



**City of Welland**  
**New Comprehensive Zoning**  
**By-law 2017-117**  
**as Amended by By-law 2024-99**

**October 1, 2024**

## HOW TO USE THIS BY-LAW

### Introduction

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

### Purpose

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

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

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

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

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

## How to Use This By-law – Step by Step

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

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

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

### 2. By-law Amendments

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

### 3. Zone Provisions

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

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

You have now identified the *zone* in which your property is located and have identified what uses are permitted on your property. The next step is to determine

what standards apply to the uses on your property. Subsection 3 to 7 (e.g., 7.3, 7.4, etc.) in Sections 7 to 13 of the By-law identify the zone regulations for each of the zone categories in the City.

#### 4. General Provisions

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

#### 5. Parking and Loading

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

#### 6. Exceptions, Holding Zones, and Temporary Uses

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

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

### Description of By-law Components

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

- Section 1: Interpretation
- Section 2: Administration
- Section 3: Establishment of Zones
- Section 4: Definitions
- Section 5: General Provisions

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

The purpose of each of these sections is described below.

### **Section 1 and 2 – Interpretation and Administration**

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

### **Section 3 - Establishment of Zones**

This section establishes the *zones* that apply to the lands covered by the By-law. This section also describes how to determine the location of the *zone* boundaries on the Schedules.

### **Section 4 - Definitions**

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

### **Section 5 - General Provisions**

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

### **Section 6 - Parking and Loading Standards**

Parking and loading facilities are required for almost all uses within the City. This section provides the requirements for these facilities including such regulations as the

number of spaces required for Residential and Commercial uses, minimum *driveway* width, minimum *parking space* size and the location of parking facilities on a *lot*.

### **Section 7 to 13 – Zone Provisions**

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

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

### **Section 15 - Enactment**

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

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## SECTION 1 INTERPRETATION

### 1.1 Title of By-law

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

### 1.2 Administration

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

### 1.3 Scope of By-law

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

### 1.4 Area for Which this By-law Applies

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

### 1.5 Level of Accuracy

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

### 1.6 Abbreviations

Abbreviations used throughout this By-law are as follows:

M	metre(s)
Cm	centimetre(s)
m <sup>2</sup>	square metre(s)
Ha	hectares
Max	maximum
Min	minimum
%	percent
G.F.A.	<i>gross floor area</i>

## 1.7 Measurements

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

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

## 1.8 Legal Non-Conforming Buildings and Uses

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

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

## 1.9 Conformity and Compliance Requirements

- a) The standards, regulations and requirements contained in this By-law *shall* apply to all lands and properties located within the corporate limits of the City of Welland as they now exist, or as they may hereafter be enlarged or diminished.



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

#### **1.10 Compliance with other Legislation or Regulations**

- a) Nothing in this By-law *shall* exempt any *person* from the requirement to comply with other by-laws of the City and regulations of the Regional Municipality of Niagara, Niagara Peninsula Conservation Authority, Province of Ontario, and Government of Canada, that may affect the *use* of land or the *erection, use* or *alteration* of *buildings* or *structures*.
- b) To the extent of any conflict or inconsistency between this By-law and any other by-laws of the City, the more restrictive by-law *shall* prevail.
- c) Where a permit has been issued by the Niagara Peninsula Conservation Authority, the provisions or conditions set out in the permit *shall* supersede the provision of this By-law where more restrictive.
- d) References to “the Zoning By-law”, or “By-law 2667”, or “By-law 1538 (Crowland)” in other City By-laws or documents *shall* be deemed to refer to this By-law where this By-law applies.

### 1.11 Definitions

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

### 1.12 Discretionary and Mandatory Wording

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

### 1.13 Examples and Illustrations

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

### 1.14 Legislative References

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

### 1.15 Transition for By-law 2024-99

- a) The provisions of By-law 2024-99, being a by-law to amend the Comprehensive Zoning By-law 2017-117, shall not apply to prevent the issuance of a building permit for a project for which a complete application for:
  - i. Approval of draft plan of subdivision;
  - ii. Approval of draft plan of condominium;
  - iii. Subdivision agreement;
  - iv. Condominium agreement;
  - v. Site plan approval;
  - vi. Development agreement;
  - vii. Removal of part lot control;
  - viii. Committee of Adjustment approval;
  - ix. Building permit.

was received after October 17, 2017, and on or before October 1, 2024, or in the event of an appeal to By-law 2024-99, received prior to the date when all appeals to By-law 2024-99 have been withdrawn or finally disposed of, and any subsequent complete applications related to the project received thereafter, and: for which the building permit is issued on or prior to October 1, 2024.

- b) “Complete Application” means an application deemed to be completed in accordance with the *Planning Act*.

- c) Where a project qualifies under subsection a) above, a building permit for that project may be issued, or the Committee of Adjustment approval, site plan approval, the removal of part lot control, the subdivision agreement, the condominium agreement, the development agreement, the approval of draft plan of subdivision, or approval of draft plan of condominium may be granted if the project in questions complies with the provisions of Zoning By-law 2017-117 as it read on September 30, 2024, and provided that no significant revisions to the project are submitted after this date.
- d) The exemption provided by this transition clause shall not continue beyond the issuance of the permit upon which the exemption is founded; and, once the permit, agreement or approval under subsections a) has been granted, the provisions of Zoning By-law 2017-117, as amended by Zoning By-law 2024-99, or any subsequent amendments thereto shall apply to the lands in question.

## SECTION 2 ADMINISTRATION

### 2.1 Validity

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

### 2.2 Effective Date

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

### 2.3 Technical Revisions to the Zoning By-law

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

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

### 2.4 Enforcement

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

### 2.5 Removal and Reinstatement

- a) Where an owner or *person* is in contravention of any provision of this By-law, the City, or a Municipal Law Enforcement Officer, in addition to any other action, may send notice to the owner or *person*, requiring the

property to be made to conform with this By-law. In the event that a notice is sent and the property is not reinstated to conform with the provisions of this By-law within the time period set out in the notice, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work or actions required to make the property comply with this By-law, and may recover the costs in accordance with Section 446 of the *Municipal Act*, as amended.

- b) Any notice given under this By-law may be given by ordinary mail or hand delivery to the address of the subject property, or to the address of the owner or *person* according to the last revised assessment roll off the property which does not comply with this By-law or may be posted on the subject property and such service *shall* be deemed good and sufficient service.
- c) The City, its employees, agent or contractor may, without notice, perform any work necessary to comply with this By-law where there is an immediate danger or threat to public health or safety, and recover costs as in Subsection 2.4 b).
- d) Anything removed by this section may be deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed, and stored, the owner or *person* may reclaim such thing upon payment to the City any costs incurred by the City, its agent or contractor in the removal of such thing. Where the thing has not been reclaimed within thirty days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.

## 2.6 Violation of the By-law

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

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

## 2.7 Penalties

- a) The contravention of any requirement of this By-law may be restrained by action of any ratepayer of the City pursuant to the provisions of the *Municipal Act*, as amended.

- b) Every *person* who contravenes a provision of this By-law and, if the *person* is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the *Planning Act*, as amended.

## 2.8 Repeal of Former By-laws

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

## 2.9 Transition Matters

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

- a) This By-law does not apply to prevent the issuance of a building permit for a project for which a Complete Application was received on or prior to the day before this By-law was passed by Council for a:
  - i) Building permit;
  - ii) Committee of Adjustment approval;
  - iii) Site plan control approval;
  - iv) Part lot control exemption approval;
  - v) Approval of draft plan of subdivision or draft plan of condominium;  
or
  - vi) Site specific zoning by-law amendment.
- b) For the purposes of Subsection 2.8 a), “Complete Application” means an application which could have been approved or granted on the day before this By-law was passed by Council, had it been processed or disposed of on that day as determined in accordance with the provisions of the *Planning Act*, as amended, R.S.O. 1990, Chapter P. 13, and the Regulations, thereunder.
- c) Where a project qualifies under Section 1.8 - Legal Non-Conforming Uses the building permit for that project may be issued; or the Committee of Adjustment approval, the site plan control approval, the part lot control exemption approval, and the draft plan of subdivision or draft plan of condominium approval may be granted, if the project in question complies with the provisions of Zoning By-law Numbers 2667 or 1538 (Crowland),

as amended of the City of Welland as they read on the day before this By-law was passed by Council.

- d) Nothing in this By-law applies so as to continue the exemption provided by this subsection beyond the issuance of the permit or other approval under Subsection 2.9 a), upon which the exemption is founded; and in no case, does the exemption mentioned in Subsection 2.9 c), continue beyond the repeal of this subsection.
- e) Once the permit or approval under Subsection 2.9 a), has been granted, the provisions of this By-law apply in all other respects to the land in question.
- f) Subsection 2.9 is repealed in its entirety three years from the date of enactment of this By-law.

## SECTION 3 ESTABLISHMENT OF ZONES

### 3.1 Zones and Zone Symbols

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

**Table 3.1.1: Zones in the Zoning By-law**

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



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

### 3.2 Location of Zones

The zones and zone boundaries are shown on the zone maps which are attached to and form a part of this By-law. The lands identified on the zone maps as being within a *zone* are subject to the provisions of this By-law applicable to that *zone*.

### 3.3 Zone Maps

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

### 3.4 Determining Zone Boundaries

The following rules *shall* apply to determine the location of the boundary of any *zone* on the zone maps where it is shown:

- a) As following a street, lane, railway, right-of-way, transmission line, or watercourse, the boundary *shall* be the centreline of the applicable feature;
- b) As following the *lot frontage* on a future *lot* shown on a draft approved plan of subdivision or condominium, the boundary *shall* be the centreline of the future public or private street being constructed;

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

### 3.5 Split Zoning

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

### 3.6 Special Zone Symbols

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

### 3.7 Site Specific Zones

Where a zone symbol is followed by a hyphen and number, the symbol refers to a special provision that applies to the lands so zoned.

### 3.8 Holding Zones

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

### 3.9 Temporary Use Zones

- a) Where a zone symbol is preceded by an upper-case letter “T” a number, and a hyphen, the symbol refers to a temporary use permission that applies to the lands.
- b) The prefix “T” may be used in conjunction with any zoning category of this By-law, as amended.
- c) There are two types of temporary use by-laws:

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

### 3.10 Interim Control By-laws

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

## SECTION 4 DEFINITIONS

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

Term	Definitions
<b>A</b>	
<i>Access Aisle</i>	Means an area used to provide access to <i>parking spaces</i> that are provided within a <i>parking area</i> .
<i>Access Driveway</i>	Means an unobstructed driving route designed to provide access by <i>motor vehicles</i> between a <i>public street</i> or condominium road and a <i>parking space</i> , <i>access aisle</i> , or <i>loading space</i> , or between two <i>parking areas</i> .
<i>Accessory Building/ Structure</i>	Means a <i>building</i> or <i>structure</i> , not used, or intended to be used for human habitation, detached from, but located on the same <i>lot</i> as, the <i>principal use, building or structure</i> , the <i>use</i> of which is incidental, subordinate and exclusively devoted to that of the principal <i>building</i> or <i>structure</i> .
<i>Accessory Dwelling Unit</i>	<p>Means a self-contained residential unit with kitchen and bathroom facilities within <i>dwellings</i> or within <i>structures</i> accessory to <i>dwellings</i>.</p> <p>An accessory <i>dwelling unit</i> must comply with all applicable laws and standards including the building code, the Fire Code and Property Standards By-laws.</p>

Term	Definitions
<i>Accessory Use</i>	Means a <i>use</i> which is incidental, subordinate and exclusively devoted to the <i>principal use</i> of the <i>lot</i> upon which, or of the <i>building or structure</i> within which, the <i>accessory use</i> is located.
<i>Adult Entertainment Establishment</i>	Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to, or designed to appeal to, erotic or sexual appetites or inclinations as licensed in accordance with Regional Municipality of Niagara By-laws.
<i>Aggregate Extraction Operation</i>	Means a place where gravel, sand, shale, limestone, dolostone, sandstone, and other mineral materials are removed by means of an open excavation to supply material for construction, industrial, manufacturing or maintenance purposes.
<i>Agriculture</i>	Means the growing of crops, including <i>nursery</i> , biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm <i>buildings</i> and <i>structures</i> including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
<i>Agriculture-Related Use</i>	Means those farm-related commercial and farm-related industrial uses that are directly

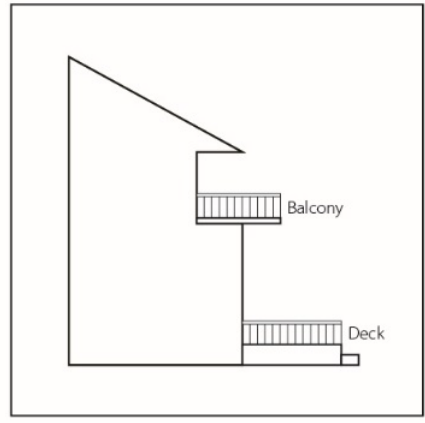
Term	Definitions
	related to a farm operation in the area, support <i>agriculture</i> , benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
<i>Agri-Tourism</i>	Means the use of land, <i>buildings</i> or <i>structures</i> for <i>accessory uses</i> to the principal agricultural use of the <i>lot</i> , conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to agricultural education and research facilities, <i>bed and breakfast</i> establishments, farm markets and the retail of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, value-added assembly, fabrication, processing, packing or storage operations.
<i>Air Treatment Control System</i>	Means a system designed and sized accordingly in comparison to the facility by a qualified person that filters air to prevent the escape of emissions, including but not limited to odours, pollen, and dust associated with use, to the outdoors or any other property.
<i>Alter</i>	<p>Means:</p> <ul style="list-style-type: none"> <li data-bbox="456 1493 959 1776">(a) When used in reference to a <i>building</i> or part thereof, a change in the total floor area or an addition made to a <i>building</i>, or a change made in the type of construction of the exterior walls or roof thereof; or</li> <li data-bbox="456 1818 943 1883">(b) When used in reference to a <i>lot</i>, a decrease in the width,</li> </ul>

Term	Definitions
	depth, area of any <i>required yard</i> , or a change in the location of any boundary of such <i>lot</i> with respect to a <i>public street</i> , whether such <i>alteration</i> is made by conveyance of any portion of the said <i>lot</i> or otherwise.
<i>Amenity Area</i>	Means the area of a commercial, mixed use or residential <i>lot</i> intended for recreational purposes, and <i>shall</i> include areas that are landscaped, <i>patios</i> , privacy areas, <i>balconies</i> , communal lounges, swimming pools, play areas and similar uses, located on the same <i>lot</i> , but <i>shall</i> not include a <i>building's</i> service areas, <i>parking areas</i> , <i>access aisles</i> , or <i>access driveways</i> .
<i>Animal Shelter</i>	Means a premises used for the caring for lost, abandoned, rescued, or neglected animals but does not include a <i>kennel</i> or <i>veterinary clinic</i> .
<i>Art Gallery</i>	Means a premises used for any combination of the preservation, production, exhibition, or sale of paintings or other works of art.

**B**

<i>Balcony</i>	Means a platform in excess of 2.4 metres above- <i>grade</i> , having at least one side open that may be covered by either a roof or another <i>balcony</i> , and <i>shall</i> have no direct access to the ground.
<i>Basement</i>	Means that portion of a <i>building</i> below the first <i>storey</i> .

