



By-law Number 1538, as amended

THIS IS AN “OFFICE CONSOLIDATION” ONLY

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PLANNING AND DEVELOPMENT SERVICES
FOR ASSISTANCE**

This copy is a consolidation of Zoning By-law Number 1538, former Township of Crowland (as subsequently amended).

It is intended for general reference and convenience only. For accuracy, reference must be made to the by-laws and schedules on file in the Clerk’s Department.

Furthermore, this office consolidation is provided only as a courtesy and without municipal obligation to note and certify relevant municipal, regional, provincial and federal enactments, nor to include all updates and excerpts of amendments to the text and schedules.

**CITY OF WELLAND
AMENDMENTS TO ZONING BY-LAW 1538, AS AMENDED**

BY-LAW NUMBER	DATE OF COUNCIL APPROVAL	APPLICANT/ OWNER	ADDRESS	DEV. SERV. FILE #	EFFECT OF BY-LAW
1999-133	10/09/99	City	General	99-6	General Housekeeping
2000-11	15/02/00	Louis and Jeannine Labbe	383 Buchner Road	99-13	I1-X1
2000-48	02/05/00	Ludwig Werkmeister	130 Moyer Road	2000-3	RA-X11; RA-X12
2000-60	16/05/00	City	General	2000-6	General Housekeeping
2000-108	22/08/00	Noella Rodrigue	307 Buchner Road	2000-11	I1-X2
2002-11	05/02/02	Remi and Suzanne Giroux	333 Buchner Road	2001-14	I1-X3
2002-69	07/05/02	City of Welland	North side of Ridge Road, east of Highway 140	2002-03	I1-X4
2002-12	04/02/03	Floria Ontario Inc.	North side of Ridge Road, east of Highway No. 140	2003-13	I1-X5
2003-138	2/9/03	City	General	2003-05	General Housekeeping
2010-63	18/05/10	1397898 Ontario Ltd.	383 Buchner Road	2010-02	I1-X1

OFFICE CONSOLIDATION

THE CORPORATION OF THE TOWNSHIP OF CROWLAND

BY-LAW NUMBER 1538 (1958)

AS AMENDED BY

BY-LAW NUMBER 1589 (1958)

REV. JUNE 18, 2010

THE CORPORATION OF THE TOWNSHIP OF CROWLAND

BY-LAW NO. 1538

Being a By-law to regulate the use of land, the erection, use, bulk, height, location and spacing of buildings and structures, and to prohibit certain uses of lands and the erection and use of certain buildings and structures in certain areas of the Township of Crowland.

WHEREAS it is considered desirable to regulate the use of land and the character and use of buildings and structures within the Township of Crowland, and

WHEREAS authority is granted under Section 390 of the Ontario Municipal Act, Subject to the approval of the Ontario Municipal Board, to the Council of the Township of Crowland to exercise such powers,

THEREFORE the Council of the Corporation of the Township of Crowland enacts as follows:

THE TOWNSHIP OF CROWLAND

BY-LAW NO. 1538

A ZONING BY-LAW

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SECTION 1 - TITLE

This By-law shall be known as the
“Zoning By-law”
of the Township of Crowland

SECTION 2 - DEFINITIONS

For the purpose of this By-law the definitions and interpretations given in this section shall govern unless a contrary intention appears:

Accessory Building/ Structure	2.1	A building or structure, not used or intended to be used for human habitation, detached from, but located on the same lot as, the principle use, building or structure, the use of which is incidental, subordinate and exclusively devoted to that of the principal building or structure; (By-law 1999-133)
Accessory Use	2.1A	A use which is incidental, subordinate and exclusively devoted to the principal use of the lot upon which, or of the building or structure within which, the accessory use is located; (By-law 1999-133)
Animal Hospital	2.2	“Animal Hospital” shall include the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept;
Automobile Service Station	2.3	“Automobile Service Station” shall mean a building or place where gasoline, other automotive fuel, propane, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark-plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed; (amended by By-law 7593)
Bake Shop	2.4	“Bake Shop” shall mean a shop where products of a bakery are sold or offered for sale by retail, including incidental baking;
Basement	2.5	“Basement” shall mean that portion of a building between two floor levels, which is partly below grade but which has at least one half of its clear height above grade;
Block	2.6	“Block” shall mean all land fronting on one side of a street between the nearest streets, intersecting, meeting or crossing the aforesaid street;
Boarding or Lodging House	2.7	“Boarding or Lodging House” shall mean a dwelling in which the proprietor supplies for gain lodging with or without meals, but does not include a hotel, hospital, children’s home, home for the aged or other establishment otherwise classified or defined in this By-law;
Boys’ Home, Girl’s Home, Orphanage or Infants’ Home	2.8	“Boys’ Home, Girls’ Home, Orphanage or Infants’ Home” shall mean a house or institution for the shelter and care of boys or girls or both, which is supervised or approved under any general or special Act, except a children’s shelter, a children’s home, a boarding school or a day nursery;

Building	2.8A	Any structure, whether temporary or permanent, consisting of walls and a roof, used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels; (By-law 1999-133)
Building Height	2.9	<p>“Building Height” shall mean the vertical distance between the established grade, and</p> <p>in the case of a flat roof, the highest point of the roof surface or parapet wall, or</p> <p>in the case of a mansard roof the deck line, or</p> <p>in the case of a gabled, hip or gambrel roof, the mean height level between eaves and ridge;</p> <p>and a penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament upon or to house the mechanical equipment of any building shall be disregarded in calculating the height of such building;</p>
Business Office	2.10	“Business Office” shall mean any building or part of a building in which one or more persons are employed in the management direction or conducting of an agency, business, brokerage, labour or fraternal organization, and shall include a telegraph office, newspaper plant and a radio or television broadcasting station, studio or theatre;
Business Service Establishment	2.10A	An establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair; (By-law 2003-138)
Call Centre	2.10B	A building, or part thereof, where one or more telephone service representatives, working in accordance with a business plan, dedicates the major portion of their time receiving or placing calls using accessory computer equipment to record the information; (By-law 2003-138)
Car Washing Establishment	2.11	“Car Washing Establishment” shall mean a public garage for washing or cleaning motor vehicles; for gain;
Children’s Home	2.12	“Children’s Home” shall mean a building in which children, actually or apparently under the age of sixteen (16) years, are harboured, received or lodged, without either parent or guardian, for hire, but does not include a boarding school;
Children’s Shelter	2.13	“Children’s Shelter” shall mean a place of refuge for neglected children established pursuant to The Children’s Protection Act,

R.S.O. 1950, Chapter 53;

Church	2.14	“Church” shall mean a building dedicated to a religious worship;
Clinic	2.15	“Clinic” shall mean a public or private medical, surgical, physiotherapeutic or other human health clinic except when accessory to a private or public hospital;
Commercial Club	2.16	“Commercial Club” shall mean any club other than a private club;
Commercial Greenhouse	2.16A	A building or part thereof, constructed primarily of translucent material in which temperature and humidity can be controlled and which is used for the purpose of growing plants for use on the farm or for sale; (By-law 1999-133)
Commercial School	2.17	“Commercial School” shall mean a school conducted for hire or gain, other than a private academic, religious or philanthropic school, and includes the studio of dancing teacher or music teacher, an art school, golf school, school of calisthenics, business or trade school and any other such specialized school conducted for hire or gain;
Commercial Vehicle	2.17A	A motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways as defined in the Highway Traffic Act; (By-law 1999-133)
Contractors’ Establishment	2.17B	A place, building or structure where construction, mechanical, electrical, plumbing, heating, roofing, siding, insulation, refrigeration, painting, grounds maintenance or general contractors or other like contractors conduct their businesses, and may include offices, drafting facilities and display areas of pertinent samples; (By-law 2003-138)
Corporation	2.18	“Corporation” shall mean the Corporation of the Township of Crowland;
Council	2.19	“Council” shall mean the Council of the Corporation of the Township of Crowland;
Custom Workshop	2.20	“Custom Workshop” shall mean a building where there is carried on individual custom production of drapes and slip covers, venetian blinds, handmade leather goods, millinery, glass blowing, orthopaedic and prosthetic appliances, drug and medical prescriptions, weaving, awnings, metal plating, gold and silver engraving and other non-offensive, non-dangerous custom production of any article or other thing but does not include any factory production or any shop or factory otherwise classified or defined in this By-law;

Day Nursery	2.21	“Day Nursery” shall mean a day nursery to which The Day Nurseries Act, R.S.O. 1950, Chapter 88, applies;
Deck	2.21A	An uncovered, unenclosed structure with a minimum height above grade of 0.25 metres which may incorporate a guard (railing); (By-law 2003-138)
Dressmaker’s Shop	2.22	“Dressmaker’s Shop” shall mean a building where the business of individual custom tailoring for females is carried on, including remodelling, hemstitching and buttonhole making, but does not include a shop where clothing manufacture other than individual custom tailoring for females is carried on;
Dry Cleaner’s Distributing Station	2.23	“Dry Cleaner’s Distributing Station” shall mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry-cleaning, dry-dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subject to any such process;
Dry-Cleaning Establishment	2.24	“Dry-Cleaning Establishment” shall mean a building or part of a building where dry-cleaning, dry-dyeing, cleaning or pressing of articles or goods of fabric is carried on but does not include a spotting and stain removing establishment, hand laundry, machine laundry, or a whole-sale dyeing plant;
Dwelling	2.25	A building, or part thereof, containing one or more dwelling units, but does not include a mobile home; (By-law 1999-133)
Dwelling, Accessory Farm	2.25A	Deleted by By-law 10144.
Dwelling, Converted	2.26	“Dwelling, Converted” shall mean a dwelling, including any additions thereto erected prior to the passing of this By-law and which has been or is proposed to be altered or converted so as to provide therein two or more dwelling units;
Dwelling, Duplex	2.27	“Dwelling, Duplex” shall mean the whole of a two storey building divided horizontally into two separate dwelling units, each of which has an independent entrance;
Dwelling, Double Duplex	2.28	“Dwelling, Double Duplex” shall mean two attached duplex dwellings;
Dwelling, Single-Detached	2.29	“Dwelling, Single-Detached” shall mean the whole of a dwelling containing one dwelling unit only;
Dwelling, Private Detached	2.30	Deleted by By-law 7005.

Dwelling, Semi-Detached	2.31	“Dwelling, Semi-Detached” shall mean the whole of a building divided vertically into two separate dwelling units;
Dwelling Unit	2.32	Consists of a self-contained set of rooms, used as residential premises, located in a building which contains kitchen and bathroom facilities which are used only by the occupants of the unit; is used as a single housekeeping unit in which no occupant has exclusive possession of any part of the unit, and which unit has a private entrance from outside the building or from a common hallway inside; (By-law 1999-133)
Dwelling Unit Area	2.33	“Dwelling Unit Area” shall mean the floor area of a dwelling unit measured between the exterior faces of the exterior walls of the dwelling unit;
Eating Establishment	2.34	“Eating Establishment” shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, cafe, tea or lunch room, dairy bar, and refreshment room or stand; but does not include a boarding or lodging house;
Erect	2.35	“Erect” shall mean (with reference to a building or structure) construct, build or assemble and shall include enlargement, removal, alteration and any physical operations preparatory to construction or reconstruction;
Established Grade	2.36	“Established Grade” in a residential district shall mean the average elevation of the ground adjoining the front wall of a building, exclusive of any embankment in lieu of steps; and, in a commercial district, shall mean the average elevation of the sidewalk or, where there is no sidewalk, of the roadway in front of the lot on which the building stands;
Existing	2.37	“Existing” shall mean existing as of the date of the passing of this By-law;
Family	2.38	“Family” shall mean one person, or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons occupying, with or without one or more domestic servants, a dwelling unit;
Farm	2.38A	“Farm” shall consist of a lot which is used or is capable of being used predominantly for the purpose of growing crops, forest and other plant products or the raising, breeding or maintenance of livestock; (By-law 10075)
Farming	2.38B	An enterprise undertaken for the purpose of growing crops utilized in food, fuel or fibre production, the growing of forest and other plant products, or the raising or sale of animals or animal products for market or for breeding, riding, showing, boarding, or racing; and

which may include the use of buildings for tool and farm implement storage, farm produce storage, commercial greenhouses, animal breeding, stabling or raising, veterinary clinic; (By-law 1999-133)

