 zones.
   ii. Up to one (1) non-resident employee is permitted to be engaged in the home occupation.
   iii. The home occupation shall not alter the exterior of the dwelling unit by virtue of its operation except it shall be permitted to display one (1) sign no larger than 46 cm x 31 cm at its entrance to indicate the business name.
f. Notwithstanding Section 5.27, Patios, Outdoor:
   i. Restaurant patios may be permitted in any yard, balcony or rooftop area within the RH-111 where it abuts any RM-109 or RM-110.
g. Notwithstanding Section 5.39, Snow Storage Areas:
   i. No snow storage shall be required for private streets, parking areas, or driveways within a registered Condominium Plan.
h. Notwithstanding Section 6.1.3, Location of Required Parking:
   i. Any required parking stall for any permitted use within the RM-109, RM-110, and RH-111 zone may be located:

      i) On the same lot on which the use is located;
      ii) On a *private* street or laneway within 100 m of the subject lot; or
      iii) In a shared or district parking lot within 200 m of the subject lot, which is in a Zone which permits a parking lot.

   ii. Any barrier-free parking space and loading space required by this By-law shall be located on the same lot on which the use is located.

Any bicycle parking space required by this By-law shall be located on the same lot on which the use is located, or within 50 m of the subject lot.

i. Notwithstanding Section 6.1.6, Parking Space Dimensions:

Condition	Min. Width	Min. Depth	Minimum Access Aisle in Parking Lot Structure or Garage
Ninety-degree (90º) parking stall	2.6	5.5	6.0
Sixty-degree (60º) parking stall	2.6	5.5	5.5
Forty-five-degree (45º) parking stall	2.6	5.5	4.5
Thirty-degree (30º) parking stall	2.6	5.5	4.5
Parallel parking stall	2.6	6.0	3.0

j. Notwithstanding Section 6.4, Required Parking and Queuing Spaces By Use:

Use	Required Number of Spaces
Apartment dwelling less than 60 square metres in floor area	0.3 spaces
Accessory Dwelling	0 spaces
Apartment dwelling greater than 60 square metres in floor area Multiple Dwelling Two-Unit Dwelling Townhouse Dwelling	1 space per unit
Art Gallery Restaurant Retail Establishment Library	1 stall per 50 square metres o gross floor area

k. Notwithstanding Section 6.4, Required Parking and Queuing Spaces By Use:
   i. A reduction of up to 50% of required parking may be permitted where one or any combination of the following features which facilitate access to public transit, ride-sharing, or active transportation alternatives is available:
      - The provision of secure on-site bicycle storage at a rate of 0.5 spaces per residential dwelling unit or 1 space per 50 square metres gross floor area of other uses.

- Sites within 500 m of a bicycle network connection or transit stop
- The reservation of 1 parking stall per 50 dwelling units or less for a car-share vehicle

l. Notwithstanding Section 6.9, Residential Parking Requirements:
   i. The width of a driveway must be less than the width of an attached or detached garage.

m. Notwithstanding Section 6.13, Parking Structures:
   i. Entrance and exit ramps to below-grade and above-grade parking structures or buildings are permitted within 0 metres of the property line.

n. Notwithstanding Section 7.2.1, Permitted Uses, the following shall be the uses permitted in the H-RM-109, H-RM-110, and H-RH-111 Zones:

Permitted Uses	**H-RM-109**	**RM-110**	**H-RH-111**
Accessory Dwelling Unit	✓	✓	✓
Accessory Uses, Buildings, and Structures	✓	✓	✓
Apartment Dwelling	✓	✓	✓
Bed and Breakfast	✓	✓	✓
Boarding and Lodging House	✓	✓	✓
Group Home	✓	✓	✓
Home Occupation	✓	✓	✓
Two-Unit Dwelling	✓	✓	✓
Multiple Dwelling (1)	✓	✓	✓
Retirement Home	✓	✓	✓
Street Townhouse Dwelling	✓	✓	✓
Townhouse Dwelling (Block)	✓	✓	✓
Parking Lot, Structure or Garage	✓	✓	✓
Park	✓	✓	✓
Art Gallery (2)			✓
Restaurant(2)			✓
Retail Establishment(2)			✓
Day Care Centre			✓
Library			✓

(1) Includes Triplex, Fourplex, Back-to-Back Townhouse and Stacked Townhouse Dwellings

(2) Only permitted within the ground floor of a residential building to a maximum of 120.7 square metres of gross floor area

2. That the maximum density on the property be 216 units per hectare and the maximum height be 22 storeys in exchange for the owner of the subject lands entering into an Agreement with the Corporation of the City of Welland pursuant to Section 37 of the Planning Act, to the satisfaction of the City, to provide facilities or improvements for community benefits comprised of the following:
    (a) The cash contribution of $500,000.00 for the upgrades to the Welland Transit Hub at the Seaway Mall; or,
    (b) In-kind services towards the construction of the Welland Transit Hub at the Seaway Mall which have a minimum equivalent value of $500,000.00.

3. That the Holding (H) Symbol be lifted upon the Owner of the subject lands entering into a Community Benefits Agreement with the City of Welland, as per Section 37 of the Planning Act.

