



COUNCIL MEETING AGENDA

Tuesday, July 30, 2024
COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:
City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>
YourTV: The meeting will be aired live on Channel 700

Council Information Packages are available on the City of Welland website at
<https://www.welland.ca/Council/CouncilInformationPackages.asp>

Pages

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:30 P.M.)
 - 1.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES:
 1. Citizen appointment to the Niagara Transit Commission Public Advisory Committee.
 - 1.2 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:
 1. 144 St. George Street, Welland, ON
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
3. OPEN COUNCIL MEETING - 7:00 P.M.
 - 3.1 NATIONAL ANTHEM
 - 3.2 OPENING REMARKS
 - 3.3 ADDITIONS/DELETIONS TO AGENDA
 - 3.4 ADOPTION OF MINUTES
 1. Regular Council Meeting of July 9, 2024.
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK
 - 3.6 DISCLOSURES OF INTEREST
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
4. ORAL REPORTS AND DELEGATIONS
 - 4.1 PRESENTATIONS - NIL

6 - 13

4.2 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

1. The purpose of a housekeeping amendment to Zoning By-law 2017-117 is to provide minor adjustments to the existing by-law to provide greater clarity in the application and interpretation of the definitions, standards and regulations of Zoning By-law 2017-117. Ref. No. 13-117

(Staff report to be considered following the conclusion of the Public Hearing).

2. Statutory Hearing for Zoning By-law Amendment 2024-02. 14 - 228
Housekeeping Amendments to Zoning By-law 2017-117. Ref. No. 13-117 Remove From Block

4.3 DELEGATIONS - (10 minutes maximum per delegation)

1. Linda Crouch, Resident re: Support of Notice of Motion regarding 229 - 242
Coyle Creek Park. Ref. No. 24-78

4.4 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS - NIL

5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK

- 5.1 Purchasing Policy Update. Ref. No. 05-51 243 - 286

- 5.2 Accessibility for Ontarians with Disabilities Act (AODA) Compliance Update. 287 - 299
Ref. No. 02-85

6. NEW BUSINESS

- 6.1 Molly Banarjei, CEO Christian Music Festival re: request to declare the month 300 - 300
of December as "Christian Heritage Month". Ref. No. 24-6

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND declares the month of December as "Christian Heritage Month" in the City of Welland.

7. BY-LAWS

- 7.1 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-18018, Block 153, Registered Plan 59M-522, (188, 194, 198, 202, 206 Port Crescent) City of Welland. Ref. No. 24-80

(Approved by By-law 2020-143)

- 7.2 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-18032, Block 154, Registered Plan 59M-522, (212, 216, 220, 224 Port Crescent) City of Welland. Ref. No.. 24-80

(Approved by By-law 2020-143)

- 7.3 A By-law to exempt certian lands from Part-Lot Control - Parts 1-8 (inclusive) on Plan 59R-18088, Block 155, Registered Plan 59M-522, (230, 234, 238, 242, 246, 252 Port Crescent) City of Welland. Ref. No. 24-80

- 7.4 A By-law to exempt certain lands from Part-Lot Control - Parts 1-4 (inclusive) on Plan 59R-18033, Block 156, Registered Plan 59M-522, (256, 262, 268 Port Crescent) City of Welland. Ref. No. 24-80

(Approved by By-law 2020-143)