First Floor	2.39	“First Floor” shall mean the floor of a building approximately at or first above grade;
Floor Area	2.40	“Floor Area” shall mean the maximum habitable area contained within the outside walls or outside finished furred partitions thereof, excluding, in the case of a dwelling, any private garage, porch, verandah, sunroom, unfinished attic and basement;
Fuel Storage Tank	2.41	“Fuel Storage” shall mean a tank for the bulk storage of petroleum, gasoline, fuel, oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located;
Garage, Public	2.42	“Garage, Public” shall mean a public garage within the meaning of “The Municipal Act, R.S.O. 1950, Cap. 243, Sec. 388, S.S. 121A, but shall not include a car sales lot or car washing establishment;
Garage, Private	2.43	“Garage, Private” shall mean a building or part thereof not over one storey of 4.6 metres in height, used for the storage of private passenger motor vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles is permitted.
Gross Weight	2.43A	The combined weight of a vehicle and its load, as defined in the Highway Traffic Act; (By-law 1999-133)
Ground Floor Area	2.44	“Ground Floor Area” shall mean the area of that portion of a lot occupied by a building or structure, exclusive of any porch, sunroom or private garage;
Half Storey	2.45	“Half Storey” shall mean that portion of a building situated within the roof or having its floor level not lower than 1.2 metres below the line where the roof and outer walls meet and having a roof not steeper than fifty-five (55°) above the horizontal;
Hereafter	2.46	“Hereafter” shall mean after the date of the passing of this By-law;
Herein	2.47	“Herein” shall mean in this By-law and shall not be limited to any particular section of this By-law;
Home Occupation	2.47A	An occupation or business, located within a dwelling unit, save and except a dwelling unit located within an apartment building, conducted for gain by any person maintaining primary residence within the dwelling unit; (By-law 1999-133)
Hotel	2.48	“Hotel” shall mean a building or part of a building that contains a general kitchen and dining and other public rooms, the remaining

rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women;

Lane	2.49	“Lane” shall mean a public thoroughfare or way, not more than 9.2 metres wide and which affords only a secondary means of access to abutting property;
Lot	2.50	<p>A parcel of land which fronts on a street</p> <p>(i) which is a whole lot shown on a registered plan of subdivision passed pursuant to Section 50, Chapter P.13 of the Planning Act, as amended but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to Section 50(4), Chapter P.13 of the Planning Act, R.S.O. 1990, as amended; or</p> <p>(ii) the description of which is the same as in a deed for which consent has been given pursuant Section 52, Chapter P.13 of the Planning Act, R.S.O. 1990 as amended; or</p> <p>(iii) is the whole remnant remaining to an owner after conveyance made with consent, pursuant to Section 52, Chapter P.13 of the Planning Act, R.S.O. 1990, as amended, but for the purposes of this paragraph, no parcel of land ceases to be a lot by reason only of the fact that a part or parts of it has, or have been conveyed to, or required by, the City of Welland, The Regional Municipality of Niagara, Her Majesty in the right of Ontario, or Her Majesty in the right of Canada; or</p> <p>(iv) which is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of May 3, 1958; (By-law 1999-133)</p>
Lot Area	2.51	“Lot Area” shall mean the total horizontal area within the lot lines of a lot;
Lot Coverage	2.52	“Lot Coverage” shall mean the combined areas of all the buildings on the lot measured at the level of the lowest floor above grade;
Lot Depth	2.53	“Lot Depth” shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and rear lot lines;
Lot Frontage	2.54	“Lot Frontage” shall mean the horizontal distance between the side lot lines; where such lot lines are not parallel, the lot frontage shall be measured perpendicularly from the line joining the centre of the

front and rear lot lines at a point 6.0 metres from the front lot line;

Lot Residential	2.55	“Lot Residential” shall mean a lot situated in a residential district and having a lot frontage and lot area in accordance with the requirements of the district in which the same is situated;
Lot Registered	2.55	“Lot Registered” shall mean a lot described in accordance with and within a registered plan of subdivision;
Market Garden	2.56A	The use of land for the intensive commercial cultivation of vegetables, mushrooms, fruits and flowers, and may include a horticultural nursery, retail sales limited to products grown on site and a commercial greenhouse(s); (By-law 1999-133)
Mini Warehouse and Public Storage	2.56B	A building used for the temporary storage of items in separately occupied, secured storage areas or lockers generally accessible by means of individual loading doors and the temporary outdoor storage of seasonal, recreational or commercial vehicles, boats, trailers etc. which may not conveniently or legally be parked or stored elsewhere; (By-law 2003-138)
Mobile Home	2.56C	Any structure that is designed to be made mobile, and constructed or manufactured to provide a temporary or permanent residence for one or more persons notwithstanding that such vehicle is jacked up or that its running gear is removed, but does not include a travel trailer, tent trailer, trailer otherwise designed or a recreational vehicle; (By-law 1999-133 and By-law 2003-138)
Motor Vehicle Repair Shop Class A	2.57	“Motor Vehicle Repair Shop Class A” shall mean a public garage used as a motor vehicle repair shop, exclusive of the painting and repairing of bodies and fenders;
Motor Vehicle Repair Shop Class B	2.58	“Motor Vehicle Repair Shop Class B” shall mean a public garage used as a motor vehicle repair shop including the painting and repairing of bodies and fenders;
Motel	2.59	“Motel” shall mean and include a structure containing a series of three or more living or sleeping units with individual interior sanitary conveniences, for rent or hire for temporary living or sleeping accommodation of the travelling public;
Non-Complying	2.60	A building or structure which does not comply with the provisions of this By-law for the District or Zone in which such building or structure is located, as of May 3, 1958; (By-law 1999-133)
Non-Conforming	2.60A	An existing use of any land, building or structure which does not conform with the permitted use of this By-Law for the District or Zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose; (By-law 1999-133)

Nursery School	2.61	“Nursery School” shall mean a school where children of pre-kindergarten age are taught and cared for by the day or half-day;
Open Space	2.62	“Open Space” shall mean an unoccupied space open to the sky on the same lot with the building;
Parking Lot, Public	2.63	“Parking Lot, Public” shall mean a lot or portion thereof other than an automobile sales lot, used for the temporary storage of parking of six (6) or more motor vehicles for hire and gain;
Parking Space	2.64	“Parking Space” shall mean an area of not less than 18.5 square metres, exclusive of driveways or aisles, for temporary parking or storage of motor vehicles;
Parking Station	2.65	“Parking Station” shall mean a lot or lots or portion thereof, required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all districts, and shall not include the storage or parking of motor vehicles for hire and gain, display or for sale;
Person	2.66	An individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law; (By-law 1999-133)
Pet Shop	2.67	“Pet Shop” shall mean a shop or place where animals or birds for use as pets are sold or kept for sale;
Photographer’s Shop	2.68	“Photographer’s Shop” shall include a shop where photographic negatives are developed for hire or gain, or where prints are made from photographic negatives for hire or gain;
Pit	2.68A	A place where unconsolidated gravel, stone, sand, clay, fill or other material is being, or has been, removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit; (By-law 1999-133)
Place of Amusement	2.69	“Place of Amusement” shall include a motion picture or other theatre, arena, auditorium, public dance hall, public hall (including premises for wedding receptions, banquets and other social gatherings), music hall, arcade show or penny arcade, billiard or pool room, bowling alley, exhibition, golf driving tee, archery range, ice or roller skating rink, miniature golf course, shooting gallery, game of skill, travelling show;
Playlot	2.70	“Playlot” shall mean a lot used for the purposes of a non-profit playlot for children under the age of seven years and managed and controlled by the Corporation or by a neighbourhood association, church or other similar organization;

Principal Use	2.70A	The primary purpose for which a lot, building or structure is used, or is intended to be used; (By-law 1999-133)
Private Club	2.71	“Private Club” shall mean a lawn bowling, tennis, badminton or other athletic, social or recreational club located on private lands and not operated for profit, and includes the premises of a fraternal organization;
Public Hospital	2.72	“Public Hospital” shall include a convalescent home and a rest home but does not include (i) a sanatorium, within the meaning of The Sanatoria for Consumptives Act, R.S.O., 1950, Chapter 346, (ii) a sanitarium for mental defectives or any institution in respect of which a licence under The Private Sanitaria Act, R.S.O., 1950, Chapter 290, is in force, (iii) a mental hospital within the meaning of The Mental Hospitals Act, R.S.O., 1950, Chapter 229, or (iv) an institution for the reclamation and care of habitual drunkards or any other institution for the care, treatment or education of drug or drink addicts or the insane or of persons suffering from psychiatric disabilities or from mental or nervous diseases or disorders;
Religious Institution	2.73	“Religious Institution” shall include a bible institute, a Christian Science reading room, a religious library, a religious school, a monastery, a nunnery, a religious retreat or similar use but shall not include a church or synagogue;
Rentable Space	2.74	“Rentable Space” shall mean the area of a dwelling unit measured within the walls enclosing the said dwelling unit but shall not include any common space such as halls, corridors, stairs or entries, which is shared by all occupying tenants;
Retail Store	2.75	“Retail Store” shall mean a building or part of a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles, or things sufficient only to service such store but does not include any retail outlet otherwise classified or defined in this By-law;
Sales or Hire Garage	2.76	“Sales or Hire Garage” shall include a building or place where motor vehicles and/or trailers and/or boats are hired, kept or used for hire, or where motor vehicles and/or trailers and/or boats are stored or kept for sale, or a used motor vehicle, trailer or boat lot; provided that nothing herein contained excludes the retail sale of automobile, trailer and/or boat parts in conjunction with a sales or hire garage; (By-law 7186)
Sample or Showroom	2.77	“Sample or Showroom” shall mean a building or part of a building where samples or patterns are displayed and orders taken for goods, wares and merchandise for future delivery and includes the display room of a wholesale merchant;

School Bus	2.77A	A commercial vehicle which is painted chrome yellow and displays, on the front and rear thereof, the words "Do Not Pass When Signals Flashing"; (By-law 1999-133)
Service Store	2.78	"Service Store" shall mean a building or part of a building where services are provided such as a barber's shop, a ladies hairdressing establishment, a shoe shine shop and other similar services;
Service or Repair Shop Class A	2.79	"Service or Repair Shop Class A" shall mean a shop, not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail store or not, for servicing or repairing radio and television receivers; vacuum cleaners, refrigerators, washing machines, sewing machines and other domestic appliances, musical instruments; sound and public address systems, hosiery, cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheel chairs, orthopaedic and prosthetic appliances; and any other like articles; and for fabric mending, window-glazing, metal replating, mirror resilvering, or repairing, painting and refinishing furniture and other household goods; and includes a key shop, a hat cleaner's shop, a custom picture framing shop, the business of installing, servicing and watching burglar alarm systems, the business of renting pianos, tents, canopies, chairs, coin machines, costumes, uniforms, bicycles, sound and public address systems and other like articles and equipment;
Service or Repair Shop Class B	2.80	"Service or Repair Shop Class B" shall mean a shop not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail store or not, for servicing or repairing tires, including vulcanizing or retreading, batteries, brakes or radiators, automotive ignition, or electric systems; furnace and oil burners, water coolers and domestic water heaters; domestic boilers, water softening equipment, and plumbing fixtures and equipment; restaurants and soda fountain equipment; and any other like articles, and includes the regular place of business of a master electrician or plumber;
Single-Detached Dwelling	2.80A	A separate residential building containing only one dwelling unit; (By-law 1999-133)
Spotting and Stain Removing Establishment	2.81	"Spotting and Stain Removing Establishment" shall mean a building or part of a building where the business of removing dirt, grease, or other stain or soil from clothing or other articles is carried on by means of manual application of cleaning solvent to such clothing or articles and includes the pressing of such clothing or articles;
Storey	2.82	"Storey" shall mean that portion of a building other than a basement or cellar included between the surface of any floor and

		the surface of the floor, roof deck or ridge next above it, except an attic storey;
Street	2.83	A highway, as defined under the Municipal Act, as amended from time to time, which has been assumed for public use; has been improved; and which affords a principal means of access to abutting lots; (By-law 1999-133)
Structure	2.83A	Anything that is erected, built or constructed of parts joined together the result of which is fixed to, supported by or incorporated within the soil and/or any other structure, and without limiting the generality shall include a satellite dish, air conditioner, a swimming pool, spa, outdoor uncovered, unenclosed deck raised above grade, a building, but shall not include pavement, curbs less than 20cm. In height, walkways, cloths line poles, trellis, kiddy pool, or a fence as defined in the Fence By-law for the City of Welland, as amended from time to time; (By-law 1999-133)
Tailor's Shop	2.84	"Tailor's Shop" shall mean a building or part of a building where the business of individual custom tailoring is carried on but does not include a shop where clothing manufacture other than individual custom tailoring is carried on;
Tavern and Public House	2.85	"Tavern and Public House" shall mean, respectively, a tavern and public house as defined by The Liquor Licence Act, R.S.O. 1950, Chapter 211, but does not include a hotel or restaurant;
Testing/ Research Laboratory	2.85A	A building, or part thereof, equipped with necessary appliances and apparatus to permit the critical examination, observation, evaluation or investigation of substances and investigation and experimentation aimed at the discovery or interpretation of facts; (By-law 2003-138)
Trucking Operation	2.85B	"Trucking Operation" shall include establishments engaged primarily in the provision of local and long distance trucking, transfer and related services with the exception of those establishments engaged principally in the transportation of used uncrated household goods. (By-law 6977 and By-law 2003-138)
Undertaker's Establishment	2.86	"Undertaker's Establishment" shall mean the business premises of an undertaker or funeral director whether or not the same includes a crematorium or a school of instruction in embalming or preparation for burial of human remains;
Use	2.86A	When used as a noun, means the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, intended occupied or maintained and "uses" shall have a corresponding meaning. use, when used as a verb, or " to use", shall have a corresponding meaning; (By-law 1999-133)