(800 NIAGARA STREET)

Schedule “B”

The provisions of the RM-109, RM-110, and RH-111 Zones shall be those provided for in the Zoning Provisions Table below:

Use	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	To Existing RM Zone (1)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
RESIDENTIAL MEDIUM DENSITY ZONE RM-109										
Apartment	N/A	15.0 m	1.0 m	0 m	1.0 m	0.5 m	10.0 m	3.5 storeys	N/A	15%
Two-Unit Dwelling		6.0 m								
Multiple Dwelling		6.0 m								
Townhouse		4.0 m/unit								
Back-to-Back Townhouse		4.0 m/unit								
RESIDENTIAL MEDIUM DENSITY ZONE RM-110										
Apartment	N/A	15.0 m	Floors 1 – 3.5 1.0 m Floors 4 – 8 3.0 m				10.0 m	8 storeys	N/A	15%
Two-Unit Dwelling		6.0 m	1.0 m	0 m	1.0 m	0.5 m		3.5 storeys		
Multiple Dwelling		6.0 m								
Townhouse		4.0 m/unit								
Back-to-Back Townhouse		4.0 m/unit								
RESIDENTIAL MEDIUM DENSITY ZONE RH-111										
Apartment	N/A	15.0 m	Floors 1 – 3.5 1.0 m Floors 4 -8 3.0 m Floors 8.5 + 9.0 m				10.0 m	16 storeys	N/A	15%
Two-Unit Dwelling		6.0 m	1.0 m	0 m	1.0 m	0.5 m		3.5 storeys		
Multiple Dwelling		6.0 m								
Townhouse		4.0 m/unit								
Back-to-Back Townhouse		4.0 m/unit								

(1) Measured from the nearest building wall to the adjacent property boundary of the RM Zone.

112. CC-112

1. That the permitted uses in the CC-112 Zone be those permitted in the CC1 Zone, save and except as follows:

Minimum Interior Side Yard Setback Adjacent to Institutional Zone	1.0 metres
Minimum Interior Side Yard Setback Adjacent to Residential Zone	1.5 metres
Maximum Exterior Side Yard Setback	22.5 metres

2. That the provisions of the Parking and Loading Regulations of By-law 2017-117, as amended, shall apply save and except as follows:

Minimum Number of Loading Spaces	1 Space
Minimum Setback of a Loading Space From a Public Street	2.8 metres

(3, 11, 17 RICE ROAD, 306, 308 THOROLD ROAD AND 12 ROSE AVENUE)

113. CC2-113

1. That the permitted uses and provisions in the CC2-113 Zone be those permitted in the CC2 Zone, save and except as follows:

- Street Townhouse Use	Permitted
- Maximum Front Yard Setback	5.4 Metres
- Maximum Lot Coverage	56 Percent
- Minimum East Side Yard	1.1 Metres
- Minimum West Side Yard	1.2 Metres

(162 HAGAR STREET)

114. INSH-114

1. That the permitted uses in the INSH-114 Zone be those permitted in the INSH Zone, save and except as follows:

a)	Minimum Interior Side Yard Setback	1.2 metres

Block Townhouses are a permitted use, subject to the provision in the RL2 Zone

b) All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:
- The lands are permitted to be developed without frontage on a public street and the eastern lot line shall be deemed frontage

(555 Prince Charles)

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115. RL2-115

1. That the permitted uses in the RL2-115 Zone be those permitted in the RL2 Zone, save and except as follows:

Setback to a Railway Right of Way	1 metre

(SOUTH SIDE OF FORKS ROAD, WEST OF TUMBLEWOOD PLACE)

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116. RH-116

1. That the permitted uses in the RH-116 Zone be those permitted in the RH and RM Zone, save and except as follows:

   a) The lands are permitted to be developed as Stacked Townhouses, subject to the Block Townhouse provisions of the RM Zone.

2. All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:

   a) Section 6.4 - That tandem parking be permitted for parking spaces other than require parking spaces.

(154 RIVERSIDE DRIVE)

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117. NC-117

1. That the permitted uses in the NC-117 Zone be those permitted in the NC and RM Zone, save and except as follows:

   a) A maximum height of three (3) storeys at 12.0 metres, whereas the By-law permits a maximum

height of two (2) storeys at 11.0 metres

b) That the maximum building gross floor area be 1,950 square metres.

c) That the building envelope permitted on the property be as shown on Schedule 'B' to this By-law and that setbacks within this envelope are deemed to comply.

d) That the following be the only uses permitted on the land zoned NC-117:
Accessory uses
Art Gallery
Custom Workshop
Financial Establishment
Outside display and sales area
Pet Care Establishment
Pet Shop
Restaurant
Retail Establishment
School, Commercial
Seasonal Outdoor use
Service Commercial Establishment
Veterinary Clinic
Day Care
Library
Museum
Medical Office Clinic
Office

e) That the Outside display and sales area and Seasonal Outdoor Use be limited to a total of 100 square metres, and the display area be contained within 3.5 metres of the façade of the building.

2. All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:

b) Section 6.4 - That tandem parking be permitted for parking spaces other than require parking spaces.