Balconies & Decks





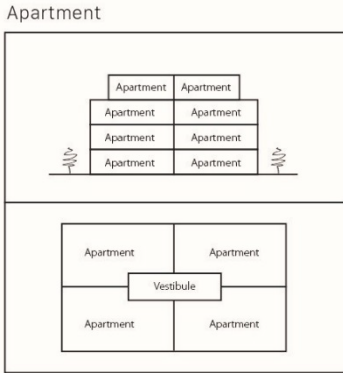
Term	Definitions
<i>Bed and Breakfast</i>	Means a <i>single-detached dwelling</i> occupied by the owner and offering short term lodging for compensation to the travelling and vacationing public and where meals may be offered to the occupants of the guest rooms.
<i>Boarding or Lodging House</i>	Means a <i>dwelling</i> in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a <i>group home, hotel, hospital, nursing home</i> or other establishment otherwise classified or defined in this By-law.
<i>Building</i>	Means any <i>structure</i> , 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.
<i>Building and Lumber Supply Establishment</i>	Means the use of land, <i>buildings</i> or <i>structures</i> , or part thereof for a retail store predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, garden products, and home design products.
<i>Building or Contracting Supply Establishment</i>	Means the use of land, <i>buildings</i> or <i>structures</i> , or parts thereof, in which building, construction or home improvement materials are warehoused such as a lumber yard, and which may include accessory retail.
<i>Building Height</i>	Means the vertical distance between the average <i>grade</i> at the base of a main wall of the <i>building</i> and the highest point of the roof. Where the

Term	Definitions
	height is established in the regulations as a number of <i>storeys</i> , height means the number of <i>storeys</i> .
<b>C</b>	
<i>Cannabis Production Facility</i>	Means any premises or part of a premises used for all or any of the cultivation, processing, destruction, sale, shipping, analytical testing, and research of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health or a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, or any successor thereto, and the Industrial Hemp Regulations, SOR/2018-145 under the <i>Cannabis Act</i> , S.C. 2018, c. 16, as amended, or any successor thereto. A <i>cannabis production facility</i> shall also mean any premises or part of a premises permitted to cultivate more than four cannabis plants.
<i>Cemetery</i>	Means lands that have been established or recognized as a <i>cemetery</i> under laws of the Province of Ontario that is used for internment of human remains and may include an accessory mausoleum, columbarium, and crematorium. This also includes a pet cemetery.
<i>Commercial Vehicle</i>	Means a <i>motor vehicle</i> 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

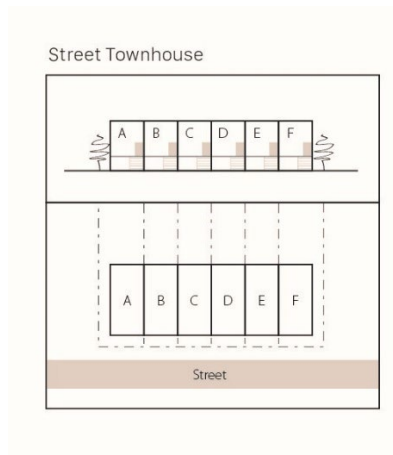
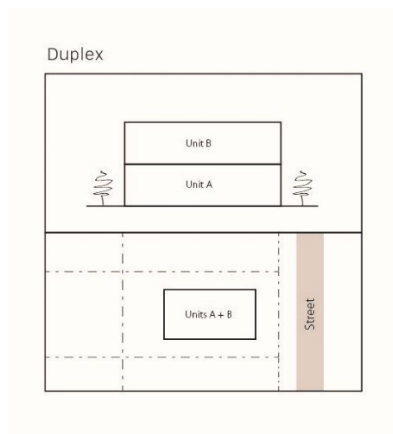
Term	Definitions
	in the <i>Highway Traffic Act</i> , as amended.
<i>Community Centre</i>	Means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature.
<i>Community Garden</i>	Means a communal garden provided for the sole use of or consumption by the individual or individuals working the garden.
<i>Conservation</i>	Means the use of land, <i>buildings</i> , or <i>structures</i> for the purpose of the protection and management of the natural environment.
<i>Contractor's Establishment</i>	Means a premises where construction, maintenance, repair and service equipment, vehicles and materials of a contractor are stored and where contractor performs work in preparation for providing construction, maintenance, or repair services elsewhere, and may include an accessory <i>office</i> for the administration of the business and an accessory display area of pertinent samples.
<i>Custom Workshop</i>	Means a <i>building</i> where there is carried on individual custom production of drapes and slipcovers, venetian blinds, handmade leather goods, millinery, glass blowing, orthopaedic and prosthetic appliances, weaving, awnings, metal plating, gold and silver engraving and other non-offensive, non-dangerous custom production of any article or other thing but does not include any factory production or any shop or

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

Term	Definitions
	provides access to a <i>parking space</i> and/or private <i>garage</i> and includes any hard surface or other hardscaping located parallel to the <i>driveway</i> that is able to be parked on by a <i>motor vehicle</i> .
<i>Dry Cleaning and Laundry Plant</i>	Means a <i>building</i> where dry cleaning, dry dyeing, washing, or pressing of articles of clothing and/or goods of fabric is conducted.
<i>Dwelling</i>	Means a separate <i>building</i> containing one or more <i>dwelling units</i> .
<i>Dwelling, Accessory</i>	Means an <i>accessory dwelling unit</i> that is located in a <i>single-detached dwelling, semi-detached dwelling, two-unit dwelling, or townhouse dwelling</i> that is subordinate to the <i>principal dwelling</i> .
<i>Dwelling, Apartment</i>	Means a <i>dwelling unit</i> within a <i>building</i> containing five or more <i>dwelling units</i> where the units are connected by a common corridor or vestibule but does not include a rooming or boarding house.  Additionally, a Mixed Use Zone permits a <i>dwelling unit</i> within a <i>building</i> containing a non-residential use on the first <i>storey</i> . the <i>apartment dwelling</i> is accessed by an entrance separate from that for the non-residential use.
<i>Dwelling, Block Townhouse</i>	Means a residential <i>townhouse building</i> containing three or more attached <i>principal dwelling units</i> that are divided vertically and where all the <i>townhouses</i> are located on one <i>lot</i> or block and accessed from a street, <i>laneway</i> , or common element as part of a condominium.



Term	Definitions
<i>Dwelling, Duplex</i>	Refer to <i>dwelling, two-unit</i> .
<i>Dwelling, Link</i>	Refer to <i>dwelling, multiple</i> .
<i>Dwelling, Maisonette / Back-to-Back</i>	Refer to <i>dwelling, multiple</i> .
<i>Dwelling, Multiple</i>	Means a <i>dwelling unit</i> within a <i>building</i> containing three or more <i>dwelling units</i> , each of which has an independent entrance and does not include another <i>dwelling</i> type defined herein.
<i>Dwelling, Principal</i>	Means the primary <i>dwelling unit</i> on a <i>lot</i> .
<i>Dwelling, Semi-Detached</i>	Means a <i>building</i> that is divided vertically into two <i>principal dwelling units</i> each with an independent entrance to the exterior and wherein each <i>dwelling unit</i> is located on a separate <i>lot</i> .
<i>Dwelling, Single-Detached</i>	Means a <i>dwelling</i> containing one <i>dwelling unit</i> .
<i>Dwelling, Stacked Townhouse</i>	Refer to <i>dwelling, multiple</i> .
<i>Dwelling, Street Townhouse</i>	Means a <i>townhouse dwelling</i> wherein each <i>dwelling unit</i> is located on a separate <i>lot</i> .
<i>Dwelling, Townhouse</i>	Refer to <i>dwelling, multiple</i> .
<i>Dwelling, Two-Unit</i>	Means a <i>dwelling</i> containing two <i>principal dwelling units</i> but does not include an accessory <i>dwelling unit</i> .



Term	Definitions
<i>Dwelling Unit</i>	Means a place of residence with one or more <i>habitable rooms</i> containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.
<b>E</b>	
<i>Educational Establishment</i>	Means a provincially approved institution for academic instruction and <i>shall</i> include a public, private, or separate school, college, or university.
<i>Emergency Service</i>	Means police, fire, ambulance, or paramedic services.
<i>Environmental Protection Areas</i>	Means provincially significant wetlands, provincially significant life science areas of natural and scientific interest (ANSI); fish habitat, and significant habitat of threatened and endangered species; key natural heritage features; and key hydrologic features.
<i>Environmental Conservation Areas</i>	Means significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant life science; other evaluated wetlands; significant valley lands; savannahs and tall grass prairies; alvars; and publicly owned conservation lands.
<i>Erect</i>	Means to build, construct, reconstruct, move, or enlarge a <i>building</i> or <i>structure</i> , and includes any physical operation and preparatory work such as excavating, filling, grading, or draining land for a <i>building</i> or <i>structure</i> .
<i>Existing</i>	Means existing as of the date of the passing of this By-law.

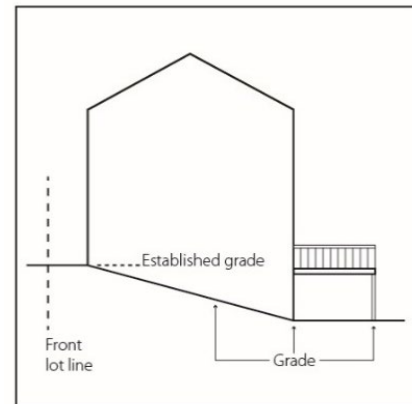
Term	Definitions
<b>F</b>	
<i>Farm Labour Residence</i>	<p>Means accommodation accessory to <i>agriculture</i> and on the same <i>lot</i> as an <i>existing</i> permanent principal farm <i>dwelling</i>, provided for full-time farm labour where the size and nature of the farm operation requires additional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



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

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

Grade & Established Grade



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

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

Term	Definitions
<i>Group Home</i>	<p>(f) Common <i>amenity area</i> and play areas accessory to a <i>principal use</i> on the <i>lot</i>;</p> <p>(g) Living quarters for a caretaker of the building; and</p> <p>(h) Outdoor <i>patios</i>.</p> <p>Means a group living arrangement, within a <i>dwelling unit</i> occupied wholly by a minimum of four supervised residents and a maximum of ten, exclusive of staff, residing on the premises because of social, emotional, mental, or physical handicaps or personal distress.</p> <p><i>A group home shall not include an emergency shelter, lodging house, corrections residence, or correctional facility.</i></p>
<b>H</b>	
<i>Habitable Room</i>	Means a room in a <i>dwelling unit</i> designed for living, sleeping, and eating or food preparation.
<i>Hazard Land</i>	Means property or lands that could be unsafe for development due to naturally occurring processes. Along rivers, streams. And small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.
<i>Health Related Retail</i>	Means commercial <i>retail establishments</i> related to health care including pharmacy, optician, etc.
<i>Heavy Equipment Sales, Rental and Service</i>	Means the sale, rental, servicing, and accessory storage of heavy vehicles including farm vehicles or equipment, and transport trucks or trailers.

Term	Definitions
<i>Heavy Industrial</i>	<p>Means:</p> <ul style="list-style-type: none"> <li>(a) The manufacturing or processing of products from raw materials; or</li> <li>(b) The production or use of flammable, explosive, or other hazardous materials; and</li> <li>(c) The storage of these products and materials.</li> </ul>
<i>Home Furnishing Establishment</i>	<p>Means the use of land, <i>building</i> or <i>structure</i>, or part thereof, for the sale or rental of home furnishings and related supplies, materials, or fixtures.</p>
<i>Home Improvement Establishment</i>	<p>Means the use of land, <i>buildings</i> or <i>structures</i>, or part thereof, for the sale of lumber, building supplies and fixtures, lighting, kitchen and bath materials, supplies and fixtures, tools, plumbing supplies and fixtures, paint and wallpaper, décor and storage materials and supplies, flooring materials and supplies, wall, door or window coverings, paneling and ceilings, seasonable items including lawn mowers, snow blowers, barbeques, pool equipment and chemicals and nursery and landscaping plants, equipment and supplies, and may include ancillary retail sales including a <i>restaurant</i> and may include the sales of services related to the enjoyment, improvement or decoration of the home or to the use of any other goods sold in the store, and <i>garden centre</i>.</p>
<i>Home Industry</i>	<p>Means a small scale use, providing a service primarily to the rural or farming community and which is accessory to a <i>single-detached dwelling</i> or agricultural operation and</p>

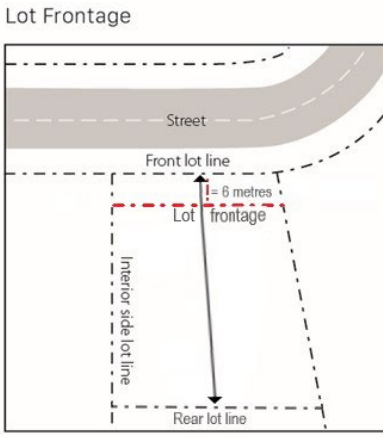
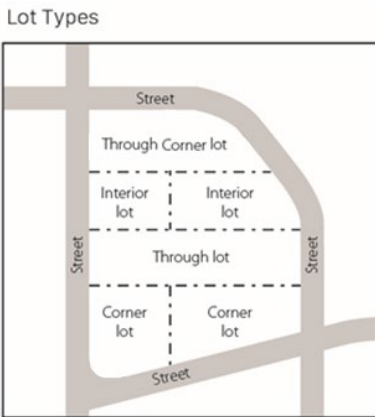
Term	Definitions
	<p>performed by one or more residents of the household on the same property. A <i>home industry</i> may be conducted in whole or in part in an <i>accessory building</i> and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop, or blacksmith's shop, etc., but does not include an auto repair or paint shop.</p>
<i>Home Occupation</i>	<p>Means the <i>accessory use</i> of a <i>dwelling</i> for an occupation or business.</p>
<i>Hospital, Public</i>	<p>Means any public institution under provincial legislation established for the treatment of convalescent or chronically ill persons afflicted with sickness, disease or injury that is approved under the applicable statute.</p>
<i>Hotel/Motel</i>	<p>Means a premises containing lodging units for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a <i>restaurant</i>, place of assembly, and <i>retail establishments</i> which are incidental and subordinate to the primary <i>hotel</i> function and located in the same <i>building</i>.</p>
<b>I</b>	
<i>Institutional Use</i>	<p>Means the use of land, <i>buildings</i>, or <i>structures</i> for social, educational, health or religious purposes.</p>
<b>J</b>	

Term	Definitions
<b>K</b>	
<i>Kennel</i>	Means a <i>building, structure</i> , or fenced compound where domestic household pets are kept, raised and/or boarded for commercial purposes.
<i>Kiddie Pool</i>	Any pool in which holds 0.61 metres of water.
<b>L</b>	
<i>Landscaping/ Landscape Area</i>	Means the open, unobstructed space, at <i>grade</i> , which is used for the growth and maintenance of grass, flowers, shrubbery and other <i>Landscaping</i> which may include Fountains, reflecting pools or similar Areas, but does not include any <i>Access driveway</i> or ramp, parking <i>lot</i> , rooftop area without a green roof or any <i>open space</i> beneath or within Any <i>building</i> or <i>structure</i> .
<i>Landscape Contracting Establishment</i>	Means the use of land, <i>buildings</i> , or <i>structures</i> , where soil, mulch, rock, screening, and other similar landscape materials are stored and offered for sale on a wholesale basis, and which may include but not be limited to the storage of related equipment. Accessory snow removal equipment <i>shall</i> also be permitted.
<i>Laneway</i>	Means a public thoroughfare or way, not more than 9.2 metres wide and which affords only a secondary means of access to abutting property.
<i>Light Equipment/ Machinery Sales, Rental</i>	Means a <i>building</i> , or part thereof where residential, industrial, and commercial machinery and equipment is kept for sale, rental and/or service to the general public.