Veterinary Clinic	2.86B	A building, or part thereof, used by veterinarians and their staff for the purpose of the consultation, diagnosis, office treatment and the provision of care of animals, birds and pets and may include the temporary boarding of such animals, birds and pets during their recuperation and may also include the dispensing and sale of associated medical products, but does not include a kennel; (By-law 1999-133)
Wayside Pit	2.86C	A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction, but it shall not be located within the road allowance; (By-law 1999-133)
Yard	2.87	“Yard” shall mean any open uncovered, unoccupied space appurtenant to a building;
Yard, Front	2.88	“Yard, Front” shall mean a yard extending across the full width of the lot between the front lot line and the nearest wall of any main building on the lot for which the yard is required;
Yard, Rear	2.89	“Yard, Rear” shall mean a yard extending across the full width of the lot between the rear lot line and the nearest wall of any building or structure on the lot for which the yard is required;
Yard, Side	2.90	“Yard, Side” shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any main building on the lot for which the yard is required;
	2.91	In this By-law the word “shall” is mandatory and not directory.

SECTION 3 - SCHEDULES

SCHEDULE "A", A DISTRICT MAP AT THE SCALE OF 1:5000

SCHEDULE "B", A DISTRICT MAP AT THE SCALE OF 1:10000

SCHEDULE "C", ACCESSORY BUILDINGS OR STRUCTURES: REAR YARD SETBACK REQUIREMENTS FOR CORNER LOTS (BY-LAW 1999-133)

SCHEDULE "C1", OPEN AIR SWIMMING POOLS: YARD SETBACK REQUIREMENTS FOR CORNER LOTS (BY-LAW 2000-60)

together with notations and references thereon are hereby declared to be part of this By-law.

SECTION 4 - DISTRICTS**4.1 CLASSIFICATION**

For the purpose of this By-law the Township of Crowland is divided into the following Districts and their extent, location and boundaries are on the District Maps which form Schedules "A" and "B" of this By-law.

TYPE	PERMITTED USES	SYMBOL
1. Rural Agricultural	Single-Detached Dwelling (By-law 1999-133) Converted Dwelling Agricultural Light Manufacturing and Heavy Industrial	RA
2. Residential Rural	Single-Detached Dwelling (By-law 1999-133) Single-Detached Dwelling (By-law 1999-133)	RR1 RR2
3. Residential Detached Dwelling	Single-Detached Dwelling (By-law 1999-133) Single-Detached Dwelling (By-law 1999-133) Single-Detached Dwelling (By-law 1999-133)	R1 R2 R3
4. Residential Multiple-Family Dwelling	Single-Detached Dwelling (By-law 1999-133) Semi-Detached Dwelling Duplex Dwelling Single-Detached Dwelling (By-law 1999-133) Semi-Detached Dwelling Duplex Dwelling Double Duplex Dwelling Converted Dwelling	RM1 RM2
5. Commercial	Local Commercial Shopping General Commercial Highway Commercial	C1 C2 C3 C4

TYPE	PERMITTED USES	SYMBOL	
6.	Industrial	Storage and Light Manufacturing	I1
		Yard Storage and Heavy Manufacturing	I2
		Railway	I3
7.	Open Space	Public Open Space	O1
		Public and Private Open Space	O2
8.	Institutional	Institutional (By-law 9964)	IN
9.	Environmental Protection	No Buildings/Structures (By-law 2002-11)	EP

4.2 INTERPRETATION OF DISTRICT MAP

4.2.1 Symbols of the Districts:

The buildings and structures and uses of buildings, structures and land permitted by this By-law in the said Districts may be referred to as RA, RR1, RR2, R1, R2, R3, RM1, RM2, C1, C2, C3, C4, I1, I2, I3, O1, O2, IN or EP buildings, structures and uses respectively; and the expression RA District, RR1 District etc. When used in this By-law shall mean, respectively an area of the Township of Crowland delineated on the District Map and designated thereon by the Symbols RA, RR1, etc.

4.2.2 Boundaries of the Districts:

Where the boundary of any district is uncertain and

- (a) the boundary is shown in Schedules "A" and "B" as following a street, lane, railway right-of-way, electric transmission line right-of-way or watercourse, the centre line of the street, lane, railway right-of-way, electric transmission line right-of-way or watercourse is the boundary;
- (b) the boundary is shown in Schedules "A" and "B" as substantially following lot lines shown on a registered plan of subdivision, the lot lines are the boundary; and
- (c) the boundary is shown in Schedules "A" and "B" as running substantially parallel to a street line and the distance from the street line is not indicated, the boundary is parallel to the street line and the distance from the street line shall be determined according to the scale shown in Schedules "A" and "B".

4.2.3 Street or Right-of-Way Division:

A street, lane, railway right-of-way, electrical transmission line right-of-way or watercourse shown on Schedules "A" and "B" unless otherwise indicated shall be included within the district of adjoining property on either side thereof.

4.2.4

Closed Street or Lane:

In the event of any street or lane shown on the Schedules "A" and "B" being closed, the property formerly in said closed street or lane shall be included in the district of the adjoining property on either side of the said closed street or lane. In the event of the said street or lane having been a boundary between two or more different districts the new district boundary shall be the former centre line of the said closed street or land.

SECTION 5 - GENERAL PROVISIONS TO ALL DISTRICTS

5.1 SCOPE

No person shall, within any district of the Township of Crowland, use any land or erect or use any building or structure except in conformity with the provisions of this By-law.

5.2 NON-COMPLYING/NON-CONFORMING USES (By-law 1999-133)

(a) Repair and Restoration

The provisions of this By-law shall not apply:

- (a) To prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purposes on May 6, 1958, so long as it continues to be used for that purpose;
- (b) To prevent the strengthening or restoration, to a safe condition, of a building or structure, or any part of a building or structure, provided the strengthening or restoration will not increase the building height, size or volume or change the use of the building or structure.

(b) Permitted extensions

The provisions of this By-law shall not apply:

- (a) To prevent an extension or addition being made to a building or structure which existed on December 15, 1992 and which is a permitted use for the Zone/District in which it is located, which does not comply with one or more of the Yard Requirements of the Zone/District, or Section 5.15.1(a) of this By-law, whichever applies, provided such extension or addition does not further reduce any existing legal non-complying yard(s), and all other provisions of this By-law are satisfied.

(c) Non-Conforming Residential Uses

Notwithstanding any other provisions of this By-law, where a single detached dwelling existed on May 6, 1958 located in any Commercial, Industrial, Institutional or Open Space District, nothing shall prevent:

- (a) The enlargement or extension of any main building provided that such enlargement or extension does not exceed 25 percent of the existing gross floor area and that such enlargement or extension is in compliance with all yard requirements of any Residential District/Zone;
- (b) The erection of any building accessory thereto provided that such

accessory building complies with the requirements of Section 5.15.1(a).

5.3 INSPECTION OF LAND, BUILDING OR STRUCTURES

The authority from time to time having jurisdiction to enforce this By-law is hereby authorized to enter at all reasonable hours for purpose of inspection upon any property or premises.

5.4 FRONTAGE ON A STREET

No person shall erect or use any building or structure on a lot which does not front on a street.

5.5 DETERMINATION OF FRONTAGE

For the purposes of this By-law, every building erected or proposed to be erected in any district shall be deemed to front on the street opposite to the principal entrance of such building, or if such entrance is not opposite to a street, upon the street from which the building gains its principal entrance.

5.6 OBSTRUCTION OF YARDS

No person shall obstruct in any manner whatsoever any front yard, side yard or rear yard required to be provided by this By-law, but this provision shall not apply to:

- (a) main eaves, belt courses, sills or cornices not projecting more than 0.5 metres into any required yard;
- (b) uncovered steps, porches, or platforms not exceeding 1.3 metres in height above grade and not projecting more than 2.5 metres into any required front yard or more than 1.3 metres into any required side yard;
- (c) awnings, clothes poles, garden trellises or similar accessories;
- (d) fire escapes projecting not more than 1.6 metres into the side or rear yard;
- (e) fences in side and rear yards;
- (f) accessory buildings permitted by this By-law.

5.7 REDUCTION OF LOT AREA

- (a) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by this By-law for the district in which such lot is located.

- (b) Where any part of a lot is required by this By-law to be reserved as a yard, it shall continue to be used regardless of any change in the ownership of the lot or in any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

5.8 LOT ON A BOUNDARY LINE

Where a lot is contiguous to a boundary line of two different districts, any side yard or rear yard which is directly adjacent to the said boundary line in the least restricted district shall be increased in minimum width or depth to the average of the required minimum width or depth of such yards in the two different districts.

5.9 HEIGHT REQUIREMENTS (By-law 7593)

No building or structure in any district shall exceed 11.0 metres in height, and in any residential district, no building or structure erected or used for any residential purpose shall exceed two (2) storeys in height, but this provision shall not apply to I2 Districts.

Furthermore, no fuel storage tank, in any permitted District, other than I2, shall exceed three (3) metres in height above grade level.

5.10 EXCEPTIONS TO HEIGHT REGULATIONS

Nothing in this By-law shall limit the height of any accessory agricultural building or structure, belfry, church, ornamental dome, cupola, clock tower, water storage tank or any wireless receiving or transmitting antennae.

5.11 SPECIAL USES PERMITTED

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- (a) a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- (b) a sign having an area of not more than 4.7 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned.

5.12 PUBLIC UTILITIES (By-law 5733)

The Township of Crowland or any "local board" thereof as defined in "The Department of Municipal Affairs Act", any telephone or telephone Company, a transportation system owned or operated by or for the Township, or any Department of the Federal or Provincial Government including the Hydro Electric Commission of the Province of Ontario and the Regional Municipality of Niagara may for the purpose of public service, subject to the approval of Council use any

land or use or erect any building or structure in any district, notwithstanding that such building or structure or proposed use does not conform with the provisions of this By-law for such district. However, such building or structure shall be, so far as possible, in substantial compliance with the regulations for such district.

5.13 USES OF LOTS WITHOUT BUILDINGS

Where a lot is occupied for permitted uses without buildings or structures thereon, the front yards and side yards required herein for the district within which such lot is located shall be provided and maintained, except when the lot is used for garden purposes or public playgrounds.

5.14 ACCESSORY USES

Wherein this By-law a use is permitted, accessory buildings and accessory use thereto shall also be permitted.

5.15 ACCESSORY BUILDINGS/STRUCTURES (By-law 1999-133)

5.15.1(a) Location:

All accessory buildings/structures shall be located in the rear yard or in any interior side yard and shall be at least 0.9 metres from the nearest lot line. Accessory buildings greater than 10 square meters in area also shall be located at least 0.9 metres from any main building. In the case of a corner lot, any accessory building or structure located in the rear yard shall have setbacks from the lot lines in accordance with Schedule "C";

5.15.1(b) Lot Coverage:

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the lot area of the said lot. This does not apply to decks or open air swimming pools;

5.15.1(c) Notwithstanding the provisions of Sections 5.15.1(a) and 5.15.1(b), on any existing residential parcel having 14 metres frontage or less, accessory buildings may be erected in the rear yard having not less than 0.4 metres clearances from the nearest side lot line.

5.15.2 Relation to a Main Building:

Any accessory building may be erected as part of the main building provided that all yard and area requirements of this By-law are complied with.

5.15.3 Prior to Erection of Main Building:

Where an accessory building is necessary for the storage of tools or material for use in connection with the construction of the main building on a lot in a Residential district, the accessory building may be erected on the lot before the erection of the main building and such building shall be used only for the purpose of storage.