(HUNTERS POINTE REDEVELOPMENT)

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118. RL2-118

1. That the permitted uses in the RL2-118 Zone be those permitted in the RL Zone, save and except as follows:

a)	Maximum Lot Coverage	62 Percent
	Minimum Rear Yard Setback	4.7 Metres
b)	All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:	
	Maximum projection of open or roofed porches and stairs into a required front yard provided the structure is not higher than 1.5 metres from grade	3.9 Metres

(858 THOROLD ROAD)

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119. RM-119 (APPROVED BY ORDER OF THE ONTARIO LAND TRIBUNAL)

1. That the permitted uses and provisions in the RM-119 Zone be those permitted in the RM Zone, save and except as follows:
   a)

Minimum Lot Frontage	16 metres
Maximum Building Height	11 metres (3 storeys)
Minimum Rear Yard Setback	3 metres
Minimum South Side Yard	23 metres
Minimum North Side Yard	3 metres
Minimum West Building Setback	15 metres
Minimum Parking Spaces	28
Maximum Number of Units	24

(368 AQUEDUCT STREET&155 GADSBY AVENUE)

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120. RL2-120 REFUSED BY THE ONTARIO LAND TRIBUNAL

(368 AQUEDUCT STREET & 155 GADSBY AVENUE)

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121. RM-121 (APPROVED BY ORDER OF THE ONTARIO LAND TRIBUNAL)

1. That the permitted uses and provisions of the RM-121 Zone be those permitted in the RM Zone, save and except as follows:
   a) Yards:
      i. The minimum side yard setback along the south-western property line shall be 6.5 metres abutting residential lot lines fronting onto Bruce Street.
      ii. The minimum rear yard setback along the north-western

property line shall be 11.5 metres abutting residential lot lines fronting onto River Road.

(50 BRUCE STREET)

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122. RM-122

1. All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:
2. Notwithstanding the provisions of Section 5: General Provisions, Section 6: Parking and Loading Regulations, Section 7.3: Regulations for Residential Zones contained in Zoning By-law 2017-117, the following site-specific provisions shall apply to the lands shown on Schedule 'A' attached hereto (see By-Law 2024-111):
    a) Residential Medium Density – RM-122
    The following uses and zoning provisions be permitted:
        1. Semi-detached Dwelling
            i. Lot Area: 400m^2 for each dwelling and 200m^2 for each unit
            ii. Minimum Lot Frontage 12 metres for each dwelling and 6 metres for each unit
            iii. Minimum Front Yard: 4.5 metres to dwelling and 6 metres to garage
            iv. Minimum Interior Side Yard: 1 metre
            v. Minimum Exterior Side Yard: 1 metre
            vi. Minimum Rear Yard: 4.5 metres
            vii. Maximum Building Height: 11 metres
            viii. Maximum Lot Coverage: 50%
            ix. Minimum Landscape Area: 20%

    b) Street Townhouse with Garage Facing Front Lot Line
            i. Minimum Rear Yard: 5 metres

    c) Street Townhouse with Garage Access From Lane
            i. Minimum Lot Frontage 4 metres for each dwelling unit
            ii. Minimum Front Yard with Garage Access Only: 6 metres to garage
            iii. Minimum Rear Yard with Direct Connection to Common Element: 3 metres
            iv. Maximum Building Height: 12 metres

    d) Multiple Dwelling
            i. Minimum Lot Frontage 4 metres for each dwelling
            ii. Minimum Front Yard with Garage Access only: 6 metres to garage

iii. Minimum Interior Side Yard: 1 metre
iv. Minimum Exterior Side Yard: 1 metre
v. Minimum Rear Yard with Direct Connection to Common Element: 3 metres

(16 SEAWAY DRIVE)

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123. RM-123

1. That the permitted uses in the RM-123 Zone be those permitted in the RM Zone, save and except as follows:

    - That the daylight triangle is not recognized as the front lot line;
    - To permit a reduced exterior side yard setback of 2 metres; whereas, 4 metres is required; and,
    - That a required parking stall may be located within 3 metres of a street line but not within 1.5 metres of the street line.

(526 ONTARIO ROAD)

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124. RL2-124

1. That the provisions of the RL2-124 Zone be those permitted in the RL2 Zone, save an except as follows:
    a) To permit a minimum rear yard of 1 metre where 6 metres is required.

(91, 103, 109 QUAKER ROAD)

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125. RH-125

1. That the uses permitted in the RH-125 Zone be those permitted in the RH Zone, save and except as follows:
    a) That the maximum building height be 33 metres; and
    b) That the minimum dimensions of a loading space be 5.5 metres in width and 5.5 metres in length.

(523, 529, 535, 537 THOROLD ROAD)

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126. HA-126

1. All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply, save an except as follows:
    a) Hazard Overlay – HA Site Specific Provisions

        That Hazard Overlay (HA) Zone as shown on a Schedule "A", includes hazards associated with the watercourse and the top of bank for erosion hazards.

        Notwithstanding the permitted uses in Section 10.2, any physical operation or preparatory site work such as excavating, grading, filling, or draining land for a building or structure shall be permitted.

        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.

(16 SEAWAY DRIVE)

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127. RH-127 (APPROVED BY ORDER OF THE ONTARIO LAND TRIBUNAL)

1. Notwithstanding the provisions of Section 5: General Provisions, Section 6: Parking and Loading, and Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following provisions shall apply to the lands.
    a) Regulations for Residential Zones – Block Townhouses
        i. Front Lot Line deemed to be Heron Street
        ii. Exterior Side Yard deemed to be Webber Road and South Pelham Road
        iii. Minimum Exterior Side Yard to be 3.2 metres
        iv. Maximum Commercial Gross Floor Area Per Unit to be 220 square metres
        v. Minimum Commercial Use Gross Floor Area to be 825 square metres
        vi. Minimum 7th Storey Step Back on South Side of Building to be 7 metres
        vii. Awnings and Balconies can Encroach up to 1.6 metres.