- 7.5 A By-law to exempt certain lands from Part-Lot Control - Parts 1-7 (inclusive) on Plan 59R-18060, Block 157, Registered Plan 59M-522, (271, 275, 279, 283, 287, 293 Port Crescent) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.6 A By-law to exempt certain lands from Part-Lot Control - Parts 1-8 (inclusive) on Plan 59R-18065, Block 158, Registered Plan 59M-522, (299,303,307,311,315,321 Port Crescent) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.7 A By-law to exempt certain lands from Part-Lot Control - Parts 1-8 (inclusive) on Plan 59R-18059, Block 159, Registered Plan 59M-522, (327, 331, 335, 339, 343, 347 Port Crescent) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.8 A By-law to exempt certain lands from Part-Lot Control - Parts 1-7 (inclusive) on Plan 59R-18061, Block 161, Registered Plan 59M-522, (106, 110, 114, 118, 122, 128 Varsity Drive) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.9 A By-law to exempt certain lands from Part-Lot Control - Parts 1-8 (inclusive) on Plan 59R-18062, Block 162, Registered Plan 59M-522, (80, 84, 88, 92, 100 Varsity Drive) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.10 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-18063, Block 163, Registered Plan 59M-522, (107, 111,115,119,123,129 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.11 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-18064, Block 164, Registered Plan 59M-522, (81,85,89,93,97, 101 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.12 A By-law to exempt certain lands from Part-Lot Control - Parts 1-8 (inclusive) on Plan 59R-18067, Block 165, Registered Plan 59M-522, (80, 84,88,92,96,100 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.13 A By-law to exempt certain lands from Part-Lot Control - Parts 1-7 (inclusive) on Plan 59R-18066, Block 166, Registered Plan 59M-522, (106,110,114,118,122,128 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.14 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-18099, Lots 35, 36 and 37, Registered Plan 59M-522, (199,205,209,215,219,225 Port Crescent) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.15 A By-law to exempt certain lands from Part-Lot Control - Parts 1-9 (inclusive) on Plan 59R-18097, Lots 38,39,40 and 41, Registered Plan 59M-522 (229,235,239,245,249,255,259,265) Port Crescent) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)

- 7.16 A By-law to exempt certain lands from Part-Lot Control - Parts 1-11 (inclusive) on Plan 59R-18098, Lots 115,116,117,118 and 119, Registered Plan 59M-522, (28,34, 38, 44,48,54,58,64,68,74 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.17 A By-law to exempt certain lands from Part-Lot Control - Parts 1-21 (inclusive) on Plan 59R-18087, Lots 126, 127, 128, 129, 130, 138, 139, 140, 141,and 142, Registered Plan 59M-522, (28, 34, 38, 44, 48, 54, 58, 64, 68, 74 Varsity Drive and 29, 35, 45, 49, 55, 59, 65, 69, and 75 Masters Street) City of Welland. Ref. No. 24-80
(Approved by By-law 2020-143)
- 7.18 A By-law to exempt certain lands from Part-Lot Control - Part of Lot 224 and Lot 225, Plan 936, on Plan 59R-18086, (667 and 671 Deere Street), City of Welland. Ref. No. 24-79
(Approved by By-law 2020-143)

8. NOTICES OF MOTION

8.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES - (For the purpose of informing the public on a matter that has been discussed with staff since the previous Council Meeting)

8.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

- 1. (Councillor Chiocchio) 301 - 301
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to provide a comprehensive report regarding the storm management pond at Coyle Creek. That the report detail the city's responsibility and history to the maintenance of the surrounding park like setting over the past 10 years. That any input from surrounding residents regarding this pond be included in the report and this report to be on an upcoming Council meeting. Ref. No. 24-78
- 2. (Councillor DiMarco) 302 - 302
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to install stop signs on St Lawrence Drive at Gretel Place; and further THAT Traffic and Parking By-Law staff amend the By Law pertaining to such. Ref. No. 24-22
- 3. (Councillor Setaram) 303 - 303
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to a create a new grant program to capture municipal funding provided to organizations for services that fall within the responsibility of regional government (Niagara Region), specifically but not limited to shelters, meal programs and emergency food resources, and mental health; and further
 THAT Welland City Council directs staff to prepare an annual report to be sent to Niagara Region outlining these additional funding investments to supplement their figures when budgeting for services in the City of Welland and lobbying the provincial and federal government for regional funding. Ref. No. 21-30

8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)

9. CORPORATION REPORTS

9.1 MAYOR'S REPORT

9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT

10. CONFIRMATORY BY-LAW

10.1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 30th day of July, 2024.