5.15.4 Height:

Unless otherwise excepted in this By-law no accessory building shall exceed a height of 4.6 metres nor one storey.

5.15.5 ACCESSORY BUILDINGS/STRUCTURES (By-law 1999-133)

5.15.5 (a) Accessory Uses:

Accessory buildings or structures used for any purpose that is incidental or secondary to that of the main building on the same lot, shall be permitted and without limiting the foregoing such use may include a private garage, recreation building, greenhouse, swimming pool, if not used for commercial or industrial purposes, or for a home occupation;

5.15.5 (b) Pools:

Open air swimming pools shall be located outside of the front yard with a minimum setback of 1.2 metres from any lot line or main building. In the case of a corner lot, any swimming pool located in the rear yard or exterior side yard shall comply with the setback requirements shown on Schedule "C1"; (By-law 2000-60)

5.15.5 (c) Decks:

Decks shall be located outside of the front yard, with a minimum setback of 1.2 metres from any lot line. The walking surface of a deck shall not exceed 1.5 metres in height above grade. The maximum height of a deck including a guard (railing) shall not exceed 2.6 metres in height above grade.

NOTE: Any structure with a walking surface in excess of 1.5 metres above grade shall be considered part of the main building, whether attached or not, and shall comply with all relevant provisions of this By-law, as amended. (By-law 2003-138)

5.15.6 Human Habitation:

The use of any accessory building for human habitation is not permitted.

5.16 IRREGULAR LOTS

Whereby reason of topography, general layout or otherwise the side lot lines of a lot are not parallel, but the minimum lot area for the respective district is provided, the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 6.0 metres from the front lot line.

5.17 AREA REQUIREMENTS FOR INSTITUTIONAL USES

Notwithstanding any other provision in this By-law, for any church, hospital, school, college, institutional building or "other use" referred to in Section 14.1.2, or other similar building or structure, the following minimum yards shall be provided:

In any RA, RR1 or RR2 District:

Front Yard - 18.0 metres

Rear Yard and Side Yard - 12.0 metres

In any R1 or RM1 District:

Front Yard - 7.5 metres

Rear Yard and Side Yard - minimum equal to height of building, but not less than 9.0 metres

In any other District:

Front Yard - 6.0 metres

Rear Yard and Side Yards - minimum equal to $\frac{3}{4}$ height of building, but not less than 6.0 metres

Notwithstanding any other provision in this By-law, one dwelling unit only for the purpose of a residence, a church hall or Sunday school may be erected on the same lot as a church, and may be attached to the main building of the church, provided the minimum area applicable to the church hall or Sunday school and the church for the district in which each is located shall be provided, and in the case of any building being detached from the church, the minimum required yard between the two buildings shall be 1.5 metres.

5.18 PARKS AND PLAYGROUNDS

Nothing in this By-law shall prevent the establishment of private parks or playgrounds in any Residential, Commercial or Industrial District provided that such parks or playgrounds are not operated for commercial purposes and provided that such parks or playgrounds shall conform to the requirements of the Public and Private Open Space District (O2).

5.19 ACCESSORY BUILDINGS ON CORNER LOTS

In any Commercial District no person shall erect a detached accessory building on a corner lot.

5.20 OFF-STREET PARKING REQUIREMENTS

For every building or structure erected, altered or enlarged there shall be provided and maintained off-street parking in conformity with the following schedule and each parking space shall be made accessible for ingress and egress by means of a hard surfaced lane or right of way or street at least 2.4 metres in width.

Parking required in a Residential District shall be provided on the same lot as the dwelling unit or units. Parking space for any Multiple-Family Dwelling shall be

provided only in the rear yard. In a Commercial District parking spaces shall be provided within the limits of the Commercial District in which the commercial use is situated and not more than 155 metres distant.

SCHEDULE

TYPE OR NATURE OF BUILDING OR STRUCTURE	MINIMUM REQUIRED PARKING FACILITIES
1. A place of residence other than a hotel, private hotel or motel	1 parking space for each dwelling unit
2. A hotel, private hotel or hospital	1 parking space for each three bedrooms
3. A motel	1 parking space for each living unit
4. A tavern, public house, restaurant or eating place	1 parking space for each 10 persons (in a C3 District only fifteen (15) persons) that can be accommodated at any time
5. A retail, service store, or other similar establishments	1 parking space for each 18.5 square metres of floor area
6. A department store	1 parking space for each 13.5 square metres of floor area
7. A church hall or other place of assembly	1 parking space for each 12 seats in excess of 100 seats or where the seating is provided by open benches every 0.5 metres of bench space shall be considered as one seat for the purposes of this By-law
8. A factory	1 parking space for each 37.0 square metres of floor area
9. For every building or structure not specified above	1 parking space for every 27.5 square metres of floor area

5.21

SUPPLEMENTARY PARKING REGULATIONS

Wherein this By-law parking facilities for more than 4 vehicles are required or permitted,

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles,
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from adjacent lots,

- (c) a shelter, not more than 4.6 metres in height and not more than 4.7 square metres in area may be erected in the parking area for the use of attendants in the area,
- (d) no gasoline pump or other service station equipment shall be located or maintained on a parking lot or parking station.

5.22 OFF-STREET LOADING REQUIREMENTS

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

<u>FLOOR AREA</u>	<u>NUMBER OF LOADING SPACES</u>
418 square metres or less	None
from 419 square metres to 2,320 square metres inclusive	1
over 2,320 square metres	2

Loading spaces required by this provision shall not be provided at the front of a commercial building

5.23 COMBINED USES

Notwithstanding any other provision of this By-law, where any use or proposed use of any lot, building or structure is composed of two or more uses which are separately classified for different district, none of such uses shall be classified as accessory to any other use but the permissible district for such composite use shall be the less restricted district in the case of a combination of two uses or the least restricted district in the case of a combination of more than two uses.

5.24 RESIDENTIAL DISTRICT

Wherein this By-law the term "Residential District" is used, it shall include the following Districts: Rural Agricultural (RA), Rural Residential First Density (RR1), Rural Residential Second Density (RR2), Single-Detached Dwelling First Density (R1), Single-Detached Dwelling Second Density (R2), Single-Detached Dwelling Third Density (R3), Multiple-Family Dwelling First Density (RM1) and Multiple-Family Dwelling Second Density (RM2), unless the contrary intention appears.

5.25 FLOOD OR ROCKY LAND

No person shall, in any district, erect any building or structure for any residential or

commercial purpose on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory water works, sewage or drainage facilities is prohibitive.

5.26 **MINIMUM FRONTAGE**

No person shall convey a part of a lot if the effect of such conveyance is to leave remaining a part of a lot or a parcel of land with a frontage, on a public thoroughfare, that is less than the required minimum frontage for the district in which such lot or parcel is situated.

5.27 **ROOMS BELOW GRADE**

A room which has its floor entirely below the finished grade adjacent to such room shall not be used as a dwelling unit or part thereof except as a furnace room, laundry room, storage room, recreation room or for a similar use, and in any event such room shall not be used to provide sleeping accommodation.

5.28 **PROPANE STORAGE AND DISTRIBUTION OUTLETS (By-law 7593)**

- (1) All retail propane transfer facilities, including the dispensing pumps and storage tanks, shall be located a minimum distance of thirty (30) metres (one hundred (100) feet) from any Residential District; such delineation shall be determined by the zoning line for such a Residential District, and in no event, shall such dispensing pumps be located closer to any lot line than a distance of six (6) metres nor, within fifteen (15) metres of the intersection of any two street lines.

- (2) All propane tanks are prohibited in the front and side yards as determined in each appropriate district.

5.29 **FLOODPLAIN (By-law 1999-133)**

No building or structure shall be constructed or erected within the limits of a floodplain.

SECTION 6 - GENERAL PROVISIONS TO RESIDENTIAL DISTRICTS

6.1 RESIDENTIAL LOT OCCUPANCY

No person shall erect more than one main building on any Residential lot.

6.2 INCREASE OF FRONTAGE AND AREA OF REGISTERED LOTS

The frontage and area of a Registered lot with less frontage or area than required may be increased by the conveyance of the whole or part of adjoining lots provided that all the provisions of this By-law applicable to the district in which the lots are situated are complied with for each lot.

6.2.1 Notwithstanding any other provisions in this By-law contained, where a parcel of land on the date of the passing of this By-law has insufficient frontage or area to permit the owner thereof or any person who hereafter purchases or acquires the same from such owner, to comply with the provisions of this By-law and such owner is not on the date of the passing of the By-law (and such purchaser is not at the date of such purchase) the owner of any adjacent lands, this By-law shall not prevent the erection of one single-detached dwelling on the said parcel provided that the yards, coverage, floor area and height provisions of the Residential district in which such parcel is situate are complied with, and provided that such parcel has not less than 12 metres of frontage and not less than 371 square metres of area. (By-law 1603)

6.3 CORNER LOTS

In any Residential District:

- (a) 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 full front yard as required in this By-law, but the minimum width of the side yard facing the street upon which the lot flanks shall be the lesser of 3.0 metres or one-half the required depth of the average front yard of the lots fronting on the flanking street;
- (b) where an accessory building is erected upon a corner lot at the rear of which (whether a lane intervenes or not) there is a lot restricted to Residential uses fronting or flanking on a street which flanks such corner lot, such accessory building shall be located in such a manner that no part of it shall be nearer the street line of the flanking street than the distance prescribed by this By-law as a front yard for the lot so in the rear;
- (c) where a main building is erected upon a corner lot with its main front entrance facing the flank of such lot, such main building shall be deemed to have two front yards, one on the street upon which such lot fronts, and one on the street upon which such lot flanks, and shall conform to the respective front yard requirements applicable to each of such streets.

(d) Deleted.

(e) Deleted.

6.4 PARKING AND STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICT/ZONE (By-law 1999-133)

No commercial vehicle, registered by the Ministry of Transportation, of greater than 4500 kilograms gross vehicle weight or the cab/tractor or the trailer portion of a tractor trailer vehicle, shall be parked or stored in a Residential District or Zone, except when such commercial vehicle is temporarily parked for the purposes of delivering to, or servicing the premises. The owner or occupant of the lot, building or structure may personally use any building which is accessory to the lot, building, or structure of which he/she is owner or occupant for the storage of one (1) commercial vehicle. The foregoing shall only apply in the Rural Agricultural (RA) District where the lot area is less than 1.2 hectares (3 acres).

No school bus used as a commercial vehicle, designed for carrying 10 or more passengers, shall be parked or stored in a Residential District or Zone.

Any bus used for church purposes may be parked on the lot on which is located the church.

6.5 Deleted by By-law 1999-133

6.6 MUNICIPAL SERVICES REQUIRED

No person shall hereafter erect or use in whole or in part, any building or structure for any Residential purpose on any land on which municipal water supply and sanitary sewer are not available or will not be available within one (1) year, except in any RA, RR1 or RR2 Districts.

6.7 HOME OCCUPATION (By-law 1999-133)

Home occupations may be permitted in accordance with the following provisions:

1. The home occupation shall be clearly secondary to the main residential use and shall not change the character of the dwelling unit;
2. The home occupation shall be limited to one per dwelling unit and shall utilize the lesser of 25 percent of the gross floor area of the dwelling unit or 28 square metres and shall be entirely contained within the main building;
3. The home occupation may only employ a person or persons who maintain primary residence within the dwelling unit;
4. The home occupation shall not create any nuisance or result in any intrusion to the residential character of the neighbourhood through increased traffic, outdoor storage, noise, lighting, signage, parking, odour or refuse and shall not impact upon neighbourhood amenities;

5. The retail sale, or rental of any goods or wares, not produced on the premises, unless incidental to the home occupation, shall not be permitted as a primary home occupation. (By-law 2003-138)
6. No more than two (2) clients or customers shall be present in the dwelling unit at any time in conjunction with the home occupation;
7. The home occupation shall not involve the use of on-site signage which will draw attention to the fact that the dwelling unit is used for such purpose;
8. The following uses shall not be considered as home occupations:
 - (a) Veterinary Clinic
 - (b) Clinic
 - (c) Dry Cleaning Establishment
 - (d) Commercial Greenhouse
 - (e) Motor Vehicle Repair Shop, Class A and Class B
 - (f) Multiple Chair Hairdresser or Barber
 - (g) Pet Shop
 - (h) Arcade
 - (i) Second Hand Shop
 - (j) Service or Repair Shop, Class A and Class B
 - (k) Funeral home
 - (l) Body-Rub Parlour (By-law 2000-60)
9. A home occupation shall not be permitted in apartment building units;
10. Private home day care facilities and babysitting services are permitted as home occupations and are not subject to the provisions of Section 6.7 (b) and 6.7 (f).