Term	Definitions
<i>and Service Establishment</i>	Said machinery and equipment includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn, and garden tools, moving equipment, painting and decorating equipment, plumbing tools, and power tools.
<i>Light Industrial Use</i>	<p>Means:</p> <ul style="list-style-type: none"> <li>(a) The manufacturing from previously prepared materials or finished parts or finished products;</li> <li>(b) Factory or assembly-line processes that involve the manufacture, processing, assembly, or packaging of finished parts or finished products made from previously prepared materials; or</li> <li>(c) The repair or servicing of such products.</li> </ul>
<i>Loading Space</i>	Means an off-street area directly adjacent to a <i>building</i> or unit, for the purpose of temporary parking for loading and unloading in conjunction with the use on the same <i>lot</i> .
<i>Long Term Care Facility</i>	Means an institutional care facility as licensed under the <i>Long Term Care Act</i> , as amended, and <i>shall</i> include residences which provide care to meet the physical, emotional, social, spiritual, and personal needs of persons.
<i>Lot</i>	Means one parcel of land that is registered as a legally conveyable parcel of land in the Land Registry Office.



Term	Definitions
<i>Lot, Corner</i>	Means a <i>lot</i> at the intersection of two <i>public streets</i> or upon two parts of the same <i>public street</i> with such street or streets containing an angle of not more than one-hundred thirty-five degrees.
<i>Lot, Interior</i>	Means a <i>lot</i> other than a <i>corner lot</i> , <i>through lot</i> , or <i>through corner lot</i> .
<i>Lot, Through</i>	Means a <i>lot</i> bounded by a <i>public street</i> on two opposite <i>lot lines</i> but does not include a <i>corner lot</i> or <i>through corner lot</i> .
<i>Lot, Through Corner</i>	Means a <i>lot</i> bounded by <i>public streets</i> on three or more <i>lot lines</i> .
<i>Lot Area</i>	Means the total horizontal area within the <i>lot lines</i> of a <i>lot</i> .
<i>Lot Coverage</i>	Means the horizontal area of that part of the <i>lot</i> covered by all roofed <i>structures</i> and <i>buildings</i> above ground level, excluding permitted eave projections and balconies, expressed as a percentage of the <i>lot area</i> .
<i>Lot Depth</i>	Means the horizontal distance between the front and <i>rear lot lines</i> . Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and <i>rear lot lines</i> .
<i>Lot Frontage</i>	Means the horizontal distance between the <i>side lot lines</i> ; where such <i>side lot lines</i> are not parallel, the <i>lot frontage</i> shall be measured 6 metres from the <i>front lot line</i> and parallel to the <i>front lot line</i> .  Where the <i>front lot line</i> is not a straight line the <i>lot frontage</i> shall be



Term	Definitions
	<p>measured 6 metres from the centre point of the chord and parallel to the chord.</p> <p>For the purposes of <i>lot frontage</i>, the chord <i>shall</i> be the straight line joining the two points where the <i>side lot lines</i> intersect the <i>front lot line</i>.</p>
<i>Lot Line</i>	Means any boundary of a <i>lot</i> .
<i>Lot Line, Exterior</i>	Means a <i>lot line</i> other than a <i>front lot line</i> that abuts a street.
<i>Lot Line, Front</i>	<p>Means any <i>lot line</i> abutting a street, and:</p> <p>(a) For a <i>corner lot, through lot</i> or <i>through corner lot</i>, the shortest of the <i>lot lines</i> that divide the <i>lot</i> from the road <i>shall</i> be deemed to be the <i>front lot line</i>.</p> <p>(b) For a <i>corner lot, through lot</i>, or <i>through corner lot</i> where such <i>lot lines</i> are of equal length, the city may deem any of the <i>lot lines</i> that divide the <i>lot</i> from the street as the <i>front lot line</i>.</p>
<i>Lot Line, Interior Side</i>	Means a <i>lot line</i> other than a <i>front, rear</i> , or an <i>exterior lot line</i> .
<i>Lot Line, Rear</i>	Means the <i>lot line</i> opposite to, and most distant from, the <i>front lot line</i> , but where the <i>side lot lines</i> intersect, the <i>rear lot line shall</i> be the point of intersection of the <i>side lot lines</i> .
<i>Lot Line, Side</i>	Means the <i>interior side lot lines</i> and <i>exterior lot lines</i> .

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

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

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

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

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

Term	Definitions
	heritage features. Trail surfaces will be a combination of porous surfaces, such as native soils and/or woodchips, and may include boardwalks and other similar/like items where required.
<i>Patio</i>	Means an outdoor <i>amenity area</i> where seating accommodation can be provided or where meals or refreshments are served to the public for consumption.
<i>Pergola</i>	Means an open structural framework supported by posts over an outdoor area.
<i>Person</i>	Means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors, or legal representatives of the <i>person</i> to whom the context can apply according to law.
<i>Pet Care Establishment</i>	Means a <i>retail establishment</i> or place where the caring of or grooming, or training of household pets occurs without outdoor pens or corrals and may provide overnight boarding.
<i>Pet Shop</i>	Means a shop or place where animals or birds for use as pets are sold or kept for sale and may include premises used for the grooming and/or sale of domestic animals but does not include any overnight boarding.
<i>Pit</i>	Means lands under license or permit, other than <i>wayside pits</i> and quarries, issued in accordance with the <i>Aggregate Resources Act</i> , as amended, or successors there to, and includes land not designated



Term	Definitions
	<p>under the <i>Aggregate Resources Act</i>, as amended, that is used for established <i>pits</i> and quarries <i>existing</i> as of the date of passage of this By-law, and including adjacent land under agreement with or owned by the operator for the continuation of the operation; and includes associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of <i>secondary</i> related products.</p>
<i>Pit, Wayside</i>	<p>Means a temporary <i>pit</i> or quarry opened and used by or for a <i>public authority</i> solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.</p>
<i>Place of Assembly</i>	<p>Means a place designed and used to accommodate gatherings of people such as clubs, reception halls, conference centres, legion halls, assembly halls and lodges, and for events such as trade shows, banquets, and political or other conventions.</p>
<i>Place of Entertainment</i>	<p>Means a premises used for facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including billiard rooms, bowling alleys, laser games, arcades, electronic games, indoor miniature <i>golf courses</i> and bingo halls but does not include casinos or any other establishment accommodating gambling services,</p>

Term	Definitions
	<p>an <i>adult entertainment establishment</i>, nightclub, or a sports facility.</p>
<p><i>Place of Worship</i></p>	<p>Means a <i>lot, building or structure</i>, or part thereof, used for the practice of religion and faith-based spiritual purposes where people assemble for religious worship, faith-based teaching, fellowship, and community social outreach.</p>
<p><i>Planting Strip</i></p>	<p>Means a strip of land, located within a <i>required yard</i>, devoted solely to the growing of grass, trees and/or ornamental shrubs and composed of planting material suitable to the soil and climate conditions of the site.</p>
<p><i>Porch</i></p>	<p>Means an unenclosed, covered platform with direct access to the ground that is attached to a <i>building</i>.</p>
<p><i>Principal Use</i></p>	<p>Means the primary purpose for which a <i>lot, building or structure</i> is used, or is intended to be used.</p>
<p><i>Privacy Screen</i></p>	<p>Means a decorative wall or fence designed to provide privacy for a <i>patio, deck, balcony</i>, or part of a <i>yard</i>.</p>
<p><i>Private Club</i></p>	<p>Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations of community, social or cultural purposes, but does not include uses that are normally carried out as a commercial business.</p>
<p><i>Propane Transfer Facility</i></p>	<p>Means a fixed location where the transfer of propane fuel from one container to another is affected.</p>

Term	Definitions
<i>Public Authority</i>	Means Federal or Provincial bodies, the Regional Municipality of Niagara, or the City of Welland, and includes any commission, board, authority, or department established by or for any of them.
<i>Public Storage</i>	Means a premises used for the purpose of providing rented self-service storage units for use by private citizens.
<b>Q</b>	
<b>R</b>	
<i>Recreation</i>	means the use of land for leisure, passive and/or athletic activities.
<i>Recreation. Passive</i>	means activities that involve relatively unorganized <i>recreational</i> pursuits, generally in the outdoors, such as walking, sitting, and picnicking, and trails.
<i>Recreational Vehicles</i>	Means either a portable <i>structure</i> designed and built to be carried by a <i>motor vehicle</i> , or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or <i>recreational</i> enjoyment for travel, and <i>shall</i> include, for example, motor homes, <i>recreational</i> vehicle (RV), travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.

Term	Definitions
<i>Repair Shop</i>	Means a premises for the servicing or repair of articles excluding any repairs or services to <i>motor vehicles</i> .
<i>Research and Development Centre</i>	Means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products and may include a research laboratory; but excludes industrial and manufacturing operations other than those required as part of the research.
<i>Residential Care Facility</i>	Means a <i>dwelling</i> , or part thereof, where accommodations are provided, along with support services such as <i>personal care</i> , medical care, and/or nursing, for <i>persons</i> with special needs. The <i>dwelling</i> may contain accommodation for staff.
<i>Restaurant</i>	Means a premises, where meals or refreshments are provided to order for take-out, delivery and/or eat-in and may include table service on an accessory <i>patio</i> .
<i>Retail Centre</i>	Means a combination of two or more retail, service commercial, <i>recreation</i> or <i>office</i> uses, in one or more <i>buildings</i> , on one or more parcels of land, designed as an integrated, planned development having common off-street parking and <i>access driveways</i> .
<i>Retail Establishment</i>	Means a premises in which goods, wares, merchandise, substances, articles, or things are displayed, rented, or sold directly to the public not including home furnishing <i>retail establishments</i> or <i>building and</i>

Term	Definitions
<i>Retirement Home</i>	<p><i>lumber supply establishments or supermarkets or grocery stores.</i></p> <p>Means a <i>building</i> or related group of <i>buildings</i> in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex;</p> <p>(a) That is occupied primarily by <i>persons</i> who are sixty-five years of age or older,</p> <p>(b) Where the operator of the home makes at least two (2) care services available, directly, or indirectly, to the residents,</p> <p>But does not include premises or parts of premises that are governed by or funded under the <i>Homes for Special Care Act</i>, as amended, means a <i>building</i> or related group of <i>buildings</i> in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex; the <i>Ministry of Community and Social Services Act</i>, as amended, the <i>Private Hospitals Act</i>, as amended, the <i>Public Hospitals Act</i>, as amended, or the <i>Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act</i>, as amended, or premises at which emergency hostel services are provided under the <i>Ontario Works Act</i>, as amended.</p>
<b>S</b>	

Term	Definitions
<i>Salvage Yard</i>	Means a <i>lot, building or structure</i> used for wrecking, dismantling, storing and/or selling used goods, wares or materials and includes a <i>junk yard, a scrap metal yard and a motor vehicle wrecking yard.</i>
<i>Sample or Showroom</i>	Means a <i>building</i> or part of a <i>building</i> 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.
<i>School, Commercial</i>	Means a <i>building</i> , or part thereof, where instruction of a skill is provided for profit and may include instruction in a trade, business, art, music, dance, cooking, athletic skill, or any other specialized instruction but does not include an <i>educational establishment</i> including a college or university.
<i>School, Post-Secondary</i>	Means a public university or college of applied arts and technology, and may include a dormitory, <i>restaurant</i> , financial institution, and <i>service commercial establishment as accessory uses.</i>
<i>School, Private</i>	Means a premises, including outdoor areas, where academic instruction in a full range of elementary or <i>secondary</i> school courses of study is provided.
<i>School, Public</i>	Means a premises, including outdoor areas, where academic instruction in a full range of elementary or <i>secondary</i> school courses of study is provided under the jurisdiction of a

Term	Definitions
	school board established by the Province of Ontario.
<i>Screening Device</i>	A barrier used for the purpose of providing privacy/screening.
<i>Seasonal Outdoor Use</i>	Means the use of lands for the sale of seasonable products.
<i>Secondary</i>	Means, when used to describe a use of land, <i>building</i> or <i>structure</i> , a use which is <i>secondary</i> to the <i>principal use</i> of the property.
<i>Service Commercial Establishment</i>	<p>Means a place where:</p> <ul style="list-style-type: none"> <li data-bbox="456 804 974 1207">(a) A service is performed for the <i>personal</i> grooming and <i>personal</i> effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlours; spa; tanning salon; shoe repair shop; dry cleaning depot; laundromat; tailor shop or dressmakers shop; or massage therapy but excluding a body rub parlour;</li> <li data-bbox="456 1245 974 1459">(b) A consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator; or</li> <li data-bbox="456 1497 974 1795">(c) Other <i>personal</i> or business services are provided including a catering service, printing, publishing, photocopying, picture framing or photofinishing service, and custodial services including self-service operations.</li> </ul>

Term	Definitions
<i>Shall</i>	In this By-Law, the word “ <i>shall</i> ” is mandatory and not directory.
<i>Shelter /Pavilion</i>	Means a large open <i>structure</i> with a roof and open sides and may provide a <i>patio</i> or other seating within an <i>open space</i> zone.
<i>Shopping Centre</i>	Means three (3) or more of commercial, retail, or service occupancies planned, designed, and managed as a unit having a gross leasable area of not less than 5000 square metres, having a common public <i>parking area</i> provide on the <i>lot</i> and may include a <i>department store</i> .
<i>Short-Term Rental</i>	Means a <i>dwelling unit</i> that is rented for a period of 28 consecutive days or less but does not include a <i>bed and breakfast, hotel/motel, or boarding or lodging house</i> .
<i>Sight Triangle</i>	Means a triangular area on a <i>lot</i> determined by measuring a specified distance along each <i>street line</i> and joining such points with a straight line.
<i>Social Services Establishment</i>	Means an establishment in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and <i>shall</i> include but not be limited to clerical, administrative, consulting, counselling, <i>office</i> , and <i>recreational</i> functions for a non-profit agency but <i>shall</i> not include facilities in which overnight accommodation is provided.