11. ADJOURNMENT



**CITY OF
Welland**

MINUTES OF THE

JULY 9, 2024 COUNCIL MEETING

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 5:38 p.m. and in open session at 7:00 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiocchio, T. DiMarco (virtual), B. Fokkens, B. Green, M.A. Grimaldi (virtual), J. Lee, D. McLeod (5:47 p.m.), C. Richard, S. Setaram, G. Speck (virtual), and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, R. Axiak

Deputy City Clerk, L. Bubanko

General Manager of Corporate & Enterprise Services/CFO, S. Nagel

City Treasurer, E. Pankoff (7:00 p.m.) - (virtual until 9:06 p.m.)

Fire Chief & Community Emergency Management Coordinator, A. Eckhart (until 8:47 p.m.)

Director of Community Services, J. Ruddell (until 8:23 p.m.)

Director of Infrastructure Services, SM. Millar (virtual)

Director of Planning and Development Services, G. Munday

Manager of Business & Community Services, A. Degazio (7:00 p.m.) - (virtual until 8:25 p.m.)

Revenue Service Manager, M. Lostracco (7:00 p.m.) - (virtual until 9:06 p.m.)

Manager, Traffic/Parking/By-laws, A. Khan (8:21 p.m. - (virtual until 9:13 p.m.)

2024 - 199**24-25**

Moved by Van Vliet and Green

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:38 p.m. to consider:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose:
 - 44 Heron Street - OLT Appeal.
- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization:
 - Contract Award - Water Meter Replacement Project.
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board:
 - Draft Agreement - Welland Museum.

(Councillor Speck was not present during Committee-of-the-Whole discussions on a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board regarding Draft Agreement - Welland Museum as his company provides apparel to the Welland Museum).

CARRIED**2024 - 200****24-25**

Moved by McLeod and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:50 p.m. with report.

CARRIED**THE FOLLOWING ITEM WAS DELETED:**

Item 5.1 – Report CS-2024-13: Community Grant Policy Options & Framework.

PRESENTATION

Plaque presentation by Mayor Campion and Inspector Dave Gomez, Niagara Regional Police, to Kim Perry in recognition of saving a young boy from being struck by a vehicle.

DELEGATION

24-4 Melanie Dugard, Principal, Grant Thornton addressed Council regarding its 2023 Consolidated Financial Statements.

2024 - 201**24-1** Moved by McLeod and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meetings of June 18 and 25, 2024 as circulated.

CARRIED**2024 - 202****04-152** Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves the termination of the license agreement, referenced in Appendix 1 of Report CS-2024-11, between the City of Welland and the Welland Soccer Club (WSC).

CARRIED**2024 - 203****21-30** Moved by Green and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to reimburse Holy Trinity Church in the amount of \$1,979.24 for their loss in running the emergency homeless shelter.

CARRIED**2024 - 204****23-105** Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves Redline Draft Plan of Common Element Condominium for the Warbler Place Common Element Condominium (File No. 26CD-14-23003) subject to the following added condition of approval:

1. That the condominium agreement between the owner and City of Welland contains wording wherein the owner agrees to implement the recommendation of the approved Restoration Plan.

CARRIED**2024 - 205****23-107** Moved by Lee and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND approves extension to Red-Line Draft Plan of Vacant Land Condominium for the Fusion Homes Phase 2 Vacant Land Condominium (File No. 26CD-14-20001) for an additional one (1) year to November 10, 2025.

YEAS: Green, Speck, Chiocchio, McLeod, Richard, Grimaldi, Setaram, Van Vliet and Mayor Campion.

NAYS: Lee, DiMarco and Fokkens.

CARRIED**2024 - 206****24-4** Moved by McLeod and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Melanie Dugard, Principal, Grant Thornton, regarding the 2023 Consolidated Financial Statements.