6.8

INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS

Nothing contained in this By-law shall prevent the use of any land, building or structure, in any Residential District for the following:

- (a) schools (public, separate, private or nursery) or colleges,
- (b) churches or synagogues,
- (c) church halls and Sunday schools only when located on the same lot as the church or synagogue.

6.9 ROOMERS AND BOARDERS

Nothing in this By-law shall prevent the keeping of not more than two roomers or boarders in any single-detached dwelling, semi-detached dwelling, duplex dwelling, double duplex dwelling, except in the case of a single-detached dwelling where the family consists of a group of not more than five unrelated persons.

6.10 EXCEPTIONS TO DISTRICT LAND USE

6.10.1 Notwithstanding anything contained in Section 8.1 of this By-law, the lands described below and any structures or buildings thereon may be used as an office or maintenance and machine shop.

Commencing on the north-west corner of the intersection of Ontario Road and Pearson Road;

Thence northerly along the westerly boundary of Pearson Road a distance of 304.8 metres;

Thence westerly parallel to Ontario Road, a distance of 91.44 metres;

Thence southerly parallel to Pearson Road a distance of 304.8 metres;

Thence easterly along the north limit of Ontario Road a distance of 91.44 metres to the point of commencement.

(ONTARIO ROAD AND PEARSON ROAD)

6.10.2 Deleted.

6.10.3 Deleted.

6.10.4 Notwithstanding anything contained in Section 7.1 of this By-law, the lands described below and any structures or buildings thereon may be used as a machine shop and apartment building.

Commencing at the north west corner of Lot 12, Concession 6;

Thence southerly along the westerly limit of said Lot 21.336 metres to a point;

Thence easterly and parallel to the northerly limit of said Lot 30.48 metres to a point;

Thence northerly and parallel to the westerly limit of said Lot 21.336 metres to a point

in the northerly limit of said Lot;

Thence westerly along the northerly limit of said Lot 30.48 metres to the place of beginning.

(254 DOANS RIDGE ROAD)

6.10.5

Deleted.

6.10.6

Deleted.

6.11

No person shall, in any district designated as R1, R2, R3, RM1 or RM2, use any lot, building or structure for the keeping of hives containing bees. (By-law 1694)

SECTION 7 - RURAL AGRICULTURAL DISTRICT

The following provisions shall apply in all RURAL AGRICULTURAL DISTRICTS RA: -

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions: - (By-law 10144)

7.1 USES PERMITTED

7.1.1 Residential: (By-law 10144)

Single-detached dwelling and accessory living quarters for staff employed on the premises

7.1.2 Industrial: (Permitted only as outlined in Paragraph 7.9 and 7.10)

A warehouse or distributing depot

Light manufacturing or assembly of manufactured products

Heavy industrial

7.1.3 Agricultural:

Agricultural uses including crops, truck and market, gardening, nurseries, commercial greenhouse (By-law 1999-133), breeding, raising animals

7.1.4 Institutional:

Cemeteries

7.1.5 Other:

Animal hospitals, veterinary establishments, storing of farm machinery and vehicles used on the farm

Golf courses and golf driving ranges (By-law 1820)

Kennels (By-law 1999-133)

7.1.6 Converted Dwelling

7.2 AREA REQUIREMENTS

7.2.1 Lot Frontage:

Minimum - 30 metres

7.2.2 Lot Area:

Minimum 1.2 hectares

- 7.2.2**
- (a) Lots 361 to 378, inclusive, Plan 45, for the Township of Crowland now in the City of Welland, be divided into three 23.0m x 61.0m lots, for the purpose of erecting three single family dwellings thereon fronting on Matthews Road with front yard set back of not less than 9.0 metres, nor greater than 12.0 metres. (By-law 5326)
 - (b) Notwithstanding the provisions of Section 7.2.2 of By-law 1538, the lands described as Part 1, Plan 59R-8048 shall be given an exemption to permit a lot area of 0.405 hectares and the lands described as Part 2, Plan 59R-8048 shall be given an exemption to permit a lot area of 1.125 hectares. (By-law 9863)

(SOUTHWEST CORNER OF MATTHEWS AND SCHISLER ROADS)

7.2.3 Yard Requirements:

Front Yard - Minimum 18.0 metres

Rear Yard - Minimum 12.0 metres

Side Yard - Minimum 4.5 metres (By-law 1820)

7.2.4 Ground Floor Area:

Minimum - 88 square metres

7.2.5 Total Floor Area:

Minimum - 110 square metres

7.2.6 Coverage:

Maximum - 16 percent

7.2.7 Minimum Distance Separation:

New dwelling units shall be separated from existing animal operations in accordance with the Minimum Distance Separation (M.D.S.) I Requirements, or 300 metres, whichever is greater, excepting farm buildings under the same ownership; and new and expanded animal operations must be separated from existing dwelling units in accordance with the Minimum Distance Separation (M.D.S.) II Requirements. (By-law 1999-133)

7.3 STAFF DWELLINGS

Staff dwellings shall comply with the minimum provisions for R3 districts.

7.4 **CONVERTED DWELLING**

The provisions for a Converted Dwelling shall conform to Section 6.5 of this By-law.

7.5 **EXEMPTIONS**

Where a lot having a lesser frontage or area than is required herein is held under distinct and separate ownership from adjoining lots recorded with the Land Titles or Registry Office on or prior to the passing of this By-law, the following provisions shall apply:

Lot Area - Minimum 1,390 square metres

Lot Frontage - Minimum 12.0 metres

Lot Coverage - Maximum 25 Percent (By-law 10015)

Yard Requirements:

Front Yard - Minimum 18.0 metres

Side Yard - Minimum 1.5 metres

Rear Yard - Minimum 12.0 metres

EXEMPTIONS

Notwithstanding anything contained in Section 7 of this By-law, the lands described in Schedule "B" of By-law 6601 shall be exempted therefrom to allow the use of a motor vehicle repair shop Class B in the existing buildings.

7.6 Notwithstanding anything contained in this By-law, the parcels of land described herein as Firstly and Secondly, may be used, conveyed and otherwise transferred as separate parcels for residential purposes.

ALL AND SINGULAR that certain parcel of land and premises situate, lying and being;

FIRSTLY: In the Township of Crowland, in the County of Welland, and being Composed of Part of Lot 15 in the 5th Concession of said Township, more particularly described as follows;

COMMENCING at a point in the east limit of said Lot No. 15 distant 3.048 metres measured southerly from the northeast angle thereof;

THENCE north 89 degrees 32 minutes west a distance of 17.449 metres;

THENCE south and parallel with the east limit of said Lot No. 15, a distance of 49.987 metres to a point;

THENCE easterly and parallel with the north limit of said Lot No. 15, a distance of 17.449 metres to a point in the east limit of said Lot No. 15;

THENCE northerly in and along the east limit of said Lot No. 15, a distance of 49.987 metres to the place of beginning.

SECONDLY: In the Township of Crowland, in the County of Welland, and being composed of Part of Lot No. 14 in the 4th Concession of said Township, more particularly described as follows:

COMMENCING at a point in the east limit of said Lot No. 14, in the 4th Concession of the Township of Crowland, distant therein 3.048 metres north from the southeast angle thereof;

THENCE west and parallel with the south limit of said Lot, a distance of 24.384 metres to the place of beginning;

THENCE north and parallel with the east limit of said Lot 14, a distance of 47.72 metres to a point;

THENCE west and parallel with the south limit of said Lot 14, a distance of 64.008 metres to a point;

THENCE south and parallel with the east limit of said Lot 14, a distance of 45.72 metres to a point;

THENCE east and parallel with the south limit of said Lot 14, a distance of 64.008 metres to the place of beginning. (By-law 1603)

7.7

Notwithstanding anything contained in this By-law, the parcel of land herein described may be used for the operation thereon of a race track for power-driven go-carts and miniature motor vehicles with necessary accessory buildings, including an eating establishment and a snack bar;

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Crowland, in the County of Welland and Province of Ontario, containing by admeasurement an area of fourteen acres and one-tenth of an acre (14.1 A) be the same more or less and composed of Part of Lot 13 in the 7th Concession of the said Township and more particularly described as follows:

COMMENCING at a point in the East limit of said Lot distant Northerly thereon 1700 feet from the South-east angle of said Lot;

THENCE South 89 degrees 42 minutes 30 seconds West parallel 3.048 metres to a square iron bar which marks the West limit of Doans Ridge Road as widened and the place of beginning of the land herein to be described;

THENCE North 0 degrees 21 minutes 30 seconds West parallel to the East limit of said Lot 63.169 metres more or less to a wire fence which marks the North limit of

the land herein described;

THENCE South 89 degrees 42 minutes 30 seconds West along said wire fence 273.506 metres more or less to a wire fence which marks the West limit of the land herein described;

THENCE South 0 degrees 21 minutes 30 seconds East along said West boundary fence and parallel to the East limit of said Township Lot 236.777 metres more or less to a wire fence marking the South boundary of the land herein described;

THENCE North 89 degrees 42 minutes East along said South boundary fence 188.747 metres more or less to a point which would be in a line drawn 25 degrees 21 minutes West;

THENCE North 25 degrees 21 minutes East along said East limit 194.980 metres more or less to the place of beginning. (By-law 1745)

(687 DOANS RIDGE ROAD)

7.8

That notwithstanding that the following described lands are within Zone Designation "RA", the said lands may be used and buildings constructed thereon for the operation of a SERVICE STATION herein and thereon:

IN THE TOWNSHIP OF CROWLAND in the County of Welland, and being composed of Part of Lot Twelve in the Broken Front Concession of the said Township, more particularly described as follows;

COMMENCING at the southwest angle of said Lot;

THENCE easterly along the southerly limit of said Lot a distance of 91.44 metres to a point;

THENCE northerly parallel to the westerly limit of said Lot a distance of 91.44 metres to a point;

THENCE westerly parallel to the southerly limit of the said Lot, a distance of 91.44 metres to a point in the westerly limit of said Lot;

THENCE southerly along the westerly limit of said Lot a distance of 91.44 metres to the place of beginning. (By-law 1870)

(BIGGAR AND MOYER ROAD (NORTHEAST CORNER))

7.9

That the Industrial Uses set out in Section 7.1.2 hereof, be and they are hereby deleted, SAVE AND EXCEPT from the following lands:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Welland, in the Regional Municipality of Niagara, formerly in the Township of Crowland now in the City of Welland and being composed of Parts of Lots 14, 15, 16 and 17, Concession VI, and all of Lots 15 and 16, and the Gore thereof, Concession VII, for the said Township of Crowland, now in the City

of Welland and more particularly described as follows:

COMMENCING at the intersection of the centre line of Buchner Road and Strawn Road;

THENCE southerly along the centre line of Strawn Road, 588.264 metres, more or less, to a point;

THENCE easterly and parallel to the south limit of Buchner Road, 233.172 metres more or less, to a point;

THENCE southerly and parallel to the east limit of Strawn Road, 224.028 metres, more or less, to a point;

THENCE easterly and parallel to the north limit of Ridge Road, 126.796 metres, more or less, to a point;

THENCE southerly and parallel to the east limit of Strawn Road, 224.637 metres, more or less, to a point in the centre line of Ridge Road;

THENCE westerly along the centre line of Ridge Road to the intersection of the said centre line and the centre line of Strawn Road;

THENCE southerly along the centre line of Strawn Road, to the intersection of the said centre line and the centre line of Netherby Road;

THENCE westerly along the centre line of Netherby Road to the intersection of the said centre line and the centre line of Reaker Road, formerly Moore Road;

THENCE northerly along the centre line of Reaker Road, and its extension to the north, to the intersection of the said centre line and the centre line of Ridge Road;

THENCE westerly along the centre line of Ridge Road to the intersection of the said centre line and the centre line of Moore Road;

THENCE northerly along the centre line of Moore Road to the centre line of Lyons Creek;

THENCE southwesterly following the centre line of Lyons Creek to the production southerly of the westerly boundary of the lands of the St. Lawrence Seaway Authority;

THENCE northerly along the said boundary and its production southerly, 512.064 metres, more or less, to a point;

THENCE easterly and parallel to the south limit of Buchner Road, to the centre line of Highway 140;

THENCE southerly along the centre line of Highway 140, to a point being the centre line of Lyons Creek;

THENCE northeasterly along the centre line of Lyons Creek to the intersection of the centre line of the Penn Central Railway right-of-way and Buchner Road;

THENCE easterly along the centre line of Buchner Road to the point of commencement. (By-law 6003) (see accompanying sketch)

7.10

Before any industrial uses are permitted, consideration shall be given to the appropriateness of the development in terms of the following:

1. The adequacy of the area road system.
2. The availability and capacity of the water and sewer system.
3. The possibility of pollution of streams and other watercourses
4. The possibility of air pollution, and
5. The possibility of further urbanization within the area being required as a result of the industry.