(44 HERON)

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128. RM-128 APPROVED BY ORDER OF THE ONTARIO LAND TRIBUNAL)

1. Notwithstanding the provisions of Section 5: General Provisions, Section 6: Parking and Loading, and Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following provisions shall apply to the lands.
    a) Front Lot Line is deemed to be Heron Street.
    b) Minimum Front Yard is to be 1.5 metres
    c) A 0.3 metres increase for each side of a parking space that is obstructed is not required for private garages.

(44 HERON)

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129. H-RM-129

1. That the provisions of Zoning By-law 2017-117 continue to apply.
2. That the uses permitted in the RM-129 Zone be those permitted in the RM Zone, save and except as follows:
    a) That the hypotenuse of the sight triangle is not recognized as a front lot line
    b) That the minimum required front yard be 2 metres
    c) That the minimum required rear yard be 4 metres
    d) That the minimum required exterior side yard be 3 metres
    e) That the front lot line be the southern lot line adjacent to the future roadway to the south
    f) Where a parking space is located abutting or near a wall, column, or other similar surface that obstructs the opening of doors of a parked vehicle or limits access to the parking space, the minimum width of the parking space shall be increased by 0.3 metres for each side that is obstructed does not apply; and
3. The minimum width of a parking space shall be 2.7 metres.
4. That the Holding (H) Symbol be lifted upon the owner of the subject lands receiving confirmation from the appropriate approval authority for the following:
    a) That the overall Traffic Impact Study for the Northwest Welland Secondary Area be completed and approved to the satisfaction of the Engineering Division;
    b) That water modelling be completed, to the satisfaction of the Engineering Division, and that the modelling confirms that no additional external private watermains are required, or in the event that external private watermains are required that they are constructed;
    c) That the pond, and storm sewers located within the future streets of the development for 210, 276 Quaker Road, for the purpose of drainage from 744 First Avenue, be constructed and operational, to the satisfaction of the Engineering Division; and
    d) That the connection point to the future development to the east, as described in the Functional Servicing completed by S. Llewellyn & Associates Limited dated February 2024, is reviewed and found to

be satisfactory by Niagara Region staff.

(744 FIRST STREET)

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130. CC2-130

1. That the provisions of Zoning By-law 2017-117 continue to apply.
2. That the permitted uses for the CC2-130 Zone be those permitted in the CC2 Zone, save and except as follows:
    a) That the maximum front yard setback shall be 5.4 metres;
    b) That the minimum rear yard setback shall be 1.5 metres;
    c) That the minimum landscape buffer for areas not abutting a street shall be 0.38 metres; and
    d) That notwithstanding subsection 6.7.2 g) bicycle parking shall be accessible by cyclists from any walkway or path that is connected to a public street, private aisle, or private driveway.

(858 NIAGARA STREET)

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131. RL2-131

1. Section 5 – General Provisions:
    a) Subsection 5.7 b) shall be deemed to be as follows:

    A temporary sales office, or a model home, used for the sale of residential, industrial or commercial lots or units in a plan of subdivision 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, or model home, shall comply with the applicable setbacks for the zone in which the office is located and will be subject to the necessary development agreements to the satisfaction of the City.

    b) Subsection 5.10.5 a) shall be deemed to be as follows:

    An open or roofed porch and stair may project 0.9 metres into an interior side yard having a minimum dimension of 1.2 metres, applicable only to a single detached or street townhouse.
    c) Subsection 5.28.1 is amended to add the following:

    e) A walkway or retaining wall shall be permitted within a required planting strip.

2. Section 6 – Parking and Loading Provisions:
    a) Subsection 6.1.6 c) is not applicable.
    b) Subsection 6.9.2 a) shall be deemed to be:

The required parking spaces for such dwelling shall be located a minimum distance of 0 metres from the street line to which the driveway is accessed.

3. Section 7 – Residential Zones:

a) In regard only to the RL2-131 Zone, the RL2 zoning provisions in Table 7.3.1 are deemed amended as follows:

Single-detached Dwellings:
- Minimum Front Yard: 3.0 metres to dwelling, 5.8 metres to the garage
- Minimum Interior Side Yard: 0.6 metres on one side and 1.2 metres on the other side, or 1.0 metres
- Building Height: 13.5 metres
- Maximum Lot Coverage: 65%
- Minimum Landscape Area: 15%

(210, 276 QUAKER ROAD)

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132. RM-132

1. Section 5 – General Provisions:
   a) Subsection 5.7 b) shall be deemed to be as follows:

   A temporary sales office, or a model home, used for the sale of residential, industrial or commercial lots or units in a plan of subdivision 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, or model home, shall comply with the applicable setbacks for the zone in which the office is located and will be subject to the necessary development agreements to the satisfaction of the City.

   b) Subsection 5.10.5 a) shall be deemed to be as follows:

   An open or roofed porch and stair may project 0.9 metres into an interior side yard having a minimum dimension of 1.2 metres, applicable only to a single detached or street townhouse.
   c) Subsection 5.28.1 is amended to add the following:

   e) A walkway or retaining wall shall be permitted within a required planting strip.

2. Section 6 – Parking and Loading Provisions:
    a) Subsection 6.1.6 c) is not applicable.
    b) Subsection 6.9.2 a) shall be deemed to be:

        The required parking spaces for such dwelling shall be located a minimum distance of 0 metres from the street line to which the driveway is accessed.