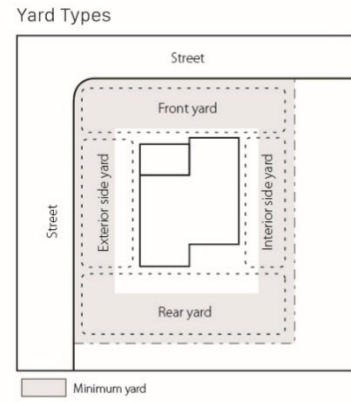
Term	Definitions
<i>Storey</i>	Means that portion of a <i>building</i> between the surface of a floor and the floor, ceiling, or roof immediately above, but does not include an attic or <i>basement</i> .
<i>Storey, Half</i>	Means that portion of a <i>building</i> situated within the roof or having its floor level not lower than 1.2 metres below the line where the roof and outer walls meet and having a roof not steeper than fifty-five degrees above the horizontal.
<i>Street Line</i>	Means the line dividing a <i>lot</i> from a street. It is where the limit of the street allowance and a <i>lot line</i> meet, and <i>shall</i> not be construed to be a curb, sidewalk, or other delineation other than as described.
<i>Street, Public</i>	Means a roadway owned and maintained on a year-round basis by a <i>public authority</i> .
<i>Stormwater Management Facility</i>	Means an end-of-pipe, managed detention, or retention basin, which may include a permanent pool, designed to temporarily store, and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.
<i>Structure</i>	Means anything that is <i>erected</i> , 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 <i>structure</i> , and without limiting the generality <i>shall</i> include a satellite dish, air conditioner, a swimming pool, hot tub, outdoor uncovered/unenclosed <i>deck</i> raised above-grade, a <i>building</i> , but <i>shall</i> not include pavement, curbs, walkways,

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

Term	Definitions
	clothes line pole, trellis, arbour, flag pole, <i>kiddie pool</i> , play <i>structure</i> , basketball pole/net or such like objects or a fence.
<i>Supermarket</i>	Means a retail store for the sale of food, food stuffs, beverages, housewares, health and beauty aids, pharmaceutical products, pet supplies, hardware, plants and <i>nursery</i> products and general merchandise related thereto and having a gross leasable floor area of more than 3,000.0 square metres.
<b>T</b>	
<i>Trucking Operation</i>	Means an establishment engaged primarily in the provision of local and long distance trucking, transfer and related services including repair and maintenance of trucks with the exception of those establishments engaged principally in the transportation of used uncrated household goods.
<b>U</b>	
Use	Means the purpose for which any <i>lot</i> , <i>building</i> , <i>structure</i> , or premises is arranged, designed, intended, occupied, or maintained.
<b>V</b>	
<i>Visual Barrier</i>	Means a continuous, uninterrupted <i>structure</i> which completely blocks lines of sight when viewed perpendicularly from either of its sides and <i>shall</i> consist of one or more of the following materials: wood, stone, brick, mortar, prefabricated metal or other similarly sold material.

Term	Definitions
<i>Veterinary Clinic</i>	Means a premises used for the diagnosis, examination, treatment, and overnight care of animals supervised by a licensed veterinarian, all within enclosed <i>buildings</i> and may include the dispensing and sale of associated medical products and other pet products and services but does not include a <i>kennel</i> .
<b>W</b>	
<i>Warehouse Facility</i>	Means a <i>building</i> or <i>structure</i> , or part thereof, used for the bulk storage or distribution of goods and equipment to industrial, commercial, or institutional business users or other wholesalers, but <i>shall</i> not include the retailing of goods to the general public. A warehouse including self-storage units and mini-warehouses but <i>shall</i> not include a waste management facility, <i>salvage yard</i> or towing establishment.
<i>Waterbody</i>	Means the Welland canal.
<i>Waterway, Navigable</i>	Means a waterbody sufficiently deep and wide to give a passage to a boat.
<i>Wholesaling Facility</i>	Means a <i>building</i> or <i>structure</i> or part thereof where the purpose of the business is the buying of goods for resale to other industrial, commercial, institutional, and agricultural business users including other wholesalers, and includes distribution.
<b>X</b>	
<b>Y</b>	

Term	Definitions
<i>Yard</i>	Means any open uncovered, unoccupied space appurtenant to a principal <i>building</i> .
<i>Yard, Exterior Side</i>	Means a <i>yard</i> of a <i>corner lot</i> extending from the <i>front yard</i> to the <i>rear yard</i> between the exterior <i>side lot line</i> and the nearest wall of a principal <i>building</i> or <i>structure</i> on the <i>lot</i> .
<i>Yard, Front</i>	Means a <i>yard</i> extending across the full width of the <i>lot</i> between the <i>front lot line</i> and any part of any <i>building</i> on the <i>lot</i> .
<i>Yard, Interior Side</i>	Means a <i>yard</i> other than an <i>exterior side yard</i> that extends from the <i>front yard</i> to the <i>rear yard</i> between the <i>interior side lot line</i> and the nearest wall of a principal <i>building</i> or <i>structure</i> on the <i>lot</i> .
<i>Yard, Rear</i>	Means a <i>yard</i> extending across the full width of the <i>lot</i> between the <i>rear lot line</i> and the nearest wall of any principal <i>building</i> or <i>structure</i> on the <i>lot</i> .
<i>Yard, Required</i>	Means the minimum <i>yard</i> required by the provisions of this by-law, or any variances approved by the committee of adjustment.
<i>Yard, Side</i>	Means a <i>yard</i> extending from the <i>front yard</i> to the <i>rear yard</i> between a <i>side lot line</i> and the nearest wall of a principal <i>building</i> or <i>structure</i> on a <i>lot</i> .
<b>Z</b>	
<i>Zone</i>	Means a defined area of land use shown on the zone maps of this By-law.



Portions of *building* below-grade are subject to the same *yard* requirements as *building* above-grade, unless otherwise permitted by this By-law (i.e., *parking structures* in the Mixed Use Zones).

## SECTION 5 GENERAL PROVISIONS

### 5.1 Access

- a) Unless otherwise specified in this By-law, no *person shall erect* or use a *building* or *structure* unless the *lot* upon which the *building* or *structure* is situated, *erected*, or proposed to be *erected* fronts on a street.
- b) No *person shall erect* or use a *building* or *structure* unless the street referenced in Subsection 5.1 a), is paved with a base course of asphalt, all water and sewer mains and service laterals to the property line are installed and tested, and all street name and traffic control signs are installed, all to the satisfaction of the City Engineer, save and except the provisions related to model homes contained in a registered subdivider's agreement or model home agreement.

### 5.2 Accessory Dwelling Units

Notwithstanding any other provisions of this By-law, where accessory *dwelling units* are permitted by this by-law they *shall* be in accordance with the following provisions:

- a) Not more than two accessory *dwelling units* are permitted in association with a *single-detached dwelling*, *semi-detached dwelling*, *two-unit dwelling* and *townhouse dwelling* if no *building* or *structure* ancillary to the *single-detached dwelling*, *semi-detached dwelling*, *two-unit dwelling* or *townhouse dwelling* contains a residential *dwelling unit*.
- b) One accessory *dwelling unit* is permitted in a *building* accessory to a *single-detached dwelling*, *semi-detached dwelling*, *two-unit dwelling* or *townhouse dwelling* if the *single-detached dwelling*, *semi-detached dwelling*, *two-unit dwelling* or *townhouse dwelling* contains not more than one accessory *dwelling unit*.
- c) Parking *shall* be in accordance with Section 6.
- d) Detached accessory *dwelling units shall* be in accordance with Section 5.3.

### 5.3 Accessory Uses, Buildings and Structures

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

### 5.3.1 General

- a) Where this By-law provides that a *lot* may be used for a permitted use or a *building* or *structure* may be *erected* or used for a permitted use, that use *shall* include any *accessory building* or *structure* or *accessory use*, but *shall* not include:
  - i) Any *occupation* for gain or profit conducted within or accessory to a *dwelling unit* except where specifically permitted by this By-law;
  - ii) Any *building* used for human habitation, except where specifically permitted by this By-law;
  - iii) An outdoor furnace or outdoor wood-burning sauna;
  - iv) Any storage container, portable storage unit, repurposed *motor vehicle* in whole or in part, intermodal container or other such like container in any *zone* other than an industrial zone.
  - v) A “sea can” container in any *zone* other than the Agricultural – A1 zone or any industrial zone.
- b) The *accessory use, building* or *structure shall* be located on the same *lot* and in the same *zone* as the *principal use, building* or *structure*.

### 5.3.2 Location

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

### 5.3.3 Height

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

#### 5.3.4 Lot Coverage

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

#### 5.3.5 Special Provisions for Certain Accessory Uses, Buildings and Structures

- a) *Accessory Dwelling Units*: Refer to Subsection 5.2;
- b) *Bicycle Parking Requirements*: Refer to Subsection 6.7;
- c) *Drive-Through Facilities*: Refer to Subsection 5.9;
- d) *Encroachments: Permitted Yard, Setback and Height Encroachments (applicable to certain Accessory Buildings and Structures)*: Refer to Subsection 5.10;
- e) *Fences and Privacy Screens*: Refer to Subsection 5.12;
- f) *Garbage and Refuse Storage and Enclosures*: Refer to Subsection 5.14;
- g) *Garden Suites*: Refer to Subsection 5.15;
- h) *Home Industries*: Refer to Subsection 5.17;
- i) *Home Occupations*: Refer to Subsection 5.18;
- j) *Loading Spaces*: Refer to Subsection 6.6;
- k) *Parking and Loading Regulations*: Refer to Section 6;
- l) *Pergolas*: Refer to Subsection 5.27;
- m) *Seasonal Outdoor Uses*: Refer to Subsection 5.34;
- n) *Swimming Pools and Hot Tubs*: Refer to Subsection 5.40;
- o) *Trailers, Recreational Vehicles and Boat Parking and Storage*: Refer to Subsection 6.12.

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

Where permitted by this By-law an *apartment* unit permitted in commercial and mixed use *zones* shall be in accordance with the following provisions:

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

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

## 5.5 Bed and Breakfast Establishments

*Bed and breakfast* establishments are subject to the following regulations:

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

## 5.6 Condominiums

### 5.6.1 Standard Condominiums

Internal *lot lines* created by:

- a) a registration of a plan of condominium; or
- b) a plan or plans of condominium registered on all or a portion of a *lot* which is part of a comprehensively planned development subject to a development agreement pursuant to Section 41 of the *Planning Act*, as amended;

Shall not be construed to be *lot lines* for the purposes of zoning regulations provided that all applicable regulations of this By-law relative to the whole *lot* and its external *lot lines, existing* prior to any condominium plan registration are strictly observed.



### 5.6.2 Vacant Land Condominiums

- a) More than one *single-detached dwelling, semi-detached dwelling, two-unit dwelling* or *townhouse dwelling* shall be permitted on a *lot* provided that each *dwelling* has direct access to a *public street* or an internal private *access driveway* or street that is a common element in a registered condominium connecting to a *public street* and that each *dwelling* is located on a *lot* in a vacant land condominium.
- i. For the purposes of this regulation, the *front lot line* for each unit in a vacant land condominium shall be deemed to be that *lot line* abutting the internal *access driveway* or private street portion of the common element or the *lot line* abutting a *public street* wherever the *driveway* access is, and the *dwelling* on such a *lot* shall comply with all applicable zoning regulations.
  - ii. For the purposes of this regulation internal unit boundaries created in a vacant land condominium shall not be construed to be *lot lines* for the purposes of zoning regulations provided that all applicable regulations of this By-law relative to the whole *lot* and its external *lot lines*, *existing* prior to any condominium plan registration are strictly observed.

### 5.6.3 Common Element Condominiums

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

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

- a) All applicable regulations of the by-law relative to the whole *lot* and its external *lot lines*, *existing* prior to any condominium plan registration are complied with; and

- b) Each *dwelling unit shall* have an unobstructed access at *grade* or ground floor level, having a minimum width of 1.0 metres, from the *front yard* to the *rear yard* of the *lot* either by:
- i) Direct access on the *lot* without passing through any portion of the *dwelling units*; or
  - ii) Direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or *recreation* room or any hallway that is not separated by a door to any such room; or
  - iii) Access over adjacent lands that, if the lands are not owned by the city or the Region of Niagara, are secured by an easement or are a common element of the condominium.

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

## 5.7 Construction Uses and Sales Offices

The following uses are permitted in all *zones* within the City:

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

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

- i) Maximum height of 2.6 metres;
- ii) Chain link construction;
- iii) No barbed wire;
- iv) No electric fencing; and

- v) May be located within the required *front yard*.
- b) A temporary sales *office* used for the sale of residential, industrial, or commercial *lots* or units in a plan of subdivision or a plan of condominium which has received draft approval or has been *zoned* to permit the development *shall* be permitted for a maximum of five years. A temporary sales *office shall* comply with the applicable setbacks of the *zone* in which the *office* is located.
- c) A temporary construction trailer and a temporary fenced compound for construction materials, provided such trailer or compound is located at the time of the installation, at least 45.0 metres from an *existing dwelling unit* under construction.
  - i) Notwithstanding the Fence By-law, as amended, such fence enclosing a compound in a Residential *Zone shall* meet the following criteria:
    - (1) Maximum height of 2.6 metres;
    - (2) Chain link construction;
    - (3) No barbed wire;
    - (4) No electric fencing; and
    - (5) May be located within the required *Front Yard*.

## 5.8 Day Care Centres

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

## 5.9 Drive-Through Facilities

- a) a drive-through *use shall* be a permitted *accessory use* to a permitted Commercial *Use* with the exception of a Commercial *Use* within the Downtown Mixed *Use Centre Zone*.
- b) A drive-through *shall* include a minimum of eight designated *stacking spaces* for *restaurants* and two *stacking spaces* for any other use.
- c) A *stacking space shall* be a minimum of 5.5 metres in length and 3.0 metres in width.
- d) A stacking lane *shall* not be permitted within 10.0 metres of any Residential *Zone*. The required setback may be reduced to a minimum of 3.0 metres, provided that a noise wall, certified by a professional engineer, no taller than 1.8 metres exclusive of decorative elements, is installed

prior to occupancy of the drive-through facility. The noise levels *shall* not exceed the maximum levels specified by the Ministry of Environment's NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.

- e) *Stacking spaces shall* not be included in the calculation of required parking.
- f) *Stacking spaces shall* not be located within any *access aisle* or *access driveway*.

## 5.10 Encroachments: Permitted Yard, Setback and Height Encroachments

### 5.10.1 Accessibility Ramps and Lifts

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

### 5.10.2 Awnings and Balconies

Notwithstanding any other provisions of this By-law, awnings which do not exceed 4.0 metres in height, and which are structurally attached to the main wall of a *building*, and unenclosed balconies *shall* be permitted to encroach up to a maximum of 1.5 metres within a required *front yard* and/or *exterior side yard* and 1 metre within a required *interior side yard* and/or *rear yard*.

### 5.10.3 Bay Windows

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

### 5.10.4 Building in Built-up Area (Residential Zones)

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

#### 5.10.5 Decks, Porches, Steps

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

#### 5.10.6 Driveways, Parking and Walkways

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

#### 5.10.7 Heat Pumps, Air Conditioners, Ventilating Equipment, Generators, etc.

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

#### 5.10.8 Height Exceptions

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

- a) A stair tower, elevator shaft, chimney stack or other heating, cooling, or ventilating equipment on the roof of the *building*, provided:

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

#### 5.10.9 Ornamental Structure

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

#### 5.10.10 Structures

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

### 5.11 **Expropriation: Reduction in Regulations**

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

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

#### 5.11.2 Reduced Regulations or a Lot with an Existing Permitted Use

Where, as a result of the action of the City, the Region of Niagara or of the Provincial or Federal Government or Crown Agency, a *lot* with an *existing* permitted *building, structure, or use* becomes *non-complying* with one or more

regulations of this By-law, then the *existing building, structure or use* may be repaired, renovated, *altered* or enlarged, provided that the repair, renovation, *alteration*, or enlargement does not cause further contravention to the regulations of this By-law. Furthermore, the *non-complying* circumstance *shall* be considered to comply with this By-law.