The uses permitted in an agricultural area do not include junk yards, wrecking yards, automobile wrecking and dumping yards or any use of this nature which is objectionable by virtue of unsightliness, noise or smell.

When a proposal to locate a use in this section is made, and where, in the opinion of Council, it would not be appropriate under the points noted above, then such a use will not be permitted unless the adverse effects can be overcome to the satisfaction of the Council. (By-law 6977)

7.11

Deleted by By-law 10577.

7.12

Notwithstanding anything contained in Section 7 of this By-law, the lands described in Schedule "B" and shown in Schedule "A" of By-law 7126 shall be exempted from subsection 7.2.2 to allow the creation of a 0.567 hectare residential lot. (By-law 7126)

7.13

H-RA-X1 Zone (By-law 9922)

1. The uses permitted in the H-RA-X1 Zone shall be restricted to the warehousing and assembly of manufactured goods;
2. Notwithstanding other provisions of By-law 1538, save those noted hereinafter the zone provisions for the H-RA-X1 Zone shall be as follows:

Minimum Lot Frontage	Nil
Minimum Lot Area	2.25 Hectares
Minimum Front Yard	Nil
Minimum Rear Yard	20 metres
Minimum Side Yard	10 metres
Minimum Landscape Open Space	20 percent
Maximum Lot Coverage	10 percent

Maximum Building Height 10 metres
 Parking and Loading Requirements for the H-RA-X1 Zone shall be in accordance with Sections 5.20, 5.21, 5.22 and 5.23 of By-law 1538, as amended.
(566 RIDGE ROAD (REAR))

7.14

RA-X2 Zone (By-law 10074)

1. That Part of Lot 16, Concession I, former Township of Crowland, now City of Welland designated as Part 1 on Reference Plan 59R-8222 and shown on Schedule "A" of By-law 10074 as "Change to RA-X2 Zone" are hereby rezoned RA-X2 Zone.
2. That the uses permitted in the RA-X2 Zone shall be a single unit dwelling and accessory uses thereto.
3. That the Zone provisions for the RA-X2 Zone shall be 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 Main Building Height	12 metres

Other provisions of By-law 1538, as amended as set out in Section 5 - General Provisions To All Districts shall apply to the RA-X2 Zone.
4. Notwithstanding By-law 10074, nor By-law 1538, no development whatsoever nor disturbance of existing vegetation shall take place within 15 metres of the stream traversing the RA-X2 Zone.
(SOUTH SIDE OF BIGGAR ROAD, WEST OF DARBY ROAD)

7.15

RA-X3 Zone (By-law 10074)

1. That Part of Lot 16, Concession I, former Township of Crowland, now City of Welland designated as Part 2, 3 and 4 on Reference Plan 59R-8222 and shown on Schedule "A" of By-law 10074 as "Change to RA-X3 Zone" are hereby rezoned RA-X3 Zone.
2. That the uses permitted in the RA-X3 Zone shall be a single unit dwelling and accessory uses thereto.
3. That the Zone provisions for the RA-X3 Zone shall be as follows:

Minimum Lot Area	4 hectares
Minimum Lot Frontage	100 metres
Minimum Front Yard	18 metres
Minimum Rear Yard	18 metres
Minimum Side Yard	4.5 metres
Maximum Main Building Height	12 metres

Other provisions of By-law 1538 as amended, as set out in Section 5 - General Provisions To All Districts thereto shall apply to the RA-X3 Zone.

4. Notwithstanding this By-law, nor By-law 1538, no development whatsoever nor disturbance of existing vegetation shall take place within 15 metres of the stream traversing the RA-X3 Zone.
(SOUTH SIDE OF BIGGAR ROAD, WEST OF DARBY ROAD)

7.16

RA-X4 Zone (By-law 10257)

1. That Part of Lot 16, Broken Front Concession and Part of Lot 16, Concession 1, former Township of Crowland, now in the City of Welland and shown on Schedule "A" of By-law 10257 as "Change to RA-X4 Zone" is hereby rezoned RA-X4 Zone.
2. That the uses permitted in the RA-X4 Zone shall be restricted to a single unit dwelling and accessory uses thereto.
3. That the provisions for the RA-X4 Zone shall be as follows:

Minimum Lot Area	-	13 hectares
Minimum Lot Frontage	-	15 metres
Minimum Front Yard	-	18 metres
Minimum Rear Yard	-	12 metres
Minimum Side Yard	-	4.5 metres
Maximum Building Height	-	12 metres

Other provisions of By-law 1538, as amended, as set out in Section 5 - General Provisions to All Districts shall apply to the RA-X4 Zone.

4. Notwithstanding By-law 10257, nor By-law 1538, no development whatsoever nor disturbance of existing vegetation shall take place:
 - (a) within 15 metres of the stream traversing the RA-X4 Zone; nor
 - (b) west or north of the line identified as "120 metre buffer zone" on Schedule "A" of By-law 10257.

(NORTH SIDE OF BIGGAR ROAD, WEST OF DARBY ROAD)

7.17

RA-X5 Zone (By-law 10577)

1. That Part of Lot 16, Concession 2, former Township of Crowland, now City of Welland known municipally as 330 Young Road and as shown on Schedule "A" of By-law 10577 as "Change to RA-X5 Zone" is hereby rezoned RA-X5 Zone.
2. The uses permitted in the RA-X5 Zone shall be those permitted in the RA District and a private club.
3. The Zone provisions of the RA-X5 Zone shall be as follows:

North Rear Yard	-	Minimum 12.0 metres
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East and West Side Yards	-	Minimum 12.0 metres	
South Yard	-	Minimum 12.0 metres	
Lot Area			- N

(330 YOUNG ROAD)

7.18

RA-X6 Zone (By-law 11186)

1. That Part of Lot 12, Concession 5, former Township of Crowland, now in the City of Welland located on the west side of Pearson Road, north of Buchner Road and shown on Schedule "A" of By-law 11186 as "Change to RA-X6 Zone" is hereby rezoned RA-X6 Zone.
2. The uses permitted in the RA-X6 Zone shall be limited to the growing of crops, growing of forest products, market gardening, storage of farm produce and farm implements used on the premises, and greenhouse operations.
3. The provisions for the RA-X6 Zone shall be as follows:

Minimum Frontage	-	30 metres
Minimum Lot Area	-	3.5 hectares
Minimum Front Yard Setback	-	50.0 metres
Minimum Rear Yard Setback	-	12.0 metres
Minimum Side Yard Setback	-	6.0 metres

For any greenhouse operation the minimum setback from any property line shall be 46 metres.

(WEST SIDE OF PEARSON ROAD, NORTH OF BUCHNER ROAD)

7.19

RA-X7 Zone (By-law 11311)

1. That Part of Lot 15 Gore, south of Concession 7, former Township of Crowland, now in the City of Welland, known municipally as 416 Netherby Road and shown on Schedule "A" attached to By-law 11311 as "Change to RA-X7 Zone" is hereby rezoned RA-X7 Zone;
2. The uses permitted in the RA-X7 Zone will be a saw mill, kiln, light manufacturing of finished lumber products, yard storage, one (1) single detached residential dwelling;
3. The provisions for the RA-X7 Zone will be as follows:

Minimum Lot Frontage	90.0 metres
Minimum Lot Area	1.2 hectares
Minimum Front Yard Setback	18.0 metres
Minimum Rear Yard Setback	12.0 metres
Minimum Side Yard Setback	4.5 metres
Maximum Lot Coverage	15%
Minimum Front Yard Setback for Outdoor Storage	42.0 metres

(416 NETHERBY ROAD)

7.20

RA-X8 Zone (By-law 11335)

1. That Part of Lot 11, Concession 5, former Township of Crowland now in the City of Welland being Part 23, Plan 59R-7377 and shown on Schedule "A" attached to By-law 11335 as "Change to RA-X8 Zone" is hereby rezoned RA-X8 Zone;
2. That the uses permitted in the RA-X8 Zone shall be those permitted in the RA District;
3. The provisions for the RA-X8 Zone shall be those provided for in the RA District save and except as follows:

Minimum Lot Area 0.4 hectares

(894 BUCHNER ROAD)

7.21

RA-X9 Zone (By-law 1999-49)

1. That Part of Lot 16, Concession 4, being Parts 1 and 2, Plan 59R-1063, Former Township of Crowland, now in the City of Welland, located on the east side of Farr Road, north of East Main Street known municipally as 72 Farr Road and shown on Schedule "A" attached to By-law 1999-49 as "Change to RA-X9 Zone" is hereby rezoned RA-X9 Zone;
2. The uses permitted in the RA-X9 Zone shall be limited to the growing of crops, growing of forest products, growing of nursery stock, market gardening, storage of produce grown on site, storage of farm implements used on the property, greenhouse operations and retail sales limited to products grown on site;
3. The provisions for the RA-X9 Zone shall be as follows:

Minimum Frontage	280 metres
Minimum Lot Area	7.5 Hectares
Minimum Front Yard Setback	18.0 metres
Minimum Rear Yard Setback	12.0 metres
Minimum Side Yard Setback	4.5 metres

For any greenhouse operation, the minimum setback from any property line shall be 46 metres.

(76 FARR ROAD)

7.22

RA-X10 Zone (By-law 1999-49)

1. That Part of Lot 16, Concession 4, Former Township of Crowland, now in the City of Welland located on the east side of Farr Road, north of East Main Street known municipally as 100 Farr Road and shown on Schedule "A" attached to By-law 1999-49 as "Change to RA-X10 Zone" is hereby rezoned RA-X10 Zone;

2. The uses permitted in the RA-X10 Zone shall be limited to the growing of crops, growing of forest products, growing of nursery stock, market gardening, storage of produce grown on site, storage of farm implements used on the property, greenhouse operations, retail sales limited to products grown on site, the raising or sale of animals for breeding, riding, showing, boarding or racing, and a dwelling unit associated with an established farming operation;

3. The provisions for the RA-X10 Zone shall be as follows:

Minimum Frontage	370 metres on Schisler Road 640 metres on Farr Road
Minimum Lot Area	23.8 hectares
Minimum Front Yard Setback	18.0 metres
Minimum Rear Yard Setback	12.0 metres
Minimum Side Yard Setback	4.5 metres

For a green house operation, the minimum setback from any property line shall be 46 metres.