3. Section 7 – Residential Zones:

    a) In regard only to the RM-132 Zone, the RL2 zoning provisions in Table 7.3.1 are deemed amended as follows:

        Street Townhouse Dwelling with Garage Facing Front Lot Line
        - Minimum Front Yard: 3.0 metres to dwelling, 5.8 metres to garage
        - Building Height: 14.5 metres
        - Maximum Lot Coverage: 65%
        - Minimum Landscape Coverage: 15%

        Street Townhouse Dwelling with Garage Access from Lane shall be deemed to be Street Townhouse Dwelling with Garage Access from Rear with the same provisions except as follows:
        - Minimum Front Yard: 3.0 metres to dwelling, 5.8 metres to garage
        - Building Height: 14.5 metres
        - Maximum Lot Coverage: 65%
        - Minimum Landscape Coverage: 15%

        Section 4 – Definitions

        Notwithstanding Section 4 for the definition of “Lot Line, Front” the front lot line shall be Quaker Road for Block 269, Block 270, Block 277, Block 278.

(210, 276 QUAKER ROAD)

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133. RM-133

1. Section 5 – General Provisions:

    a) Subsection 5.10.5 a) shall be deemed to be as follows:

        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) Subsection 5.10.5 e) shall be deemed to be as follows:

Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:

a) Subsection 6.1.6 c) is not applicable.
b) Subsection 6.7 is not applicable.

3. Section 7 – Residential Zones:

a) In regard to the RM-133, the RM zoning provisions in Table 7.3.1 are deemed amended as follows:

Block Townhouse Dwellings
- Minimum Front Yard: 3.0 metres [to dwelling]

Multiple Dwellings
- Minimum Front Yard: 3.0 metres

(450 RICE ROAD)

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134. RL2-134

1. Section 5 – General Provisions:
a) Subsection 5.10.5 a) is maintained as follows:

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) Subsection 5.10.5 e) shall be deemed to be as follows:

Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
a) Subsection 6.1.6 c) is not applicable.
b) Subsection 6.7 is not applicable for multiple dwellings.

3. Section 7 – Residential Zones:

a) In regard to RL2-134, the RL zoning provisions in Table 7.3.1 are

deemed amended as follows:

Single-detached Dwellings:
- Minimum Lot Frontage: 8.5 metres
- Minimum Front Yard: 3.0 metres to [dwelling]
- Minimum Interior Side Yard: 0.6 metres on one side and 1.2 metres on the other side
- Maximum Lot Coverage: 60%

Street Townhouse Dwelling (front facing and rear garage access)
- Minimum Front Yard: 3.0 metres to dwelling
- Minimum Lot Coverage: 65%
-

(469,509 RICE ROAD)

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135. RM-135

1. Section 5 – General Provisions:
   a) Subsection 5.10.5 a) is maintained as follows:

      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) Subsection 5.10.5 e) shall be deemed to be as follows:

      Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.6 c) is not applicable.
   b) Subsection 6.7 is not applicable for multiple dwellings.

3. Section 7 – Residential Zones:
   a) In regard to the RM-135, the RM zoning provisions in Table 7.3.1 are deemed amended as follow:

      Multiple Dwelling
      - Minimum Lot Frontage: 6.4 metres
      - Minimum Interior Side Yard: 1.2 metres
      - Minimum Exterior Side Yard: 1.2 metres
      - Minimum Rear Yard: not required where the lot line is the dividing line between attached units
      - Maximum Lot Coverage: 65%

- Minimum Landscaped Area: 15%

(469, 509 RICE ROAD)

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136. RL2-136

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-136 Zone as set out below:

1. Section 5 – General Provisions :
   a) Subsection 5.29.1 is deemed amended to add a subsection e) as follows:

      e) A walkway or retaining wall shall be permitted within a required planting strip.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.3 d) is deemed amended to add as follows:

      The required 3 metre planting strip may be reduced to a minimum of 1 metre.

   b) Subsection 6.1.6 c) is not applicable.
   c) Subsection 6.9.2 a) shall be deemed to be:

      The required parking spaces for such dwelling shall be located a minimum distance of 5.5 metres from the street line to which the driveway is accessed.

3. Section 7 – Residential Zones:

   a) In regard to RL2-136, the RL zoning provisions in Table 7.3.1 are deemed amended as follows:

      Street Townhouse Dwellings
      - Minimum Lot Coverage: 65%
      - Minimum Landscaped Area: 15%

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(294 QUAKER ROAD)

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137. RM-137

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-137 Zone as set out below:

1. Section 5 – General Provisions :
   a) Subsection 5.29.1 is deemed amended to add a subsection e) as follows:

      e) A walkway or retaining wall shall be permitted within a required planting

strip.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.3 d) is deemed amended to add as follows:

      The required 3 metre planting strip may be reduced to a minimum of 1 metre.

   b) Subsection 6.1.6 c) is not applicable.
   c) Subsection 6.9.2 a) shall be deemed to be:

      The required parking spaces for such dwelling shall be located a minimum distance of 5.5 metres from the street line to which the driveway is accessed.