**5.12 Fences and Privacy Screens**

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

5.12.1 Provision Applicable to All Zones

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

5.12.2 Privacy Screens

a) <i>Privacy screens</i> are permitted on <i>decks</i> and balconies for <i>single-detached dwellings</i> subject to the following regulations:	
i) Maximum Height from Platform	2.0 metres
ii) Setback from a Street	as per minimum <i>front yard</i> required in the corresponding Residential <i>Zone</i>
iii) Setback from a <i>Side Lot Line</i>	1.0 metres
iv) Setback from a <i>Rear Lot Line</i>	1.0 metres
b) <i>Privacy screens</i> are permitted for <i>two-unit dwellings, multiple dwellings, street townhouse dwellings</i> and <i>apartment dwellings</i> and are subject to the following regulations:	
i) Maximum Height	2.5 metres
ii) Setback from a Street:	as per minimum <i>front yard</i> required in the corresponding Residential <i>Zone</i>
iii) Setback from a <i>Side Lot Line</i>	0 metres
iv) Setback from a <i>Rear Lot Line</i>	1.0 metres

c) <i>Privacy screens are permitted for apartment dwelling units and multiple dwelling units and are subject to the following regulations:</i>	
i) Maximum Height	2.0 metres
ii) Setback from a Street	as per minimum <i>Front Yard</i> required in the corresponding Residential <i>Zone</i>
iii) Setback from a <i>Side Lot Line</i>	1.0 metres
iv) Setback from a <i>Rear Lot Line</i>	1.0 metres

**5.13 Frontage on a Public Street or Navigable Waterway**

- a) except as outlined elsewhere in this By-law, no *person shall erect* any *building or structure* or create a *lot* in any *zone* unless the *lot* fronts upon an improved *public street*.
- b) Notwithstanding the foregoing, an *existing lot*, shown in registered land titles, in accordance with the *Land Titles Act*, as amended, may be built upon and *existing structures altered* provided the said *lot* or *structure* is connected to both municipal water and sanitary sewer services or complies with relevant legislation for private services. For the purposes of establishing minimum setbacks for a *lot* on a private road or right-of-way, the private road or right-of-way on which the *existing lot* fronts *shall* be considered to be the *front lot line*.

**5.14 Garbage and Refuse Storage and Enclosures**

- a) An enclosure for the *outdoor storage* of domestic waste containers accessory to *single-detached dwellings, semi-detached dwellings, two-unit dwellings, multiple dwellings* or residential *structures* containing less than four *dwelling units shall* not be required, unless otherwise specified.
- b) For all other uses other than those specified in Subsection 5.14 a), no *person shall* store garbage or refuse on any *lot* except within the principal *building* on the *lot* or within a wholly enclosed *accessory building or structure* or enclosed waste management container or specialized partially underground waste container system.
- c) Where an enclosure is provided in accordance with Subsection 5.14 b), said enclosure *shall* be surrounded by masonry, concrete, or wooden walls on all sides up to the height of the *structure* to screen the waste container.



- d) Where an enclosure or private waste management container is provided in accordance with Subsection 5.14 b), the enclosure *shall* be associated with an area of at least 9.0 metres by 3.0 metres, to be used for the purposes of picking up garbage or refuse from the enclosed container.
- e) Any enclosure or *accessory building* provided in accordance with Subsection 5.14 b), *shall* be located not less than 6.0 metres from any adjacent Residential or Institutional *Zone*.

### 5.15 Garden Suites

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

- a) A *Garden Suite* Shall Be A Small, Portable *Building* Which Can Be Readily Removed And Is Separate From The *Principal Dwelling*;
- b) It is adequately serviced by the *principal dwelling*;
- c) An *accessory dwelling unit* and a *garden suite* shall not be permitted on the same *Lot*;
- d) No new *driveway* shall be permitted;
- e) The owner of the subject property shall enter into an agreement pursuant to Section 39.1 (1) of the *Planning Act*, as amended, with and satisfactory to the City of Welland dealing with such matters related to the temporary use of the *garden suite* as the Council considered necessary including:
  - i) The installation, maintenance, and removal of the *garden suite*; and
  - ii) The period of occupancy of the *garden suite* by any of the *persons* named in the agreement; and
  - iii) The monetary or other form of security that the Council may require for actual or potential costs to the municipality related to the *garden suite*; and
- f) such other requirements as may be deemed necessary through the temporary use by-law.

### 5.16 Group Home

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

- a) Maximum occupancy shall be ten, exclusive of staff; and

- b) Parking *shall* be provided in accordance with Section 6.

## 5.17 Home Industries

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

- a) Be conducted by at least one resident of the *dwelling unit* and *shall not* employ more than two *persons* in addition to the resident of the *dwelling unit* on a full-time or part-time basis;
- b) Be conducted on the same *Lot* as the *principal dwelling unit*;
- c) Be permitted within the *dwelling unit* or any *accessory structure* in accordance with the provisions of Subsection 5.3 and subject to a building permit;
- d) Be clearly *secondary* to the *principal use* of the *lot* and *shall not alter* the exterior of the *dwelling unit* except in accordance with the provisions of this subsection;
- e) Not create noise, vibration, fumes, odour, dust, glare, or radiation which is beyond the normal use of the *dwelling*, or which becomes offensive or *obnoxious* or creates a nuisance;
- f) Not occupy more than twenty-five percent of the *gross floor area* of the *principal dwelling* on the *lot*;
- g) On *lots* up to and including 0.4 hectares, be permitted in an *accessory structure* with a maximum floor area of 200.0 square metres;
- h) On *lots* greater than 0.4 hectares, be permitted in an *accessory structure* with a maximum floor area of 400.0 square metres, and *shall*
- i) Not include the selling of any goods on the property other than those goods constituting the finished product of the *home industry*, except that the sale of goods or items over the internet, mail or telephone is permitted, provided that customers do not enter the property to inspect or take possession of goods.

## 5.18 Home Occupations

### 5.18.1 General

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

### 5.18.2 Provisions

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

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

### 5.18.3 Exception

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

### 5.18.4 Prohibited Uses

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

- a) *Kenel*;
- b) *Veterinary Clinic*;
- c) *Motor Vehicle Body Shop*;

- d) *Motor Vehicle Repair Establishment*;
- e) *Motor Vehicle Dealership*;
- f) *Motor Vehicle Washing Establishment*;
- g) Painting of Vehicles, Trailers, or Boats;
- h) Multiple Chair Hairdresser or Barber, notwithstanding dwelling occupants;
- i) Welding Shop;
- j) Service and *Repair Shop* for Large Appliances or Commercial and Industrial Equipment; and
- k) Arcade.

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

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

#### 5.19.1 MDS I – New Non-Farm Uses

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

#### 5.19.2 MDS II – New or Expanding Livestock Facilities

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

## 5.20 Model Homes in Draft Plans of Subdivision

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

- a) The *use shall* be permitted in the *zone* in which the *dwelling* is to be located;
- b) Each *dwelling unit shall* be used for the purpose of a model home only and *shall* not be occupied as a *dwelling unit* prior to the date of the registration of the subdivision plan;
- c) For the purpose of this section, a "*multiple dwelling: shall* only include that form of housing type commonly described as a block or cluster *townhouse*";
- d) The maximum number of model homes *shall* not exceed ten percent of the total number of *lots* intended for *single-detached dwellings, semi-detached dwellings, two-unit dwellings, street townhouse dwellings, multiple dwellings* or *apartment dwellings* within the plan of subdivision proposed for registration, to a maximum of twenty *dwelling units*;
- e) The model home *shall* comply with all other provisions of this By-law as though the *dwellings* and/or units were constructed on the *lot* within the future registered plan of subdivision; and
- f) The model home *shall* comply with all applicable terms and conditions of the said subdivider's agreement.

## 5.21 Multiple Zones on a Lot

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

## 5.22 Municipal Services

### 5.22.1 Water Services

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

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

#### 5.22.2 Sanitary Services

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

- a) Development will be permitted on individual on-site sewage services when associated with severances and *existing lots* in agricultural areas and infilling situations in *existing* un-serviced developed areas where other forms of servicing are not feasible, provided it can be demonstrated to the satisfaction of the City that the individual on-site sewage services will not result in an unacceptable level of environmental impact.

#### 5.23 **Non-Conforming Buildings and Structures**

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

## 5.24 Non-Complying Lots

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

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

## 5.25 Non-Conforming Uses

- a) The provisions of this By-law *shall* not prevent the *use* of any *existing lot, building* or *structure* for any purpose prohibited by this By-law if such *existing lot, building, or structure* was lawfully used for such purpose, prior to the effective date of this By-law and provided that the *lot, building, or structure* continues to be used for that purpose. Where the *use* ceases, the *use* will be deemed to have been discontinued.
- b) Nothing in this By-law *shall* prevent the strengthening or restoration to a safe condition or reconstruction of any *building* or *structure* which existed on the date of passing of this By-law, provided that the strengthening, restoration, or reconstruction does not increase the *building height, size, or volume* or change the *use* of such *building* or *structure*, except which minor changes as may be expressly required for the restoration of the *building* or *structure* to a safe condition.
- c) Notwithstanding any other provisions of this By-law, where a lawfully established *non-conforming single-detached dwelling* is located on a *lot* nothing *shall* prevent:
  - i) The enlargement or extension of any principal *building* provided that such enlargement or extension does not exceed twenty-five percent of the *existing gross floor area* and that such enlargement or extension is in compliance with the *zone* the *lot* is located in; and
  - ii) The *erection* of any *accessory building* provided that such *accessory building* complies with the requirement of Subsection 5.3.

## 5.26 Patios

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

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

## 5.27 Pergolas

- a) *Pergolas* attached to the principal *building*, *shall* meet the *yard* provisions as determined in each appropriate *zone*.
- b) *Pergolas*, not attached to the principal *building*, *shall* be located in the rear or *interior side yards* a minimum of 0.9 metres from *lot lines* and *shall* be not greater than 3.0 metres in height above-*grade*.
- c) The size of a *pergola shall* not exceed five percent of the *lot area*.

## 5.28 Planting Strips

### 5.28.1 Planting Strips Required Abutting Residential Zones

- a) A *planting strip shall* be required along the portion of the *lot line* abutting any Residential Zone in the following circumstances:
  - i) Where a *lot* is used for a non-residential purpose and the interior side or *rear lot line* abuts a Residential Zone; or
  - ii) Where such *lot* is in a non-residential *zone* and the front, side or *rear lot line* abuts a portion of a street, and where the opposite side of the street abuts a Residential Zone; or
  - iii) Where a *lot* is used for an *apartment dwelling* that is equal to or greater than four *storeys* in height, a *planting strip shall* be required on any *lot line* that abuts an RL1 or RL2 Zoned *lot*. This provision *shall* not apply to any *apartment dwellings* that legally existed on the date of the adoption of this By-law.



- b) Where a *planting strip* is required in accordance with a) above, the *planting strip shall* have a minimum width of 1.5 metres unless otherwise provided herein, except for points of ingress and egress.
- c) *Planting strip* referred to in this section may form part of any landscaped *open space* required by this By-law.
- d) No *accessory use*, *accessory structure* or *accessory building shall* be permitted to locate within a required *planting strip*.

### 5.29 Prohibited Uses

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

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

### 5.30 Public Uses

- a) Nothing in this By-law *shall* prevent the *use* of any land including the *erection* of *buildings* or *structures* as a public *use* provided by or on behalf of the City of Welland, Regional Municipality of Niagara or Province of Ontario, the District School Board of Niagara, the Niagara Catholic District School Board, the Conseil scolaire de district du Centre Sud-Ouest, the Conseil scolaire de district catholique Centre-Sud, the Government of Canada, or any department or board of any of the above, any utility company, Niagara College of Applied Arts and Technology and Brock University.

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

### **5.31 Regulation for Consolidated Lot Development**

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

### **5.32 Roomers and Boarders**

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

### **5.33 Seasonal Outdoor Display and Sales Area**

Nothing in this By-law *shall* prevent an area set aside outside of a *building* or *structure* within a Commercial Zone which is used in conjunction with a lawful business located within the *building* or *structure* and located on the same *lot*, to

be used for the display or retail sales of seasonal produce or new merchandise, provided such area:

- a) Is seasonal in nature and does not include a permanent retailing area; and
- b) Is not located within a fire lane, parking or *loading spaces* required to fulfill the provisions of the By-law or a *driveway* or passageway which provides an access route for vehicular traffic across the *lot* or to an improved street which abuts said *lot*.

#### 5.34 Seasonal Outdoor Uses

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

- a) A *seasonal outdoor use shall* be prohibited on a vacant *Lot*;
- b) A *Seasonal outdoor use shall* not be located closer than 1.0 metre to any side or *rear lot line*;
- c) A *seasonal outdoor use shall* not be located closer to a *street line* than 3.0 metres; and
- d) A *seasonal outdoor use shall* not be located within a *sight triangle*.

#### 5.35 Setback Requirements Adjacent to a Provincial Highway

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

#### 5.36 Setback Requirements Adjacent to Railways

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

### 5.37 Short-Term Rentals

*Short-term rentals* are subject to the following regulations:

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

### 5.38 Sight Triangles

- a) Notwithstanding any other provision of this By-law, within a *sight triangle* as defined and required by this By-law, no *person shall*:
  - i) *Erect any building, structure, opaque fence or use land* within a *sight triangle* for the purpose of planting or growing of trees, or the planting or growing of hedges or shrubs to a height exceeding 1.0 metre measured from *grade* at the centreline of the street; and
  - ii) Use land in any *sight triangle* on a *lot* for the parking or storage of a vehicle; and
  - iii) For clarity, and without limiting the generality of the foregoing, no *person shall* use a *sight triangle* for any *driveway, access, stacking lane, parking area or outdoor storage* use.
- b) Notwithstanding any other provision of this By-law, a 5.0 metre by 5.0 metre *sight triangle shall* be required on a *corner lot* at any *at-grade* intersection of two or more streets or of a street and a rail line right-of-way.
- c) Notwithstanding any other provision of this By-law, the hypotenuse of a *sight triangle shall* not be considered to be the *front lot line* of any *lot*.

### 5.39 Snow Storage Areas

An area equivalent to two percent of *parking areas, loading spaces, private streets and driveways shall* be required for snow storage for Commercial,

Industrial, or Institutional Uses, and Residential Uses where four or more *parking spaces* are required.

## 5.40 Swimming Pools and Hot Tubs

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

### 5.40.1 Distance from Lot Line

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

### 5.40.2 Treatment Equipment

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

### 5.40.3 Lot Coverage

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

### 5.40.4 Decks Associated with a Swimming Pool or Hot Tub

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

## 5.41 Through Lots and Corner Lots

### 5.41.1 Through Lots

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

### 5.41.2 Corner Lots and Through Corner Lots

Where a *lot* which is a *corner lot* or *through corner lot* and has frontage on two or more streets, the shorter of the two *shall* be deemed to be *front lot line* and subject to the *front yard* requirements and the remaining street frontage *shall* be deemed to be the *exterior side yard* and subject to the *exterior side yard*

requirement provisions of the *zone* or *zones* in which such *lot* is located. Where the frontage on both streets is equal, the City may deem any of the *lot lines* that divide the *lot* from the street as the *front lot line*.