(100 FARR ROAD)

7.23

RA-X11 Zone (By-law 2000-48)

1. That Part of Lot 12, Concession 4, former Township of Crowland, now in the City of Welland, located on the east side of Moyer Road, south of East Main Street known municipally as 130 Moyer Road and shown on Schedule "A" attached to By-law 2000-48 as "Change to RA-X11 Zone" is hereby rezoned RA-X11 Zone;

2. The uses permitted in the RA-X11 Zone are those permitted in the RA District;

3. The provisions for the RA-X11 Zone shall be those provided for in the RA District save and except as follows:

Minimum Lot Area	0.7 hectares
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(138 MOYER ROAD)

7.24

RA-X12 Zone (By-law 2000-48)

1. That Part of Lot 12, Concession 4, former Township of Crowland, now in the City of Welland, located on the east side of Moyer Road, south of East Main Street known municipally as 130 Moyer Road and shown on Schedule "A" attached to By-law 2000-48 as "Change to RA-X12 Zone" is hereby rezoned RA-X12 Zone;

2. The uses permitted in the RA-X12 Zone are those permitted in the RA District;

3. The provisions for the RA-X12 Zone shall be those provided for in the RA District save and except as follows:

7-13

Minimum North Side Yard 4.0 metres

Minimum Lot Area 0.5 hectares

(130 MOYER ROAD)

SECTION 8 - RURAL RESIDENTIAL FIRST DENSITY DISTRICT - RR1

The following provisions shall apply in all RURAL RESIDENTIAL FIRST DENSITY DISTRICTS RR1:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

8.1 USES PERMITTED

8.1.1 Residential:

Single-detached dwelling

8.2 AREA REQUIREMENTS

8.2.1 Lot Frontage:

Minimum - 30.0 metres

8.2.2 Lot Area:

Minimum - 2,787 square metres

8.2.3 Yard Requirements:

Front yard - minimum 18.0 metres
Rear yard - minimum 7.5 metres
Side yard - minimum 3.0 metres

8.2.4 Ground Floor Area:

Minimum - 110 square metres

8.2.5 Total Floor Area:

Minimum - 125 square metres

8.2.6 Lot Coverage:

Maximum - 25 percent

SECTION 9 - RURAL RESIDENTIAL SECOND DENSITY DISTRICT RR2

The following provisions shall apply in all RURAL RESIDENTIAL SECOND DENSITY DISTRICTS RR2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

9.1 USES PERMITTED

9.1.1 Residential:

Single-detached dwelling

9.2 AREA REQUIREMENTS

9.2.1 Lot Frontage:

Minimum - 30.0 metres

9.2.2 Lot Area:

Minimum - 1,390 square metres

9.2.3 Yard Requirements:

Front yard - minimum 10.5 metres
Rear yard - minimum 7.5 metres
Side yard - minimum 3.0 metres

9.2.4 Ground Floor Area:

Minimum - 83 square metres

9.2.5 Total Floor Area:

Minimum - 106 square metres

9.2.6 Lot Coverage:

Maximum - 25 percent

SECTION 10 - SINGLE-DETACHED DWELLING FIRST DENSITY DISTRICT R1

The following provisions shall apply in all SINGLE-DETACHED DWELLING FIRST DENSITY DISTRICTS R1:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

10.1 USES PERMITTED

10.1.1 Residential:

Single-detached dwelling

10.2 AREA REQUIREMENTS

10.2.1 Lot Frontage:

Minimum - 18.0 metres

10.2.2 Lot Area:

Minimum - 665 square metres

10.2.3 Yard Requirements:

Front yard - minimum 7.5 metres

Rear yard - minimum 7.5 metres

Side yard - 1 storey - minimum 1.8 metres

1 ½ storey - minimum 2.4 metres

2 storey - minimum 3.0 metres

10.2.4 Ground Floor Area:

Minimum - 69 square metres

10.2.5 Total Floor Area:

Minimum - 100 square metres

10.2.6 Lot Coverage:

Maximum - 35 percent

SECTION 11 - SINGLE-DETACHED DWELLING SECOND DENSITY DISTRICT R2

The following provisions shall apply in all SINGLE-DETACHED DWELLING SECOND DENSITY DISTRICTS R2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

11.1 USES PERMITTED

11.1.1 Residential:

Single-detached dwelling

11.2 AREA REQUIREMENTS

11.2.1 Lot Frontage:

Minimum - 15.0 metres

11.2.2 Lot Area:

Minimum 555 square metres

11.2.3 Yard Requirements:

Front yard - minimum 6.0 metres

Rear yard - minimum 7.5 metres

Side yard - 1 storey - minimum 1.5 metres

1 ½ storey - minimum 2.0 metres

2 storey - minimum 2.5 metres

11.2.4 Ground Floor Area:

Minimum - 60 square metres

11.2.5 Total Floor Area:

Minimum - 83 square metres

11.2.6 Lot Coverage:

Maximum - 35 percent

11.2.7 Deleted.

SECTION 12 - SINGLE-DETACHED DWELLING THIRD DENSITY DISTRICT R3

The following provisions shall apply in all SINGLE-DETACHED DWELLING THIRD DENSITY DISTRICTS R3:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

12.1 USES PERMITTED

12.1.1 Residential:

Single-detached dwelling

12.2 AREA REQUIREMENTS

12.2.1 Lot Frontage:

Minimum - 12.0 metres

12.2.2 Lot Area:

Minimum - 353 square metres

12.2.3 Yard Requirements:

Front yard - minimum 6.0 metres
Rear yard - minimum 7.5 metres
Side yard - minimum 1.2 metres

12.2.4 Ground Floor Area:

Minimum - 50 square metres

12.2.5 Total Floor Area:

Minimum - 65 square metres

12.2.6 Lot Coverage:

Maximum - 40 percent

SECTION 13 - MULTIPLE-FAMILY DWELLING FIRST DENSITY DISTRICT RM1

The following provisions shall apply in all MULTIPLE-FAMILY DWELLING FIRST DENSITY DISTRICTS RM1:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

13.1 USES PERMITTED

13.1.1 Residential:

Single-detached dwelling
Semi-detached dwelling
Duplex dwelling

13.2 SINGLE-DETACHED DWELLING

13.2.1 Lot Frontage:

Minimum - 18.0 metres

13.2.2 Lot Area:

Minimum - 665 square metres

13.2.3 Yard Requirements:

Front yard - minimum 6.0 metres
Rear yard - minimum 7.5 metres
Side yard - 1 storey - minimum 1.8 metres
1 ½ storey - minimum 2.4 metres
2 storey - minimum 3.0 metres

13.2.4 Ground Floor Area:

Minimum - 69 square metres

13.2.5 Total Floor Area:

Minimum - 83 square metres

13.2.6 Lot Coverage:

Maximum - 35 percent

13.3 SEMI-DETACHED OR DUPLEX DWELLING

13.3.1 Lot Frontage:

Minimum - 18.0 metres

13.3.2 Lot Area:

Minimum - 695 square metres

13.3.3 Yard Requirements:

SEMI-DETACHED DWELLING

Front yard - minimum 6.0 metres

Rear yard - minimum 7.5 metres

Side yard - minimum 3.0 metres

DUPLEX DWELLING

minimum 6.0 metres

minimum 7.5 metres

minimum one side 1.8 metres

minimum other side 3.0 metres

13.3.4 Total Floor Area per Dwelling Unit:

Minimum - 78 square metres

13.2.5 Lot Coverage:

Maximum - 40 percent

SECTION 14 - MULTIPLE-FAMILY DWELLING SECOND DENSITY DISTRICT RM2

The following provisions shall apply in all MULTIPLE-FAMILY DWELLING SECOND DENSITY DISTRICTS RM2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

14.1 USES PERMITTED

14.1.1 Residential:

Single-detached dwelling
Semi-detached dwelling
Duplex dwelling
Double duplex dwelling
Converted Dwelling

14.1.2 Other Uses:

A boarding or lodging house; a public or private hospital; a children's home; a religious institution; a fraternal organization; a private club; a children's shelter; a community centre; a day nursery; a nursery school; a private school or a boys' home, girls' home, orphanage or infants' home; provided that any building used for any purpose mentioned in this paragraph is or was originally constructed for such purpose

14.2 SINGLE-DETACHED DWELLING

14.2.1 Lot Frontage:

Minimum - 15.0 metres

14.2.2 Lot Area:

Minimum - 555 square metres

14.2.3 Yard Requirements:

Front yard - minimum 6.0 metres
Rear yard - minimum 7.5 metres
Side yard - 1 storey - minimum 1.5 metres
 1 ½ storey - minimum 2.1 metres
 2 storey - minimum 2.7 metres

14.2.4 Ground Floor Area:

Minimum - 60 square metres

14.2.5 Total Floor Area:

Minimum - 69 square metres

14.2.6 Lot Coverage:

Maximum - 35 percent

14.3 SEMI-DETACHED OR DUPLEX DWELLING

14.3.1 Lot Frontage:

Minimum - 18.0 metres

14.3.2 Lot Area:

Minimum - 613 square metres

14.3.3 Yard Requirements:

SEMI-DETACHED DWELLING
Front yard - minimum 6.0 metres
Rear yard - minimum 7.5 metres
Side yard - minimum 3.0 metres

DUPLEX DWELLING
minimum - 6.0 metres
minimum - 7.5 metres
minimum one side 1.8 metres
minimum other side 3.0 metres

14.3.4 Total Floor Area per Dwelling Unit:

Minimum - 65 square metres

14.3.5 Lot Coverage:

Maximum - 40 percent

14.4 DOUBLE DUPLEX DWELLING

14.4.1 Lot Frontage:

Minimum - 18.0 metres

14.4.2 Lot Area:

Minimum - 665 square metres

14.4.3 Yard Requirements:

Front yard - minimum 6.0 metres
Rear yard - minimum 7.5 metres
Side yard - minimum 3.0 metres

14.4.4 Total Floor Area per Dwelling Unit:

Minimum - 65 square metres

14.4.5 Lot Coverage:

Maximum - 40 percent

14.5 BOARDING OR LODGING HOUSES

14.5.1 Lot Frontage:

Minimum - 16.7 metres

14.5.2 Lot Area:

Minimum - 613 square metres

14.5.3 Yard Requirements:

Front yard - minimum 6.0 metres

Rear yard - minimum 7.5 metres

Side yard - 1 storey - minimum 1.5 metres
1 ½ storey - minimum 2.1 metres
2 storey - minimum 2.7 metres

14.5.4 Ground Floor Area:

Minimum - 69 square metres

14.5.5 Total Floor Area:

Minimum - 69 square metres

14.5.6 Lot Coverage:

Maximum - 35 percent

14.6 CONVERTED DWELLING

The provisions for a Converted Dwelling shall conform to Section 6.5 of this By-law.

14.7 OTHER USES (Not including a Boarding or Lodging House)

14.7.1 Lot Frontage:

Minimum - 16.7 metres

14.7.2 Lot Area:

Minimum - 613 square metres

14.7.3 Yard Requirements:

Front yard - minimum 6.0 metres

Rear yard and side yard - minimum equal to 75 percent of the height of the building or structure, but not less than 4.5 metres

14.7.4 Ground Floor Area:

Minimum - 69 square metres

14.7.5 Total Floor Area:

Minimum - 69 square metres

14.7.6 Lot Coverage:

Maximum - 30 percent

SECTION 15 - LOCAL COMMERCIAL DISTRICT C1

The following provisions shall apply in all LOCAL COMMERCIAL DISTRICTS C1:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

15.1 USES PERMITTED

15.1.1 Residential:

Dwellings over stores

15.1.2 Commercial:

Retail stores, eating establishments, service stores, dry cleaning and laundry collecting stations, a bake shop, a caterer or a delicatessen

15.2 AREA REQUIREMENTS

15.2.1 Lot Coverage:

Maximum - 35 percent

15.2.2 Yard Requirements:

Front yard - minimum 6.0 metres

Rear yard - minimum 4.5 metres

Side yard - no minimum side yard shall be required except where a Local Commercial District flanks any other district, a minimum side yard of 4.5 metres shall be provided

15.2.3 Floor Area of Dwelling Unit:

Minimum - 55 square metres

SECTION 16 - SHOPPING DISTRICT C2

The following provisions shall apply in all SHOPPING DISTRICTS C2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

16.1 **USES PERMITTED**

16.1.1 All uses permitted in C1 Districts and the following:

16.1.2 **Commercial:**

- A commercial lending library,
- A photographer's studio,
- A photographer's or tailor's or dressmaker's shop,
- A spotting and stain removing establishment,
- A car washing establishment,
- An automobile service station,
- A bowling alley,
- Business offices.

16.2 **AREA REQUIREMENTS**

16.2.1 **Floor Area of Dwelling Unit:**

Minimum 55 square metres for each dwelling unit but not more than 50 percent of the ground floor area of the building may be erected or used for this purpose

16.2.2 **Yard Requirements:**

- Front yard - minimum 12.0 metres
- Rear yard - minimum 7.5 metres
- Side yard - no side yard shall be required except where a Shopping District flanks any other district a minimum side yard of 7.5 metres shall be provided

SECTION 17 - GENERAL COMMERCIAL DISTRICT C3

The following provisions shall apply in all GENERAL COMMERCIAL DISTRICTS C3:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

17.1 USES PERMITTED

17.1.1 All uses permitted in the O1, O2, C1 and C2 Districts and the following:

17.1.2 Commercial:

A commercial scale, a hotel, motel, tavern or public house; a place of amusement; a commercial bath; a sample or showroom; an auctioneer's premises and a second hand shop; a pet shop or animal hospital; a parking lot, taxicab stand or station; a laboratory; an automatic laundry shop; a motor vehicle repair shop Class "A"; a clinic; an undertaker's establishment; an artist's studio; a business office; a custom workshop; trades services and professions; a commercial school; an open air market; service or repair shops Class "A" and "B"; a sales and hire garage; a duplicating shop; a printing plant; a hand laundry

17.1.3 Institutional Uses:

A Salvation Army hostel; a YMCA, YWCA, YMHA or YWHA; a fraternal society; a club or lodge; a labour union hall; an assembly hall; a religious institution

17.2 AREA REQUIREMENTS

17.2.1 Floor Area of Dwelling Unit:

Minimum 55 square metres per dwelling unit but not more than 50 percent of the ground floor area of the building may be erected or used for this purpose

17.2.2 Yard Requirements:

Rear yard - minimum 4.5 metres

Side yard - no minimum side yard shall be required except where a General Commercial District flanks any other district a minimum side yard of 4.5 metres shall be provided

17.3 Deleted.

SECTION 18 - HIGHWAY COMMERCIAL DISTRICT C4

The following provisions shall apply in all HIGHWAY COMMERCIAL DISTRICTS C4:-

No person shall hereafter use any building, structure or land, nor erect any building or structure except in accordance with the following provisions:-

18.1 USES PERMITTED

18.1.1 All uses permitted in the O1 and O2 Districts:

18.1.2 Commercial:

A motel, a parking lot, taxicab stand or station, a motor vehicle repair shop Class "A", a car washing establishment, an automobile service station, a bowling alley, a retail store, an eating establishment, service stores

18.2 AREA REQUIREMENTS

18.2.1 Lot Frontage:

Minimum - 18.0 metres

18.2.2 Lot Area:

Minimum - 695 square metres

18.2.3 Yard Requirements:

Front yard - minimum 13.5 metres
Rear yard - minimum 3.0 metres
Side yard - minimum 3.0 metres

18.2.4 Lot Coverage:

Maximum - 25 percent

SECTION 19 -STORAGE AND LIGHT MANUFACTURING DISTRICT I1

The following provisions shall apply in all STORAGE AND LIGHT MANUFACTURING DISTRICTS I1:

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

19.1 USES PERMITTED

19.1.1 Residential:

The dwelling of a caretaker or persons employed on the maintenance staff of the land, buildings or equipment thereof. Such dwellings shall comply with the provisions of the R3 Districts within the district in which the land is situated.