3. Section 7 – Residential Zones:
   b) In regard to the RM-137, the RM zoning provisions in Table 7.3.1 are deemed amended as follows:

      Multiple Dwelling (Stacked Townhouses)
      - Minimum Front Yard: 3.0 metres
      - Minimum Exterior Side Yard: 3.0 metres
      - Minimum Rear Yard: 6 metres

      Notwithstanding Section 4, “Lot Line, Front” the front lot line shall be First Avenue

      Notwithstanding Section 4, “Lot Line, Rear” the rear lot line shall be the lot line opposite to First Avenue

      Notwithstanding Section 4, “Lot Line, Exterior” the exterior lot line shall be Quaker Road

      Notwithstanding Section 4, “Lot Line, Interior Side” the interior side lot line shall be the lot line opposite Quaker Road in accordance with the definition of “Lot Line, Interior Side”

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(294 QUAKER ROAD)

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138. RL2-138

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-138 Zone as set out below:

1. Section 5 – General Provisions:
   a) Subsection 5.10.5 a) shall be deemed to be as follows:

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) Subsection 5.10.5 e) is applied as follows:

Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.6 c) is not applicable.
   b) Subsection 6.7 is not applicable to multiple dwellings.
   c) Subsection 6.9.3 a) shall be deemed to be:

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 1.5 metres of a street line.

3. Section 7 – Residential Zones:

c) In regard to the RL2-138, the RL2 zoning provisions in Table 7.3.1 are deemed amended as follows:

Single-detached Dwellings:
- Minimum Lot Frontage: 8.5 metres
- Minimum Front Yard: 3.0 metres to [dwelling]
- Minimum Interior Side Yard: 0.6 metres on one side and 1.2 metres on the other side
- Maximum Lot Coverage: 60%

Street Townhouse Dwelling (front facing and rear garage access)
- Minimum Front Yard: 3.0 metres to dwelling
- Minimum Lot Coverage: 65%

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(575 QUAKER ROAD)

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139. RM-139

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-139 Zone as set out below:

1. Section 5 – General Provisions:

a) Subsection 5.10.5 a) shall be deemed to be as follows:

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) Subsection 5.10.5 e) is applied as follows:

Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.6 c) is not applicable.
   b) Subsection 6.7 is not applicable to multiple dwellings.
   c) Subsection 6.9.3 a) shall be deemed to be:

   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 1.5 metres of a street line.

3. Section 7 – Residential Zones:

   d) In regard to the RM-139, the RM zoning provisions in Table 7.3.1 are deemed amended as follows:

Apartment for (block 43)
- Minimum Rear Yard: 3.0 metres
- Maximum Lot Coverage: 65%
- Minimum Landscape Coverage: 15%

Block Townhouse for (block 43)
- Minimum Front Yard: 3.0 metres to [dwelling]
- Maximum Lot Coverage: 65%
- Minimum Landscape Coverage: 15%

Multiple Dwelling for (block 43)
- Minimum Front Yard: 3.0 metres
- Minimum Interior Side Yard: 1.5 metres
- Minimum Rear Yard: 3 metres
- Maximum Lot Coverage: 65%
- Minimum Landscape Coverage: 15%

Multiple Dwelling for (block 41 & block 42)
- Minimum Lot Frontage: 6.4 metres
- Minimum Interior Side Yard: 1.2 metres

- Minimum Exterior Side Yard: 1.2 metres
- Minimum Rear Yard: not required where the lot line is the dividing line between attached units
- Maximum Lot Coverage: 60%
- Minimum Landscaped Area: 15%

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(575 QUAKER ROAD)

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140. RL2-140

1. That the provisions of the RL2-140 and RM-141 Zone shall be those provided for in the RL2 and RM Zone, save and except as shown on Schedule 'B' and Schedule 'C' to this By-law, and as follows:

    1) All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:
        a. Notwithstanding Section 5.6 or anything to the contrary, for rental or condominium development, setbacks shall be taken from the dwelling to the internal roadway (back of curb), the existing or proposed property lines. Setbacks shall not be taken from the Condominium Unit line;
        b. Notwithstanding Section 5.7 b), a temporary sales office or model home, used for the sale of residential, industrial or commercial lots or units in a Plan of Subdivision or 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 or model home shall comply with the applicable setbacks for the Zone in which the office is located and will be subject to the necessary Development Agreement(s) to the satisfaction of the City of Welland;
        c. Notwithstanding Section 5.10.5 Decks, Porches, Steps, an open or roofed porch and stairs may project 0.9 metres into an interior side yard having a minimum setback of 1.2 metres, applicable only to a single-detached or two-unit dwelling and street townhouse;
        d. A walkway or retaining wall shall be permitted within a required planting strip;

2) All other parking provisions of By-law 2017-117, as amended shall apply save and except for the following:
    a. Notwithstanding Section 6.1.3 d) the required 3.0 metre planting strip may be reduced to a minimum of 1.0 metre at the discretion of the Director of Planning or their delegate without further amendment to By-law 2017-117, as amended;
    b. Notwithstanding Section 6.1.6 c) where a parking space is obstructed, the minimum width of the parking stall shall be 2.75 metres;
    c. Notwithstanding Section 6.9.1 a) the required parking space of a single-detached and two-unit dwelling shall be located a minimum of 5.0 metres from the street line;
    d. Notwithstanding Section 6.9.2 a) the required parking space for a street townhouse dwelling shall be located a minimum of 5.0 metres from a street line.
    e. Notwithstanding Section 6.13 c) below grade parking structures are required to be setback 0.5 metres from all property lines and may encroach into a landscape buffer a maximum of 1.5 metres;
    f. Notwithstanding Section 6.17 the required landscape buffers may be reduced at the discretion of the Director of Planning who shall be satisfied that appropriate landscaping can be provided in the reduced landscape buffer.