CARRIED

2024 - 207

24-4 Moved by Grimaldi and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Consolidated Financial Statements for The Corporation of the City of Welland (the "Municipality") including the Trust Fund Financial Statement for the year ended December 31, 2023; and further

THAT Welland City Council receives for information the audit findings report pertaining to the audited consolidated financial statements of The Corporation of the City of Welland for the year ended December 31, 2023.

CARRIED

2024 - 208

24-15 Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes entering into a contract with Symtech Fire LLC for the construction of a Class B Fire Training Tower, with various props and safety systems, as selected and approved by the Fire Chief in the amount of \$1,497,041, plus HST; and further

THAT Welland City Council directs staff to prepare the necessary by-law and documents to execute the contract; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents to execute the contract.

YEAS: Lee, Green, Speck, Chiocchio, McLeod, DiMarco, Richard, Grimaldi, Setaram, Fokkens, Van Vliet and Mayor Campion.

NAYS: None.

CARRIED

2024 - 209

24-15 Moved by McLeod and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the appointment of GHD Limited to prepare the necessary energy modeling and reports required by the Federation of Canadian Municipalities, to the upset limit of \$29,000 CAD, plus HST.

CARRIED

2024 - 210

24-22 Moved by McLeod and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2024-07: Update to Traffic and Parking By-law 89-2000; and further

THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as provided in APPENDIX 1.

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2024 - 211**24-22** Moved by Lee and Fokkens

THAT Welland City Council refers back to staff Report TRAF-2024-07: Update to Traffic and Parking By-law 89-2000 for investigation of removing the bicycle lanes and having parking only on one side.

CARRIED**2024 - 212****24-26** Moved by Speck and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Sacco Construction Limited in the amount of \$376,695.00 (plus HST) for the 2024 Sidewalk Condition Related Replacements and Missing Links project.

CARRIED**2024 - 213****24-62** Moved by Chiocchio and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Rankin Construction Inc. in the amount of \$2,237,425.00 (plus HST) being the lowest bid received for the 2024 Road Reconstruction 1 project; and further

THAT Welland City Council approves the allocation of funding as outlined in Report ENG-2024-24.

CARRIED**2024 - 214****24-73** Moved by McLeod and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND assumes the Waterway Commons (Phase 1) Subdivision.

CARRIED**2024 - 215****24-74** Moved by Chiocchio and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND assumes the Welland High Gardens (Phase 1) Subdivision.

CARRIED**2024 - 216****24-75** Moved by Speck and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND approves the water haulage rate for credit card users at a rate of \$1.613/m³ effective July 15, 2024; and further

THAT Welland City Council approves the water haulage rate for non-credit card users at a rate of \$1.536/m³ effective July 15, 2024; and further

THAT Welland City Council approves the fixed water haulage monthly fixed charge at a rate of \$155.00/month effective August 1, 2024; and further

THAT Welland City Council directs the City Clerk to prepare an amendment to By-law 2006-193 to reflect the water haulage variable rate to \$1.613/m³ (credit card) and \$1.536/m³ (non credit card) and the water haulage fixed monthly cost to \$155.00.

CARRIED

2024 - 217**24-76** Moved by Setaram and Fokkens

THAT the Council of the City of Welland authorizes entering into the renewed 10-year Municipal Funding Agreement (MFA) for the Canada Community Building Fund (CCBF); and further

That Welland City Council directs the City Clerk to prepare the necessary By-law.

CARRIED**ITEMS ARISING FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)****2024 - 218****04-91** Moved by McLeod and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to enter into an Operating Agreement with the Board of Management of the Welland Historical Museum.

(Councillor Speck disclosed an interest in the matter and did not take part in the consideration and discussion of same, as his company provides apparel to the Welland Museum).

CARRIED**2024 - 219****04-124** Moved by Chiochio and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND enters into an Agreement with Neptune Technology Group Canada Co. for the supply and installation of radio frequency water meters at a total cost of \$4,248,346.00 (excl. HST); and further THAT Welland City Council pre-approves \$2,366,000.00 of 2025 funding for Phase 2 of the Water Meter Replacement Project.