19.1.2 Recreational:

Uses permitted in the O1 and O2 Districts and in compliance with the provisions therefor.

19.1.3 Commercial:

An open air market, fair ground or market garden,
A motor vehicle repair shop Class "A" or "B",
A scale,
An automobile service station,
A public parking lot.
A business service establishment, (By-law 2003-138)
A call centre, (By-law 2003-138)
A contractor's establishment, (By-law 2003-138)
A mini warehouse and public storage facility, (By-law 2003-138)
A testing/research laboratory (By-law 2003-138)

19.1.4 Storage and Light Manufacturing:

The following uses shall be permitted only within enclosed structures:

A service or repair shop Class "A" or "B",
A warehouse or distributing depot,
A garage,
A bus depot or railway station,
Light manufacturing or assembly of manufactured products such as:

- (a) apparel and finished textile or fabric product;
- (b) paper and allied products;
- (c) furniture and finished lumber products;
- (d) light metal products such as precision instruments, watches and radios;
- (e) assembly/fabrication/manufacturing or processing plant (By-law 1999-133).

19.1.5 Railway:

Railway uses incidental to the foregoing uses

19.2 **AREA REQUIREMENTS**

Front Yard - minimum 6.0 metres
Rear Yard - minimum 4.5 metres
Side Yard - minimum 4.5 metres

19.3 **I1-X1 Zone (By-law 2000-11, By-law 2010-63)**

1. That Part of Lot 16, Concession 6, former Township of Crowland, now in the City of Welland known municipally as 383 Buchner Road and shown on Schedule "A" attached to By-law 2000-11 as "Change to I1-X1 Zone" is hereby rezoned I1-X1 Zone;
2. The uses permitted in the I1-X1 Zone shall be those permitted in the I1 District with the additional use of "Service Use" and "Trucking Operation" (By-law 2010-63);
3. The provisions for the I1-X1 Zone shall be those permitted for in the I1 District and the following:

That handling and mixing of all pesticides, herbicides and chemicals related to the service use shall take place within a building which provides proper chemical containment equipment.

The parking and washing of any vehicles containing pesticides, herbicides and chemicals related to the service use shall take place within a building which provides proper chemical containment equipment.

4. For the purposes of this By-law, the definition of "Service Use" shall be as follows:

The use of land, a building or structure, or part thereof, where the purpose of such enterprise is to provide a maintenance, caretaking, cleaning, security or similar service to industry and the public where such service is primarily conducted and/or provided off-site at the location in need of such service.

5. Prior to permitting any development on the site, or alteration to the site, the Niagara Peninsula Conservation Authority must review and comment with respect to the natural heritage features or any development or alteration proposed for the site. (By-law 2010-63)

(383 BUCHNER ROAD)

19.4 **I1-X2 Zone (By-law 2000-108)**

1. That Part of Lot 16, Concession 6, former Township of Crowland, now in the City of Welland known municipally as 307 Buchner Road and shown on Schedule "A" attached to By-law 2000-108 as "Change to I1-X2 Zone" is hereby rezoned I1-X2 Zone;

Rear Yard Setback 4.5 metres

Side Yard Setback 4.5 metres

Notwithstanding the above, no building shall be permitted within 14.0 metres of the Highway 140 right-of-way

Outdoor Storage

No outdoor storage shall be permitted except as follows:

Lot 4 in the side and rear yards only but shall be screened from view

Lots 7-9 in the rear yard only

Lot 10 in the rear yard only but shall be screened from view on the south and east sides

(ENTERPRISE INDUSTRIAL SUBDIVISION)

19.7 I1-X5 ZONE (By-law 2003-13)

1. That Part of Lot 16, Concession 6, former Township of Crowland, now in the City of Welland, being Part 2, Plan 59R-7238 located on the north side of Ridge Road, east of Highway No. 140 and shown on Schedule "A" of By-law 2003-13 as "Change to I1-X5 Zone" is hereby rezoned to I1-X5 Zone;
2. The uses permitted in the I1-X5 Zone shall be as follows: an assembly/fabrication/manufacturing or processing plant; warehousing; a contractor's establishment; a business service establishment; a call centre and a testing research laboratory;
3. That Zone provisions for the I1-X5 Zone shall be as follows:

 Minimum East Yard Setback 6.0 metres
 Minimum West Yard Setback 14.0 metres
 Minimum South Yard Setback 4.5 metres
 Minimum North Yard Setback 4.5 metres

No Outdoor Storage Shall Be Permitted
(N.E. CORNER RIDGE ROAD AND HIGHWAY 140)

SECTION 20 - YARD STORAGE AND HEAVY MANUFACTURING DISTRICT I2

The following provisions shall apply in all YARD STORAGE AND HEAVY MANUFACTURING DISTRICTS I2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

20.1 USES PERMITTED

20.1.1 All uses permitted in an O1, O2 and I1 Districts and in compliance with the provision therefor

20.1.2 Commercial:

A retail coal, fuel oil, coke, wood or lumber yard

20.1.3 Yard Storage: (By-law 6977)

Trucking operation, bulk storage of fuel oil, coal coke, wood, lumber, salvage yard, builders supply yard, construction material yard and similar uses

20.1.4 Industrial:

Heavy Industrial

20.1.5 Other:

All other industrial uses not permitted in any other district but which may be lawfully established in the Township of Crowland

20.2 AREA REQUIREMENTS

20.2.1 Yard Requirements:

Front yard - minimum 12.0 metres
- minimum 18.0 metres when the opposite side of the street in a residential district

Rear yard - minimum 7.5 metres
- minimum 12.0 metres when contiguous to a residential district

Side yard - minimum 3.0 metres
- minimum 12.0 metres when contiguous to a residential district

SECTION 21 - RAILWAY DISTRICT I3

The following provisions shall apply in all RAILWAY DISTRICTS I3:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

21.1 USES PERMITTED

Those uses permitted only under the "Railway Act" or any other act governing railway operations

SECTION 22 - PUBLIC OPEN SPACE DISTRICT O1

The following provisions shall apply in all PUBLIC OPEN SPACE DISTRICTS O1:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

22.1 USES PERMITTED

22.1.1 Recreational:

Parks, walks, statues, fountains, play-lots, wading pools and shelters

22.2 AREA REQUIREMENTS

22.2.1 Yard Requirements:

Minimum distance of building or structure from all lot lines shall be 6.0 metres

SECTION 23 - PUBLIC AND PRIVATE OPEN SPACE DISTRICT O2

The following provisions shall apply in all PUBLIC AND PRIVATE OPEN SPACE DISTRICTS O2:-

No person shall hereafter use any building, structure or land nor erect any building or structure except in accordance with the following provisions:-

23.1 USES PERMITTED

23.1.1 Recreational:

All uses permitted in an O1 District and the following:

play-lots, play fields, playgrounds, athletic fields, field houses, community centre, bleachers, open or closed swimming pools, botanical gardens, zoological gardens, band stands, skating rinks, bowling greens, tennis courts, boat liveries, bathing stations, golf courses, parking stations, public parking lot, yacht club and cemetery

23.1.2 Commercial:

Refreshment pavilion or booth

23.2 AREA REQUIREMENTS

23.2.1 Yard Requirements:

Minimum distance of buildings or structures from all lot lines shall be 12.0 metres

SECTION 24 - ADMINISTRATION (By-law 1999-133)

24.1 BY-LAW ENFORCEMENT

This By-law shall be administered and enforced by the person or persons appointed by By-law from time to time by the Corporation.

24.2 VIOLATION OF THIS BY-LAW

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

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

24.3 CERTIFICATE OF OCCUPANCY

No change may be made in the type of use of any lot, building or structure until a certificate of occupancy has been issued by the Corporation to the effect that a proposed use conforms with this By-law or it has been confirmed that the use is legal non-conforming.

24.4 APPLICATION AND PLANS

In addition to the requirements of the Building By-law, every application for a Building Permit shall be accompanied by plans, in duplicate, drawn to a scale satisfactory to the Chief Building Official showing the true shape and dimensions of the lot to be used, or upon which it is proposed to erect any building or structure and showing the proposed location, height and dimensions of the building or structure or work, in respect of which the permit is applied, and the location of every building or structure already erected on, or partly on, such lot and the location of every building upon contiguous lots, the proposed location of parking spaces, loading spaces, driveways and landscaped areas and other such information as may be necessary to determine whether or not the building, structure or work conforms with the requirements of this By-law. Every application shall be signed by the registered owner or his/her agent duly authorized and filed with the Chief Building Official. Every application shall state, in detail, the current and intended use of the lot and any building or structure or part thereof together with all information necessary to determine whether or not every such building or structure conforms with the requirements of this By-law.

24.5 VIOLATIONS AND PENALTIES

Every person or corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed by Section 67, Chapter

P.13 of the Planning Act, as amended from time to time.

24.6 **REQUESTS FOR AMENDMENTS**

Every request for an amendment to this By-law shall be made on forms prescribed, from time to time, and shall be accompanied by the appropriate fee.

24.7 **VALIDITY**

If any Section, clause or provision of this By-law, including anything contained in the attached Schedules, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the Section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all of the remaining Sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared invalid.

24.8 **CONFLICT WITH OTHER BY-LAWS**

In the event of a conflict between this By-law and any general or special By-law, this By-law shall prevail.

SECTION 26 - INSTITUTIONAL DISTRICT - IN (By-law 19964)**26.1 H-IN-X1 Zone (By-law 9964)**

Schedule "A" of By-law 1538, as amended, is hereby further amended by rezoning certain lands described as Part of Township Lot 18, Concession 5, formerly in the Township of Crowland, now in the City of Welland, and known municipally as 184 Buchner Road as H-IN-X1 Zone; the lands are shown on Schedule "A" attached to By-law 9964 and forming part of that By-law.

- i) The uses permitted in the H-IN-X1 Zone shall be restricted to a 25 bed detention facility for young offenders;
- ii) Notwithstanding other provisions of By-law 1538, save those noted hereinafter the zone provisions for the H-IN-X1 Zone shall be as follows:

Minimum Lot Frontage	200 metres
Minimum Lot Area	4 hectares
Maximum Lot Area	4 hectares
Minimum Front Yard	20 metres
Minimum Rear Yard	20 metres
Minimum Side Yard	15 metres
Minimum Landscape Open Space	40 percent
Maximum Lot Coverage	10 percent
Maximum Building Height	15 metres
Minimum Parking	20 spaces

- iii) No development whatsoever, save and except the development and maintenance of an access driveway, shall be permitted within 15 metres of the stream bisecting the lands affected by this By-law.

(184 BUCHNER ROAD)

SECTION 27 - ENVIRONMENTAL PROTECTION DISTRICT - EP (BY-LAW 2002-11)

The following provisions shall apply in the ENVIRONMENTAL PROTECTION DISTRICT (EP):

No person shall hereafter use any building, structure or land nor erect any building or structure except in compliance with the following requirements:

27.1 USES PERMITTED

No buildings, structures or development save and except flood control works shall be permitted.