2. That for the purpose of the RL2-140 and RM-141 Zone, the following implementation shall apply:
    a. That the proposed back-to-back townhouses shall be considered ‘Multiple Dwellings’ as per the provisions of the RL2-140 and RM-141 Zones;
    b. That townhouse units that front on private roads shall be considered as “Block Townhouse Dwelling” or “Multiple Dwelling”
    c. That lot coverage shall be calculated on a comprehensive property basis and in such cases where there is condominium tenure, common element areas are to be included as part of the total lot area.

3. That the uses permitted in the RL2-140 Zone be allowed in the RM-141 subject to the provisions found in the RL2-140.

The provisions of the RL2-140 Zone shall be those provided for in the zoning provisions tables below:

Use	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 and Two Unit-Dwellings	210 square metres	8m	3m (front face of dwelling), 5.0m (garage)	0.6m on one side; and 1.2m on the other; or, 1.0m	1m	6m	13.5m (3 storeys)	N/A	N/A
Semi-Detached Dwelling	400 square metres for each dwelling and 200 square metres for each unit	12m for each dwelling, 6m for each unit	3m (front face of dwelling), 5.0m (garage)	1m (1)	1m	6m	13.5m (3 storeys)	N/A	N/A
Street Townhouse Dwelling	N/A	5.0m/unit	3.0m (front face of dwelling), 5.0m (garage)	1.0m (1)	1m	6m	14.5m (3 storeys)	N/A	20%
Block	N/A	12m	3.0m	1.0m	1m	6m	14.5m	N/A	N/A

Townhouse Dwelling			(front face of dwelling), 5.0m (garage)	(1)			(3 storeys)		
Multiple Dwelling (Back-to-Back/Stacked Townhouses)	80 square metres per dwelling unit	6m	3.0m (front face of dwelling), 4.75m (garage)	1.0m (1)	1m	6m	14.5m (3 storeys)	N/A	N/A

Footnotes:

(1) No interior side yards are required where the lot line is the dividing line between attached units

(436 QUAKER ROAD)

141. RM-141

1. That the provisions of the RL2-140 and RM-141 Zone shall be those provided for in the RL2 and RM Zone, save and except as shown on Schedule 'B' and Schedule 'C' to this By-law, and as follows:

    1) All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:
        a) Notwithstanding Section 5.6 or anything to the contrary, for rental or condominium development, setbacks shall be taken from the dwelling to the internal roadway (back of curb), the existing or proposed property lines. Setbacks shall not be taken from the Condominium Unit line;
        b) Notwithstanding Section 5.7 b), a temporary sales office or model home, used for the sale of residential, industrial or commercial lots or units in a Plan of Subdivision or 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 or model home shall comply with the applicable setbacks for the Zone in which the office is located and will be subject to the necessary Development Agreement(s) to the satisfaction of the City of Welland;
        c) Notwithstanding Section 5.10.5 Decks, Porches, Steps, an open or roofed porch and stairs may project 0.9 metres into an interior side yard having a minimum setback of 1.2 metres, applicable only to a single-detached or two-unit dwelling and street townhouse;
        d) A walkway or retaining wall shall be permitted within a required planting strip;

    2) All other parking provisions of By-law 2017-117, as amended shall apply save and except for the following:
        a) Notwithstanding Section 6.1.3 d) the required 3.0 metre planting strip may be reduced to a minimum of 1.0 metre at the discretion of the Director of Planning or their delegate without further amendment to By-law 2017-117, as amended;
        b) Notwithstanding Section 6.1.6 c) where a parking space is

obstructed, the minimum width of the parking stall shall be 2.75 metres;

c) Notwithstanding Section 6.9.1 a) the required parking space of a single-detached and two-unit dwelling shall be located a minimum of 5.0 metres from the street line;
d) Notwithstanding Section 6.9.2 a) the required parking space for a street townhouse dwelling shall be located a minimum of 5.0 metres from a street line.
e) Notwithstanding Section 6.13 c) below grade parking structures are required to be setback 0.5 metres from all property lines and may encroach into a landscape buffer a maximum of 1.5 metres;
f) Notwithstanding Section 6.17 the required landscape buffers may be reduced at the discretion of the Director of Planning who shall be satisfied that appropriate landscaping can be provided in the reduced landscape buffer.

2. That for the purpose of the RL2-140 and RM-141 Zone, the following implementation shall apply:
    a) That the proposed back-to-back townhouses shall be considered ‘Multiple Dwellings’ as per the provisions of the RL2-140 and RM-141 Zones;
    b) That townhouse units that front on private roads shall be considered as “Block Townhouse Dwelling” or “Multiple Dwelling”
    c) That lot coverage shall be calculated on a comprehensive property basis and in such cases where there is condominium tenure, common element areas are to be included as part of the total lot area.