#### **5.42 Use of City Lands**

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

#### **5.43 Visual Barriers**

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

#### **5.44 Wayside Pits and Quarries and Portable Asphalt and Concrete Plants**

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

## SECTION 6 PARKING AND LOADING REGULATIONS

### 6.1 General Parking and Loading Provisions

#### 6.1.1 Exclusive Use

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

#### 6.1.2 More Than One Use on a Lot

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

#### 6.1.3 Location of Required Parking

- a) Any required *parking space*, *barrier-free space*, and *bicycle parking space*, required by this By-law in a Residential Zone *shall* be located on the same *lot* on which the *use* is located and are not permitted in the *front yard* unless it is located on a permitted *driveway* or *parking area*.
- b) Any *parking space* in a non-Residential Zone *shall* be provided on the same *lot* occupied by the particular *use* or on a *lot*, within 100 metres of the subject *lot*, which is in a *zone* which permits a *parking area* and where there is a written lease authorizing the owner or users of the subject *lot* to utilize the land for parking purposes.
- c) Any required *barrier-free space*, *bicycle parking space*, and *loading space* required by this By-law *shall* be located on the same *lot* on which the *use* is located.
- d) Unless otherwise regulated in this By-law, *parking spaces* and aisles, giving direct access to abutting *parking spaces*, excluding *driveways* extending directly from the street, *shall* not be located within 3.0 metres of a *street line*, and subject to a 3.0 metre wide *planting strip* being required and permanently maintained between the *street line* and the said *parking spaces* or aisle.

#### 6.1.4 Calculation and Rounding Provisions

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

#### 6.1.5 Cash-in-Lieu of Parking

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

#### 6.1.6 Required Parking, Access Aisles, and

- a) All required parking *shall* be provided with adequate means of ingress and egress to and from the street or *laneway* and *shall* be arranged so as not to interfere with normal public use of the street or *laneway*.
- b) *Parking spaces* may be varied in width depending on the angle measured perpendicular to the axis of the *access aisle* of the space provided. where an aisle serves two different types of angled parking, which are located across from each other, the largest required *access aisle shall* be provided. The dimensions of *parking spaces* and *parking space access aisles shall* be in accordance with the following:
  - i) Ninety-degree (90°) *parking spaces shall* be 2.75 metres by 5.5 metres with a minimum 6.0 metres *access aisle*;
  - ii) Sixty-degree (60°) *parking spaces shall* be 2.6 metres by 5.5 metres with a minimum 5.5 metres *access aisle*;
  - iii) Forty-five-degree (45°) *parking spaces shall* be 2.6 metres by 5.5 metres with a minimum 4.5 metres *access aisle*;
  - iv) Thirty-degree (30°) *parking spaces shall* be 2.6 metres by 5.5 metres with a minimum 4.5 metres *access aisle*; and
  - v) Parallel *parking spaces shall* be 6.0 metres by 2.75 metres with a minimum 4.5 metres *access aisle*.
- c) Where a *parking space* is located abutting or near a wall, column or other similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a *parking space*, the minimum width of the *parking space shall* be increased by 0.3 metres for each side that is obstructed.



- d) The minimum required height clearance for a covered *parking space* is 2.0 metres.
- e) In the case of *hotels/motels*, required parking provided in accordance with Table 6.3 and 6.4 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service.

#### 6.1.7 Surface Treatment

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

### 6.2 **Applicability**

- a) Whenever a new development occurs or whenever an *existing* development is enlarged, extended, or increased in capacity, in accordance with this By-law, off-street vehicle parking and *loading spaces* shall be provided and maintained on the property and within the *zone* for all uses unless otherwise indicated in the specific *zone*.
- b) Off-street parking and loading shall be in accordance with Subsection 6.1 - General Parking and Loading Provisions, Subsection 6.3 - All Downtown Zones - Required Parking and Queuing Spaces, Subsection 6.4 - All Zones Except Downtown Zones - Required Parking and Queuing Spaces by Use, and Subsection 6.6 - Loading Spaces.
- c) Additional *parking spaces*, barrier-free *parking spaces*, bicycle *parking spaces*, or *stacking spaces* shall be provided in accordance with the provisions of this By-law for all uses and all *gross floor area* on a *lot* in the following circumstances:
  - i) Where a new *building* is *erected*, or additional *gross floor area* is added to a legal or legal *non-conforming building* existing on the effective date of this By-law; and/or
  - ii) Where a change in use occurs that has the effect of requiring the additional spaces identified in Subsection 6.2 b).

### 6.3 **Downtown Zones - Required Parking and Queuing Spaces**

No parking and queuing spaces is required for all permitted uses and for *dwelling units* in *buildings* containing not more than three *dwelling units*. For *buildings* containing four or more *dwelling units*, one *parking space* for each *dwelling unit* above three units shall be required except where a *dwelling unit* is 50.0 m<sup>2</sup> in *gross floor area* or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit

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

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

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

Column 1	Column 2
Use	Required Number of Parking Spaces
<i>Accessory Dwelling</i>	1 additional tandem <i>parking space</i>
<i>Apartment Dwelling</i> <i>Multiple Dwelling</i>	1 space per unit, except where a <i>dwelling unit</i> is 50.0 m <sup>2</sup> in <i>gross floor area</i> or less, in which case, parking <i>shall</i> be provided at a rate of 0.3 spaces for each such unit and no visitor parking is required
<i>Bed and Breakfast</i>	1 additional <i>parking space</i> per guest room permitted in the <i>front yard</i>
	Where 3 guest rooms are provided, one required <i>parking space</i> is not required to have direct, unobstructed access to a <i>public street</i>
<i>Boarding or Lodging House</i>	0.25 additional space per lodging unit
Emergency Shelter, <i>Group Home,</i> <i>Residential Care Facility</i>	1 space for each 5 <i>persons</i> accommodated or designed for accommodation
	Where the <i>building</i> is less than 350.0 m <sup>2</sup> in <i>gross floor area</i> :
	i) Up to 3 in tandem <i>parking spaces</i> are permitted;
	ii) Two of the 3 <i>parking spaces</i> may be located in the <i>driveway</i> , and they may be located in a

Column 1	Column 2
Use	Required Number of Parking Spaces
	<i>front yard</i> if they are located in the <i>laneway</i> that leads to a required <i>parking space</i> ;
	iii) Only one of the 3 <i>parking spaces</i> must have direct access to a <i>public street</i> or public lane by a <i>driveway</i> ; and
	iv) Where parking is occurring in-tandem anywhere on the <i>lot</i> , no parking is permitted in the <i>rear yard</i> of the <i>lot</i> .
<i>Single-Detached Dwelling</i> <i>Semi-Detached Dwelling</i> <i>Two-Unit Dwelling</i> <i>Street Townhouse Dwelling</i>	1 space per unit; one of which may be provided in an attached or detached <i>garage</i>
<i>Dwelling Units</i> on the 2nd and 3rd Floor of a 2 or 3 <i>Storey commercial Building</i>	1 space per unit
Home Day Care	No minimum required
<i>Home Industry</i>	No minimum required
<i>Home Occupation</i>	No minimum required
<i>Retirement Home</i>	0.25 spaces per assisted living unit and <i>dwelling unit</i>
<i>Short-Term Rental</i>	0.5 additional <i>parking space</i> per guest room

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

Column 1	Column 2
<b>USE</b>	<b>Required Number of <i>Parking Spaces</i></b>
<i>Adult Entertainment Establishment</i>	1 space per 2 <i>person</i> capacity
Bank; <i>Financial Establishment</i>	1 space for each 50.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
Bowling Alley	1 space per lane, not including <i>restaurant</i>
<i>Building and Lumber Supply Establishment; Building or Contracting Supply Establishment</i>	1 space for each 50.0 m <sup>2</sup> of <i>gross floor area</i> , which accommodates the <i>office, retail, and showroom</i> component of the use
Driving Range/Mini Golf	1.5 spaces per tee or hole
<i>Funeral Home</i>	1 space per 20.0 m <sup>2</sup> of <i>gross floor area</i> , 15 spaces minimum
<i>Golf Course</i>	4 spaces for each hole
<i>Hotel/Motel</i>	1 space per guest room or suite
<i>Kennel</i>	1 space per employee plus 1 per 100.0 m <sup>2</sup> <i>gross floor area</i>
Lodge, Fraternity, <i>Private Club</i>	10 spaces per 100.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Motor Vehicle Body Shop, Motor Vehicle Dealership, Motor Vehicle Rental Establishment, Motor Vehicle Repair Establishment, Motor Vehicle Service Station</i>	1 space per 110.0 m <sup>2</sup> of <i>gross floor area</i> 25% of all required parking need not have direct, unobstructed access to a <i>public street</i>
<i>Motor Vehicle Washing Establishment</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>

Column 1	Column 2
USE	Required Number of <i>Parking Spaces</i>
Movie Theatre	1 space per 4 seats
<i>Office:</i>	
i) <i>Medical Office or Clinic</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
ii) <i>Other</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Personal Services</i>	1 space for each 30.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
<i>Pet Care Establishment</i>	1 space for each 30.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
<i>Place of Assembly</i>	10 spaces per 100.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Recreational Establishment</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Restaurant</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Retail or Retail Centre</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Service Commercial Establishment</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
Tavern/Bar/Pub	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Trucking Operation</i>	1 space for each 30.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> component of the use

Column 1	Column 2
<b>USE</b>	<b>Required Number of <i>Parking Spaces</i></b>
Other Commercial Uses Not Listed Above	1 space for each 30.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use

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

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

**Table 6.4.4: Institutional and Community Uses - Required *Parking Spaces***

Column 1	Column 2
<b>Use</b>	<b>Required Number of Parking Spaces</b>
<i>Art Gallery, Library, Museum</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Cemetery, Crematorium</i>	1 space per employee plus 1 per 4 seats chapel capacity
<i>Community Centre</i>	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>
Convent, Monastery	1 space per 4 beds

Column 1	Column 2
Use	Required Number of Parking Spaces
<i>Day Care Centre</i>	1 space per 50.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use; except, no additional parking <i>shall</i> be required where a <i>day care centre</i> is located within an <i>educational establishment</i> or <i>place of worship</i> or commercial <i>building</i>
<i>Emergency Service</i>	no minimum requirement
<i>Hospital, Health Care Facility</i>	1 space per 60.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Long Term Care Facility</i>	0.25 spaces per bed
<i>Place of Worship</i>	1 space per 5 <i>person</i> capacity for the <i>place of worship</i> area; plus,
	1 space per 30.0 m <sup>2</sup> of <i>gross floor area</i> for any additional accessory assembly area

**Table 6.4.5: Educational Uses - Required Parking Spaces**

Column 1	Column 2
Use	Required Number of Parking Spaces
Elementary School (Public/Private)	1.25 spaces per classroom
<i>Secondary School</i> (Public/Private)	2 spaces per classroom not including portables
University, College	The greater of:
	i) 5 spaces for each classroom plus 1 space for every 7 seat capacity in an auditorium, theatre, or stadium; or

Column 1	Column 2
<b>Use</b>	<b>Required Number of Parking Spaces</b>
	ii) 1 space for each 30.0 m <sup>2</sup> of the <i>gross floor area</i>

**Table 6.4.6: Industrial Uses - Required Parking Spaces**

Column 1	Column 2
<b>Use</b>	<b>Required Number of Parking Spaces</b>
Bulk Fuel and Oil Storage	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> , which accommodates the <i>office</i> component of the use
Commercial School	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> component of the use
Communications Establishment	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
Contractors' Establishment	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
<i>Custom Workshop</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> , and <i>showroom</i> component of the use
<i>Dry Cleaning and Laundry Plant</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
Heavy Equipment Sales and Service	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
<i>Heavy Industrial</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>



Column 1	Column 2
Use	Required Number of Parking Spaces
Industrial Administrative <i>Office</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
Laboratory	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
Labour Association Hall	1 space for each 30.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Landscape Contracting Establishment</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Light Equipment/Machinery Sales, Rental and Service Establishment</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
Light Industrial	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Motor Vehicle Body Shop</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Motor Vehicle Dealership</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates such use
<i>Motor Vehicle Washing Establishment</i>	i) For a self-serve (manual) car wash sufficient space <i>shall</i> be provided on-site to accommodate 3 vehicles in a line commencing at the entrance of each wash bay and 1 vehicle at the bay exit;
	ii) For an automatic (mechanical) car wash sufficient space <i>shall</i> be provided on-site to accommodate 5 vehicles in a line commencing at the entrance of each wash bay and 2 vehicles in a line at each bay exit

Column 1	Column 2
Use	Required Number of Parking Spaces
Private Power Generation Facility	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Repair Shop</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> , retail, and <i>showroom</i> component of the use
Research and Development Establishment	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Salvage Yard</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> and retail component of the use
Surveying, Engineering, Planning or Design Business	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Trucking Operation</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> component of the use
<i>Warehouse/Public Storage/Wholesaling</i>	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> component of the use
Waste Management Facility	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the <i>office</i> component of the use, plus 1 for each 200.0 m <sup>2</sup> of <i>gross floor area</i> which accommodates the remainder of the use
Other Industrial Uses Not Listed Above	1 space for each 180.0 m <sup>2</sup> of <i>gross floor area</i>

## 6.5 Barrier Free Parking

### 6.5.1 Number of Barrier Free Parking Spaces

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

**Table 6.5.1: Barrier Free Parking**

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

### 6.5.2 General Provisions for Barrier Free Parking Spaces

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

## 6.6 Loading Spaces

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

- a) A minimum of one off-street *loading space shall* be provided in conjunction with every principal *building*, including a mixed use *building*, but excluding residential *buildings* less than four *storeys* high.
- b) The minimum dimensions of a *loading space shall* be in accordance with the following:
  - i) For residential *buildings* with more than four *storeys* but has eight *storeys* or fewer and/or minor commercial uses or *personal service*

uses that occur in a mixed use format: the minimum dimensions of a *loading space shall* be 3.5 metres in width and 7.5 metres in length, with a minimum vertical clearance of 4.2 metres.

- ii) For residential *buildings* with more than eight *storeys* the minimum dimensions of a *loading space Shall* be 3.5 metres in width and 10.0 metres in length, with a minimum vertical clearance of 4.2 metres.
- iii) For all other principal *buildings*, including mixed use *buildings* the minimum dimensions of a *loading space Shall* be 3.5 metres in width, 12.0 metres in length, with a minimum vertical clearance of 4.2 metres.
- c) *A loading space shall* abut the *building* for which the *loading space* is provided.
- d) *A loading space shall* be setback 7.5 metres from any Residential Zone except if it is located entirely within a *structure*.
- e) *A loading space* is not permitted:
  - i) In any minimum *yard* or *front yard* except where screened from view by a *visual barrier*; and
  - ii) Between the main wall closest to the *exterior lot line* and the *exterior lot line* in an *exterior side yard*; and,
  - iii) In a *required yard* abutting a Residential Zone or an Institutional Zone and *shall* be screened from view by a *visual barrier*.

**6.7 Bicycle Parking**

**6.7.1 Number of Required Bicycle Parking Spaces**

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

**Table 6.7.1: Minimum Required Bicycle *Parking Spaces***

Column 1	Column 2
Use	Minimum Required Bicycle Parking Spaces
<b>Residential Uses</b>	

Column 1	Column 2
Use	Minimum Required Bicycle Parking Spaces
<i>Apartment Dwelling, Multiple Dwelling, Retirement Home</i>	0.25 spaces per <i>dwelling unit</i>
<i>Hotel or Motel</i>	1 space per 1,000.0 m <sup>2</sup> of <i>gross floor area</i>
<b>Office, Retail Uses</b>	
<i>Office, Retail or Restaurant use with less than 3,000 m<sup>2</sup> of Gross Floor Area</i>	1 space per 1,000.0 m <sup>2</sup> of gross floor
<i>Office, Retail, or Restaurant use with over 3,000 m<sup>2</sup> of Gross Floor Area</i>	1 space per 1,000.0 m <sup>2</sup> of <i>gross floor area</i>
<b>Institutional Uses</b>	
<i>School, Post-Secondary</i>	1 space per 100.0 m <sup>2</sup> of <i>gross floor area</i>
<b>Multiple Uses on a Lot</b>	
Where multiple uses are located on a <i>Lot</i> in any non-Residential <i>Zone</i>	1 space per 1,000.0 m <sup>2</sup> of <i>gross floor area</i> , plus the minimum number of <i>parking spaces</i> for the <i>dwelling</i> s
Any other non-Residential Use	1 space per 1,000.0 m <sup>2</sup> of <i>gross floor area</i>

6.7.2 General Provisions for Bicycle Parking Spaces

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

- e) Bicycle *parking spaces* shall be a minimum of 0.6 metres by 1.8 metres.
- f) Bicycle parking shall be accessed by an aisle with a minimum width of 1.5 metres.
- g) Any bicycle *parking areas* and associated aisles shall be located and designed such that they are directly accessible by cyclists from a *driveway* or parking aisle designed in accordance with the provisions of Subsection 6.1.8.
- h) Bicycle racks shall be provided for bicycle parking on a surface comprised of crushed stone, brick, asphalt, or concrete.
- i) The provisions of this Subsection shall only apply to the *erection* of a new *building*, redevelopment of a *lot*, or a change in *use*.

## 6.8 Exception for Existing Hospitals and Places of Worship

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

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

## 6.9 Residential Parking Requirements

### 6.9.1 Single-Detached, Semi-Detached, and Two-Unit Dwellings

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

- a) A *driveway* shall be located so as to lead directly from a street or *laneway* to a required *parking space*, either within a *garage* or outside, with such *driveway* having a minimum width of 2.75 metres;
- b) The width of a *driveway* may be a maximum of seventy-five percent of the *lot frontage* or 6.0 metres, whichever is the lesser, and no closer than 00.6 metres to any *side lot line*.;

- c) Where the *driveway* is provided in the *front yard*, all other portions of the *front yard* shall be a *landscaped area*;
- d) A maximum of one *driveway* shall be permitted for any *lot*, except in the case of a *corner lot* where a maximum of one *driveway* may be permitted from each street frontage; and
- e) On a *corner lot*, no *driveways* shall be permitted through a *sight triangle*;
- f) In the case of a *two-unit dwelling*, the required parking may be arranged in tandem.

### 6.9.2 Street Townhouse Dwellings

On a *lot* containing a *street townhouse dwelling*:

- a) The required *parking spaces* for such *dwelling* shall be located a minimum distance of 5.8 metres from the *street line* to which the *driveway* is accessed.
- b) A *driveway* shall be located to lead directly from a street or lane to a required *parking space*, either within a *garage* or outside, and shall have a minimum width of 2.75 metres.
- c) A *driveway* may be widened to a maximum of seventy-five percent of the *lot* width or 6.0 metres, whichever is the lesser.

### 6.9.3 Multiple Dwellings and Apartments

On a *lot* containing a *multiple dwelling* or *apartment dwelling*:

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

## 6.10 Other Vehicles in Residential Zones – Parking Provisions

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

### 6.10.1 Commercial Vehicles

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

## 6.11 Commercial Vehicles - Parking and Storage

- a) No *commercial vehicle* greater than 4,500.0 kilograms gross vehicle weight or the cab/tractor or the trailer portion of a tractor trailer vehicle, *shall* be parked or stored in a Residential Zone, except when such *commercial vehicle* is temporarily parked for the purposes of delivering to, or servicing the premises.
- b) The owner or occupant of the *building* may *personally* use any *building* which is accessory to the *building*, for the storage of one *commercial vehicle*.
- c) No school bus, used as a *commercial vehicle*, designed for carrying ten or more passengers, *shall* be parked, or stored in a Residential Zone.
- d) Any bus used for *place of worship* purposes may be parked on the *lot* on which the *place of worship* is located.

## 6.12 Trailers, Recreational Vehicles and Boat Parking and Storage

### 6.12.1 Vacant Lot

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



### 6.12.2 Private Storage – Outdoor

No person shall, on a developed lot:

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

### 6.12.3 Trailer Sales, etc.

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

- a) No trailer shall obstruct any *public street*, sidewalk, or public walkway.
- b) No part of trailer storage or *parking area*, other than a *driveway* or access lane, shall be located closer than 3.0 metres to any *lot line*, or the required *building setback* from the *street line*, whichever is lesser.
- c) *Planting strip(s)* shall be provided for boat or trailer storage or *parking areas* in accordance with Subsection 5.28.

#### 6.12.4 Trailers, Recreational Vehicles and Boat Storage as Principal Use

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

#### 6.13 **Parking Structures**

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

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

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

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

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

##### 6.15.1 Minimum Number of Queuing Spaces

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

**Table 6.15.1: Minimum Number of Queuing Spaces Required**

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

**6.16 Tandem Parking**

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

**6.17 Landscaping Provisions for Parking Areas**

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

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

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

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

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

### 6.18 Elevation of Garage Entrance in Certain Types of Residential Buildings

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

## SECTION 7 RESIDENTIAL ZONES

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

### 7.1 Applicable Zones

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

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

### 7.2 Permitted Uses

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

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

**Table 7.2.1: Permitted Uses in Residential Zones**

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

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

Footnotes:

- |                              |  |
|------------------------------|--|
| (1) Refer to Subsection 5.2  | (5) Refer to Subsection 5.18                                       |
| (2) Refer to Subsection 5.3  | (6) With a maximum <i>gross floor area</i> of 100.0 m <sup>2</sup> |
| (3) Refer to Subsection 5.5  | (7) Refer to Subsection 5.37                                       |
| (4) Refer to Subsection 5.15 |  |

### 7.3 Regulations for Residential Zones

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

**Table 7.3.1: Regulations for Residential Zones**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column. 9	Column 10
<b>Zone/Uses</b>	<b>Lot Area (min)</b>	<b>Lot Frontage (min)</b>	<b>Front Yard (min)</b>	<b>Side Yard Interior (min)</b>	<b>Side Yard Exterior (min)</b>	<b>Rear Yard (min)</b>	<b>Building Height (max)</b>	<b>Lot Coverage (max)</b>	<b>Landscaped Area (min)</b>
<b>RL1</b>									
<i>Semi-Detached Dwelling</i>	600.0 m <sup>2</sup> for each <i>dwelling</i> and 300.0 m <sup>2</sup> for each unit	15.0 m for each <i>dwelling</i> and 7.5 m for each unit	4.5 m and 6.0 m (1)	1.2 m (2)	3.0 m	7.5 m	11.0 m (3)	45%	20%
<i>Single-Detached</i>	400.0 m <sup>2</sup>	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
<i>Two-Unit Dwelling</i>	400.0 m <sup>2</sup>	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
<b>RL2</b>									
<i>Block Townhouse</i>	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
<b>Zone/Uses</b>	<b>Lot Area (min)</b>	<b>Lot Frontage (min)</b>	<b>Front Yard (min)</b>	<b>Side Yard Interior (min)</b>	<b>Side Yard Exterior (min)</b>	<b>Rear Yard (min)</b>	<b>Building Height (max)</b>	<b>Lot Coverage (max)</b>	<b>Landscaped Area (min)</b>
<i>Multiple Dwelling</i>	540.0 m <sup>2</sup>	18.0 m	4.5 m and 6.0 m (1)	2.0 m	2.0 m	6.0 m	11.0 m (3)	50%	20%
<i>Semi-Detached Dwelling</i>	400.0 m <sup>2</sup> for each dwelling and 200.0 m <sup>2</sup> for each unit	12.0 m for each dwelling and 6.0 m for each unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
<i>Single-Detached</i>	270.0 m <sup>2</sup>	9.0 m	4.5 m and 6.0 m (1)	1.0 m	1.0 m	6.0 m	11.0 m (3)	50%	20%
<i>Street Townhouse with Garage Facing Front Lot Line</i>	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
<i>Street Townhouses with Garage Access from Lane</i>	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
<i>Street Townhouse Unit</i>	162.0 m <sup>2</sup> /unit	6.5 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%



Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column. 9	Column 10
<b>Zone/Uses</b>	<b>Lot Area (min)</b>	<b>Lot Frontage (min)</b>	<b>Front Yard (min)</b>	<b>Side Yard Interior (min)</b>	<b>Side Yard Exterior (min)</b>	<b>Rear Yard (min)</b>	<b>Building Height (max)</b>	<b>Lot Coverage (max)</b>	<b>Landscaped Area (min)</b>
<i>Two-Unit Dwelling</i>	270.0 m <sup>2</sup>	9.0 m	4.5 m and 6.0 m (1)	1.0 m	1.0 m	6.0 m	11.0 m (3)	50%	20%
<b>RM</b>									
<i>Apartment</i>	780.0 m <sup>2</sup>	45.0 m	0 m	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%
<i>Block Townhouse</i>	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
<i>Boarding and Lodging Group Home Day Care Centre</i>	540m <sup>2</sup>	15.0 m	4.5 m and 6.0 m (1)	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%
<i>Multiple Dwelling</i>	NA	15.0 m	4.5 m	3.0 m (2)	4.0 m	7.5 m	20.0 m (4)	55%	20%
<i>Retirement Home</i>	NA	15.0 m	4.5 m	3.0 m (2)	6.0 m	7.5 m	20.0 m (4)	55%	20%
<i>Street Townhouse with Garage Facing Front Lot Line</i>	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column. 9	Column 10
<b>Zone/Uses</b>	<b>Lot Area (min)</b>	<b>Lot Frontage (min)</b>	<b>Front Yard (min)</b>	<b>Side Yard Interior (min)</b>	<b>Side Yard Exterior (min)</b>	<b>Rear Yard (min)</b>	<b>Building Height (max)</b>	<b>Lot Coverage (max)</b>	<b>Landscaped Area (min)</b>
<i>Street Townhouses with Garage Access from Lane</i>	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
<i>Street Townhouse Unit</i>	162.0 m <sup>2</sup> /unit	5.5 m	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
<b>RH</b>									
<i>Apartment Dwelling</i>	1000.0 m <sup>2</sup>	40.0 m	3.0 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%
<i>Boarding and Lodging Group Home</i>	540.0 m <sup>2</sup>	10.0 m	4.5 m and 6.0 m (1)	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%
<i>Day Care Centre</i>	NA	10.0 m	4.5 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%

Footnotes:

- (1) 6.0 m to *garage*
- (2) No *interior side yards* are required where the *lot line* is the dividing line between attached units
- (3) 3 *Storeys*
- (4) 6 *Storeys*
- (5) 8 *Storeys*
- (6) Minimum separation between *buildings/townhouse blocks*

**7.4 Additional Regulations**

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



## SECTION 8 COMMERCIAL ZONES

The Commercial Zones apply to lands designated **Intensification Area, Downtown, Commercial, Community Commercial Corridor, Community Commercial Node, Eastern Approach, Regional Shopping Node And Residential** in the Official Plan.

### 8.1 Applicable Zones

The Commercial Zones apply to lands *zoned*:

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

### 8.2 Permitted Uses

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

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

**Table 8.2.1: Permitted Uses in Commercial Zones**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<i>Accessory Uses, Buildings and Structures</i>	✓	✓	✓	✓	✓
<i>Art Gallery</i>	✓	✓	✓	✓	✓
<i>Assembly Hall</i>	✓	✓			
<i>Bed and Breakfast Establishment</i>	✓				✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<i>Short-Term Rental</i>	✓		✓	✓	✓
<b>Commercial</b>					
<i>Custom Workshop</i>	✓	✓	✓	✓	✓
<i>Department Store</i>	✓	✓	✓		
<i>Drive-Through Establishment</i>		✓	✓	✓(3)	✓(3)
<i>Educational Establishment</i>	✓	✓	✓	✓	
<i>Emergency Service</i>	✓	✓	✓	✓	✓
<i>Financial Establishment</i>	✓	✓	✓	✓	✓
<i>Flea Market</i>	✓	✓			
<i>Food Production Facility</i>	✓	✓	✓	✓	
<i>Funeral Home</i>	✓	✓	✓	✓	
<i>Garden Centre</i>	✓	✓	✓	✓	✓
<i>Grocery Store</i>	✓	✓	✓	✓	
<i>Health Related Retail Use</i>	✓	✓	✓	✓	
<i>Home and Auto Sales and Supply Establishment</i>		✓	✓	✓	
<i>Home Furnishing Establishment</i>	✓	✓	✓	✓	
<i>Home Improvement Establishment</i>	✓	✓	✓	✓	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<i>Home Occupation</i>	✓				
<i>Light Equipment/ Machinery Sales, Rental and Service Establishment</i>		✓	✓	✓	
<i>Mini Storage</i>		✓		✓	
<i>Motor Vehicle Sales Dealership</i>		✓	✓	✓(3)	
<i>Motor Vehicle Service Station</i>	✓	✓	✓	✓(3)	
<i>Motor Vehicle Repair Shop</i>		✓	✓	✓	
<i>Motor Vehicle Washing Establishment</i>		✓	✓	✓(3)	
<i>Outdoor Display and Sales Area</i>	✓	✓	✓	✓	✓
<i>Parking Lot</i>	✓	✓	✓	✓	
<i>Parking Structure or Garage</i>	✓	✓			
<i>Pet Care Establishment</i>	✓	✓	✓	✓	✓
<i>Pet Shop</i>	✓	✓	✓	✓	✓
<i>Place of Entertainment</i>	✓	✓	✓	✓	
<i>Private Club</i>		✓	✓	✓	
<i>Repair Shop</i>	✓	✓		✓	
<i>Research and Development Establishment</i>	✓	✓	✓		

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<i>Restaurant</i>	✓(2)	✓	✓	✓	✓
<i>Retail Centre</i>	✓	✓	✓		
<i>Retail Establishment</i>	✓	✓	✓	✓	✓
<i>Sample or Showroom</i>	✓	✓	✓	✓	
<i>School, Commercial</i>	✓	✓	✓	✓	✓
<i>Seasonal Outdoor Use</i>	✓	✓	✓	✓	✓
<i>Service Commercial Establishment</i>	✓	✓	✓	✓	✓
<i>Supermarket</i>	✓	✓	✓		
<i>Veterinary Clinic</i>	✓	✓	✓	✓	✓
<b>Hospitality</b>					
<i>Hotel</i>	✓	✓		✓	
<i>Motel</i>	✓	✓		✓	
<b>Community</b>					
<i>Community Centre</i>	✓	✓	✓	✓	✓
<i>Community Garden</i>	✓		✓	✓	✓
<i>Day Care Centre</i>	✓	✓	✓	✓	✓(3)
<i>Day Care, Home</i>	✓				
<i>Library</i>	✓	✓	✓	✓	✓
<i>Museum</i>	✓	✓	✓	✓	✓
<i>Place of Worship</i>	✓			✓(4)	
<i>Social Services Establishment</i>	✓	✓	✓	✓	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<b>Office</b>					
<i>Medical Office or Clinic</i>	✓	✓	✓	✓	✓
<i>Office</i>	✓	✓	✓	✓	✓
<i>Office, Major Use</i>	✓	✓			
<i>Survey, Engineering, Planning or Design Business</i>	✓	✓	✓	✓	
<b>Recreational</b>					
<i>Athletic/Fitness Establishment</i>	✓	✓	✓	✓	
<i>Park</i>	✓	✓	✓	✓	✓
<i>Recreational Establishment</i>	✓	✓	✓	✓	
<b>Residential</b>					
<i>Block Townhouse</i>			✓	✓	
<i>Boarding or Lodging House</i>	✓			✓	
<i>Dwelling, Accessory Unit</i>	✓				
<i>Dwelling, Apartments</i>	✓(1)		✓	✓	
<i>Dwelling, Multiple</i>	✓(1)		✓	✓	
<i>Dwelling Units Above Permitted Uses</i>	✓		✓	✓	✓
<i>Emergency Shelter</i>	✓				
<i>Group Home</i>	✓(1)		✓	✓	✓



Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<i>Long Term Care Facility</i>	✓				
<i>Residential Care Facility</i>	✓				
<i>Retirement Home</i>	✓				
<b>Other</b>					
Fabricating and Processing Establishments		✓			
<i>Warehouse Facility</i>		✓			
<b>Prohibited</b>					
<i>Drive-Through Establishments</i>	✓				
<i>Motor Vehicle Body Shop</i>	✓				
<i>Motor Vehicle Repair Establishment</i>	✓				
Open Storage	✓				

Footnotes:

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

### 8.3 Regulations for Commercial Zones

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

**Table 8.3.1: Regulations for Commercial Zones**

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

Footnotes:

- (1) For all permitted Commercial uses on a *lot*
- (2) 4.5 m abutting a *lot* in any Residential or Institutional Zone
- (3) 2 Storeys
- (4) 7.5 m abutting a *lot* in any Residential or Institutional Zone
- (5) 8 Storeys
- (6) Refer to City of Welland Official Plan Policy 4.4.2.7.D

## 8.4 Additional Regulations

### 8.4.1 Motor Vehicle Service Stations

#### a) Regulations

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

**Table 8.4.1: Regulations for Motor Vehicle Service Station**

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

#### b) Access

Each means of access *shall* maintain the following requirements:

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

#### 8.4.2 Motor Vehicle Washing Establishments

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

- a) *Front Yard and Exterior Side Yard* 6.0 metres; except 20.0 metres where car wash bay doors face a street
- b) Where a car wash abuts a Residential Zone, the *yard* abutting the Residential Zone *shall* be as required by the *zone* of the property or 12.0 metres, whichever is greater.
- c) *Queuing Lane*:
  - i) For a self-serve (manual) car wash sufficient space *shall* be provided on-site to accommodate three vehicles in a line commencing at the entrance of each wash bay and one vehicle at the bay exit;
  - ii) For an automatic (mechanical) car wash sufficient space *shall* be provided on-site to accommodate five (5) vehicles in a line commencing at the entrance of each wash bay and two vehicles in a line at each bay exit.

#### 8.4.3 Other Applicable Regulations and Sections

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

## SECTION 9 OPEN SPACE ZONES

The Open Space Zones apply to lands designated **Open Space** and **Recreation**, and **Welland Recreational Waterway**, in the Official Plan.

### 9.1 Applicable Zones

The Open Space Zones apply to lands *zoned*:

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

### 9.2 Permitted Uses

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

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

**Table 9.2.1: Permitted Uses in Open Space Zones**

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

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

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

Footnotes:

- (1) Refer to Section 5.2
- (2) Refer to Section 5.26
- (3) The provisions of the RM Zone shall apply to medium density development, the provisions of the RH Zone shall apply to high density development, the provisions of the RL2 Zone shall apply to all other residential development

### 9.3 Regulations for Open Space Zones

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

**Table 9.3.1: Regulations for Open Space Zones**

Column 1	Column 2	Column 3	Column 4
Regulations	O1	O2	WRW
<b>Required Yards</b>			The provisions of the RM Zone shall apply to medium density development and the provisions of the RH Zone shall apply to high density development the provisions of the RL2 Zone shall apply to all other residential development.
Front Yard Setback (minimum)	6.0 m	7.5 m	
Side Yard Setback (minimum)	6.0 m	7.5 m	
Exterior Yard (minimum)	6.0 m	7.5 m	
Rear Yard Setback (minimum)	6.0 m	7.5 m	
Building Height (maximum)	5.0 m	11.0 m	
Maximum Building Gross Floor Area	100.0 m <sup>2</sup> (1)		
Maximum Size for Ancillary Commercial Uses	NA	100.0 m <sup>2</sup> (2)	
Landscaped Area (minimum)	25%	25%	
Setback from Water's Edge	15.0 m	15.0 m	

Footnotes:

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

**9.4 Additional Regulations**

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



## SECTION 10 ENVIRONMENTAL OVERLAY ZONES

The Environmental Overlay Zones apply to lands designated as **Environmental Protection Areas** (including Flood Hazards, Valleys, and Provincially Significant Wetlands) and **Environmental Conservation Areas** (including other evaluated wetlands, Significant Woodlots, and Significant Wildlife Habitat) in the Official Plan.

### 10.1 Applicable Zones

The Environmental Overlay regulations apply to lands zoned:

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

### 10.2 Permitted Uses

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

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

**Table 10.2.1: Permitted Uses in Environmental Overlay Zones**

Column 1	Column 2	Column 3	Column 4
Permitted Uses	HA	EP	EC
<i>Agriculture Uses, excluding Buildings</i>	✓	✓(1)	✓(1)
Boat Launching Ramp	✓		
<i>Conservation Use</i>	✓	✓	✓
Docking Facility	✓		
Flood and Erosion Control Facilities	✓	✓	✓
Forestry, Fish and Wildlife Management	✓	✓	✓

Column 1	Column 2	Column 3	Column 4
Permitted Uses	HA	EP	EC
<i>Golf Courses, excluding Buildings</i>	✓		
Park	✓		
Picnic Area	✓		
Playground	✓		
<i>Passive Recreation Trail</i>	✓	✓	✓
<i>Recreation. Passive</i>	✓		

Footnote:

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

### 10.3 Regulations for Environmental Overlay Zones

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

### 10.4 Regulations for Hazard Overlay Zones

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

## 10.5 Regulations for Environmental Protection Overlay Zones

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

## 10.6 Regulations for Environmental Conservation Overlay Zones

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

## 10.7 Additional Regulations

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

## SECTION 11 INSTITUTIONAL ZONES

The Institutional Zones apply to lands designated **Institutional** and **Health And Wellness** in the Official Plan.

### 11.1 Applicable Zones

The Institutional Zones apply to lands *zoned*:

- INS1 Institutional
- INSH Health and Wellness

### 11.2 Permitted Uses

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

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

**Table 11.2.1: Permitted Uses in Institutional Zones**

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

Column 1	Column 2	Column 3
Permitted Uses	INS1	INSH
<i>Emergency Service</i>	✓	✓
<i>Health Related Retail</i>		✓
<i>Hospital, Public</i>		✓
Laboratories		✓
Library	✓	✓
Medical Clinic	✓	✓
Medical Office	✓	✓
Museum	✓	✓
Office	✓	✓
Park	✓	✓
<i>Place of Worship</i>	✓	✓
<i>Private Club</i>	✓	
Pharmacy		✓
<i>Recreational Establishment</i>	✓	✓
<i>School, Commercial</i>	✓	✓
Scientific or Medical Laboratory		✓
<i>Service Commercial Establishment</i>		✓
<i>Social Services Establishment</i>	✓	✓
<b>Residential</b>		
<i>Accessory Dwelling Units</i>	✓	✓
<i>Accessory Uses, Buildings and Structures</i>	✓(1)	✓(1)
<i>Apartment Dwelling</i>		✓

Column 1	Column 2	Column 3
Permitted Uses	INS1	INSH
<i>Bed and Breakfast Establishment</i>	✓	
<i>Emergency Shelter</i>	✓	✓
<i>Group Home</i>	✓	✓
<i>Home Occupation</i>	✓(4)	✓(4)
<i>Long Term Care Facility</i>	✓	✓
<i>Multiple Dwelling</i>		✓
<i>Residential Care Facility</i>	✓	✓
<i>Retirement Home</i>	✓	✓
<i>Short-Term Rental</i>	✓	✓
<i>Single-Detached Dwelling</i>	✓(5)	✓(5)
<i>Street Townhouse Dwelling</i>	✓(5)	✓(5)
<i>Two-Unit Dwelling</i>	✓(5)	✓(5)
<b>Commercial</b>		
<i>Restaurant</i>		✓
<i>Retail Establishment</i>		✓

Footnotes:

- (1) Refer to Subsection 5.3
- (2) Except a College or University
- (3) Restricted to a College or University
- (4) Refer to Subsection 5.18
- (5) Refer to Residential Low Density 2 - RL2 Zone, Table 7.3.1

### 11.3 Regulations for Institutional Zones

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

**Table 11.3.1: Regulations for Institutional Zones**

Column 1	Column 2	Column 3
Regulations	INS1	INSH
<i>Lot Frontage</i> (minimum)	12.0 m	12.0 m
<i>Lot Area</i> (minimum)	400.0 m <sup>2</sup>	NA
<i>Lot Area</i> (maximum)	3,700.0 m <sup>2</sup>	NA
<i>Required Yards:</i>		
Front, Side and <i>Rear Yard</i> Setback (minimum)	6.0 m	3.0 m
<i>Building Height</i> (maximum)	14.0 m (4 <i>Storeys</i> )	24.0 m (8 <i>Storeys</i> )
Maximum <i>Lot Coverage</i>	40%	NA
<i>Landscaped Area</i> (minimum)	15%	15%

### 11.4 Additional Regulations

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



## SECTION 12 INDUSTRIAL ZONES

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

### 12.1 Applicable Zones

The Industrial Zones apply to lands *zoned*:

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

### 12.2 Permitted Uses

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

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

**Table 12.2.1: Permitted Uses in Industrial Zones**

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

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

Column 1	Column 2	Column 3	Column 4	Column 5
<b>Permitted Uses</b>	<b>L1</b>	<b>G1</b>	<b>GEC</b>	<b>X</b>
<i>Market Garden – Open Air Market</i>	✓	✓		
<i>Medical Office or Clinic</i>			✓(2)	
<i>Motor Vehicle Body Shop</i>	✓	✓		
<i>Motor Vehicle Dealership</i>	✓	✓		
<i>Motor Vehicle Repair Establishment</i>	✓	✓		
<i>Motor Vehicle Service Station</i>	✓	✓		
<i>Motor Vehicle Washing Establishment</i>	✓	✓		
<i>Offices</i>	✓(3)	✓(3)	✓(3)	
<i>Office, Major</i>			✓	
<i>Outdoor Storage</i>	✓(3)	✓(3)	✓(3)	
<i>Parking Area</i>	✓	✓	✓	
<i>Place of Assembly</i>	✓	✓		
<i>Printing Establishment</i>	✓	✓	✓	
<i>Propane Transfer Facility</i>	✓	✓	✓	
<i>Repair Shops and Services</i>	✓	✓	✓	
<i>Research and Development</i>	✓	✓	✓	
<i>Restaurant</i>	✓(2)	✓(2)	✓(2)	
<i>Salvage Yard</i>	✓	✓		
<i>School, Commercial</i>	✓	✓	✓	
<i>Service Commercial Establishment</i>	✓(2)	✓(2)	✓(2)	

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

Footnotes:

- (1) Refer to Subsection 5.3
- (2) *Shall only be permitted as an accessory use in a mixed use building/property.*
- (3) *Shall only be permitted as an accessory use to a principal use.*

### 12.3 Regulations for Industrial Zones

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

**Table 12.3.1: Regulations for Industrial Zones**

Column 1	Column 2	Column 3
Regulations	L1, G1, GEC	X
<i>Lot Area</i> (minimum)	0 m <sup>2</sup>	40 ha
<i>Lot Frontage</i> (minimum)	0 m	45.0 m
<i>Front Yard</i> (minimum)	6.0 m	15.0 m

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

Footnotes:

(1) 30 metres for aggregate extraction stockpiles

## 12.4 Additional Regulations

### 12.4.1 Motor Vehicle Service Stations

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

**Table 12.4.1: Regulations for Motor Vehicle Service Station**

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

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

### 12.4.2 Motor Vehicle Washing Establishments

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

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

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

#### 12.4.3 Outdoor Storage

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

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

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

A maximum of twenty-five percent of the total *gross floor area* of the *building* or 500.0 m<sup>2</sup> may be used for a manufacturer's *showroom*/accessory retail sales, whichever is the lesser.

#### 12.4.5 Cannabis Production Facility

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



#### 12.4.6 Other Applicable Regulations and Sections

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

## SECTION 13 AGRICULTURAL AND RURAL ZONES

The Agricultural and Rural Zones apply to lands designated **Agricultural**, **Rural** and **Rural Employment** in the Official Plan.

### 13.1 Applicable Zones

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

- A1 Agricultural
- RR Rural Residential
- RE Rural Employment

### 13.2 Permitted Uses

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

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

**Table 13.2.1: Permitted Uses in Agricultural and Rural Zones**

Column 1	Column 2	Column 3	Column 4
Permitted Uses	A1	RR	RE
<i>Accessory Uses, Buildings and Structures</i>	✓(1)	✓(1)	✓(1)
<i>Accessory Dwelling Unit</i>	✓	✓	
<i>Agriculture</i>	✓	✓	✓
<i>Agri-Tourism</i>	✓(8)		✓
<i>Agriculture-Related Uses</i>	✓		✓
<i>Bed and Breakfast Establishment</i>	✓	✓	✓
<i>Building and Lumber Supply Establishment</i>			✓

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

Footnotes:

- (1) Refer to Subsection 5.3
- (2) Permitted as an *accessory use* to an agricultural operation
- (3) Refer to Subsection 5.15
- (4) Refer to Subsection 5.17
- (5) Accessory to a permitted *principal use*
- (6) Permitted as an *accessory use* to a permitted Rural Employment Use
- (7) Refer to Subsection 5.18
- (8) *Buildings and structures* used for agritourism are limited to 250 m<sup>2</sup> in *gross floor area*.

### 13.3 Regulations for Agricultural and Rural Zones

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

**Table 13.3.1: Regulations for Agricultural Rural Zones**

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

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

Footnotes:

- (1) Three Storeys
- (2) Along the *front lot line*
- (3) Refer to Subsection 13.4
- (4) Adjacent to *lot lines* abutting residential *dwellings* or *zones*.
- (5) Accessory to agricultural uses only
- (6) Maximum *gross floor area* of all *buildings* and *structures* devoted to the use

## 13.4 Additional Regulations

### 13.4.1 Outdoor Storage

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

### 13.4.2 Small Scale Retailing of Agricultural Products

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

### 13.4.3 Minimum Distance Separation

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

### 13.4.4 Farm Labour Residence

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

#### 13.4.5 Cannabis Production Facility

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

#### 13.4.6 Other Applicable Regulations and Sections

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



## SECTION 14 RAILWAY TRANSPORTATION ZONES

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

### 14.1 Applicable Zones

The Railway Transportation Zones apply to lands *zoned*:

- RT Railway Transportation

### 14.2 Permitted Uses

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

### 14.3 Regulations for Railway Transportation Zones

- a) Setback for new *buildings* adjacent to a Rail Transportation RT Zone: Refer to **SECTION 5: GENERAL PROVISIONS** - Subsection 5.36 - Setback Requirements Adjacent to Railways.
- b) *Existing buildings* are recognized under the legal *non-conforming* provision in Subsection 1.8 - Legal Non-Conforming Buildings and Uses of this By-law.

**SECTION 15 ENACTMENT OF BY-LAW 2017-117**

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

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

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

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

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

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

**15.3 Effective Date**

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

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

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

**SCHEDULE "A"      ZONE MAPS**

**SCHEDULE "B"      SPECIAL EXCEPTIONS**