3. That the uses permitted in the RL2-140 Zone be allowed in the RM-141 subject to the provisions found in the RL2-140.

The provisions of the RM-141 Zone shall be those provided for in the zoning provisions tables below:

Use		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)
Apartment Building		780 square metres	30m	0m	3m	1m	6m	22m (6 storeys)	65%	20%

(436 QUAKER ROAD)

142. RL2-142

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-142 Zone as set out below:

1. Section 5 – General Provisions:
   a) Subsection 5.10.5 a) shall be deemed to be as follows notwithstanding any further amendments to this subsection:

      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) Subsection 5.10.5 e) shall be deemed to be as follows:

      Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.6 c) is not applicable.
   b) Table 6.7.1 shall be deemed to be amended as follows:

      Apartment Dwelling, Multiple Dwelling, Retirement Home require 0.25 spaces per dwelling unit except for Multiple Dwelling which will require 0 spaces per dwelling unit.

   c) Subsection 6.9.3 a) shall be deemed to be as follows:

      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 the front lot line, in no case shall any parking be located withing 1.5 metres of a street line.

3. Section 7 – Residential Zones:
   a) In regard only to the RL2-142 Zone, the RL2 zoning provisions in Table 7.3.1 are deemed amended as follows:

      Single Detached Dwellings:
      - Minimum Front Yard: 3.0 metres to dwelling, 6.0 metres to the garage, and 3.4 metres to the garage in regard to only Lot 1.
      - Minimum Interior Side Yard: 0.6 metres on one side and 1.2 metres on the other side.
      - Minimum Rear Yard: 5.5 metres in regard to only Lot 1, and 5.0 metres in regard only Lots 10, 11, 12.

- Maximum Lot Coverage: 65%

Street Townhouse Dwellings:
- Minimum Front Yard: 3.0 metres to dwelling, 6.0 metres to the garage.
- Maximum Lot Coverage: 65%.

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(960 CLARE AVENUE)

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143. RM-143

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows only for the RL2-142 Zone as set out below:

1. Section 5 – General Provisions:
   a) Subsection 5.10.5 a) shall be deemed to be as follows notwithstanding any further amendments to this subsection:

      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) Subsection 5.10.5 e) shall be deemed to be as follows:

      Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 2.4 metres above grade.

2. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.1.6 c) is not applicable.
   b) Table 6.7.1 shall be deemed to be amended as follows:

      Apartment Dwelling, Multiple Dwelling, Retirement Home require 0.25 spaces per dwelling unit except for Multiple Dwelling which will require 0 spaces per dwelling unit.

   c) Subsection 6.9.3 a) shall be deemed to be as follows:

      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 the front lot line, in no case shall any parking be located withing 1.5 metres of a street line.

3. Section 7 – Residential Zones:

a) In regard only to the RM-143 Zone, the RM zoning provisions in Table 7.3.1 are deemed amended as follows:

Apartment for block 32 only:
- Minimum Rear Yard: 3.0 metres.
- Maximum Lot Coverage: 65%
- Minimum Landscape Coverage 15%

Block Townhouse for block 32 only:
- Minimum Front Yard: 3.0 metres to dwelling, 6.0 metres to the garage.
- Maximum Lot Coverage: 65%.
- Minimum Landscape Coverage: 15%.

Multiple Dwelling for block 32 only:
- Minimum Front Yard: 3.0 metres
- Minimum Interior Sid Yard: 1.5 metres
- Minimum Rear Yard: 3 metres
- Maximum Lot Coverage: 65%
- Minimum Landscape Coverage: 15%

Multiple Dwelling for block 30 & block 31 only
- Minimum Lot Frontage: 6.4 metres
- Minimum Interior Side Yard: 1.2 metres
- Minimum Exterior Side Yard: 1.2 metres
- Minimum Rear Yard: not required where the lot line is the dividing line between attached units
- Maximum Lot Coverage: 60%
- Minimum Landscaped Area: 15%

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(960 CLARE AVENUE)

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144. RM-144

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows for the RM-144 Zone as set out below:

1. Section 4 – Definitions:
   a) The definition for 'Lot Line, Interior Side' shall be deemed to be as follows:

      Means a lot line other than a front, rear, or an exterior lot line, notwithstanding the eastern lot line abutting Hester Lane which is to be deemed an interior side lot line.

2. Section 5 – General Provisions:
   a) Subsection 5.28.1 b) shall be deemed to be as follows:

      Where a planting strip is required in accordance with a) above, the planting strip shall have a minimum width of 1.2 metres unless otherwise provided herein, except for points of ingress and egress.

3. Section 6 – Parking and Loading Provisions:
   a) Subsection 6.6 a) shall be deemed to be as follows:

      A minimum of one temporary 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) Table 6.17.1 Column 3 shall be deemed to be amended as follows:

      A landscape buffer for a parking area containing more than 10 but fewer than 100 spaces shall be 1.2 metres abutting a street, not abutting a street, and abutting a residential or institutional zone.

   c) Subsection 6.17 c) ii) shall be deemed to be as follows:

      Located at least 0.5 metres away from any other lot line; and

4. Section 7 – Residential Zones:

   a) The RM zoning provisions in Table 7.3.1 are deemed amended as follows for:

      Apartment
      - Minimum Lot Frontage: 35.5 metres
      - Minimum Interior Side Yard: 2.0 metres
      -

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply

(111 VICTORIA STREET)

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145. RM-145

Comprehensive Zoning By-law 2017-117, as amended, be and the same is hereby amended as follows for the RM-145 Zone as set out below:

1. Section 7 – Residential Zones:

   a) The RM zoning provisions in Table 7.3.1 are deemed amended as

follows for:

Block Townhouse

- Minimum Front Yard: 3.0 metres to building face and 6.0 metres to garage.

All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.

(519 THOROLD ROAD)