CARRIED**BY-LAWS**

Moved by Lee and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

24-76

BYL 2024 - 61

A By-law to authorize entering into a Renewal of the Municipal Funding Agreement with the Association of Municipalities of Ontario to provide for the Canada Community Building Fund.

24-15

BYL 2024 - 62

A By-law to authorize entering into a contract with Symtech Fire LLC for the construction of a Class B Fire Training Tower with various Props and Safety Systems.

CARRIED

Moved by DiMarco and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

24-38

BYL 2024 - 63

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the Municipality; and to repeal By-law 2023-180.

CARRIED

Moved by McLeod and Green

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

21-30

BYL 2024 - 64

A By-law to authorize entering into an Ontario Transfer Payment Agreement with His Majesty The King In Right of Ontario as represented by the Minister of Municipal Affairs and Housing for the 2024 Building Faster Fund Program.

CARRIED

Moved by DiMarco and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

24-77

BYL 2024 - 65

A By-law to exempt certain lands from Part-Lot Control - Part of Block E, Plan 574, Parts 1-17 (inclusive), on Plan 59R-18093 - (2, 6, 10, 14, 18, 22, 26, 30 Marina Place), City of Welland.

CARRIED

Moved by Grimaldi and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

24-1

BYL 2024 - 66

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 9th day of July 2024.

CARRIED

Council adjourned at 9:33 p.m.

These Minutes to be approved and adopted by Motion of Council this 30th day of July 2024.

COUNCIL MEETING
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

REPORT P&B-2024-23
July 30, 2024

SUBJECT: Statutory Hearing for Zoning By-law Amendment 2024-02.
Housekeeping Amendments to Zoning By-law 2017-117.

AUTHOR: Caitlin Kovacs, B.URPI
Development Planner

APPROVING SUPERVISOR: Taylor Meadows, B.URPI, CPT, RPP, MCIP
Planning Supervisor – Development

APPROVING MANAGER: Michael Greenlee, RPP, MCIP
Manager of Planning

APPROVING DIRECTOR: Grant Munday, B.A.A, MCIP, RPP
Director, Planning And Development Services

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2024-23 regarding the housekeeping amendment to the City of Welland Comprehensive Zoning By-law 2017-117.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council’s strategic priority of ensuring “**Liveability**” by creating a sense of belonging while enhancing mobility by improving access to recreation and community events, ensuring adequate housing options, encouraging job growth, and improving ways to efficiently move people throughout the city. This project is one of the initiatives of the City’s Housing Target and Pledge to the Province of Ontario and is part of Council’s approved application to the Housing Accelerator Fund.

EXECUTIVE SUMMARY:

A review of the City of Welland Comprehensive Zoning By-law 2017-117 has been completed. The intention of this report is to provide Council with background information relating to the proposed housekeeping amendments and process related to this initiative.

BACKGROUND:

The City's Comprehensive Zoning By-law 2017-117 has been in force and effect since October 17, 2017. Several items have been identified to be adjusted, added or changed to clarify, provide consistency and improve the functionality of the document. As a general overview, the proposed adjustments consider the following:

- Improving the efficiency and clarity of subsections through the removal of duplicate subsections and the consolidation of overlapping subsections (e.g. consolidating certain condominium provisions, combining subsections related to the location, size, and standards for parking areas and driveways),
- The addition or revision of definitions to align with the permitted uses of the by-law and their provisions,
- An update to the provisions for accessory dwelling units to bring the subsection into compliance with recent provincial legislation; and
- The introduction of specific zoning provisions where there has been a gap in applicability (e.g. providing set back requirements for generators, encroachment limits for balconies, and tiered dimensions for loading spaces).

The purpose of the housekeeping amendments to The By-law is to provide minor adjustments to the existing by-law so that there is greater clarity in the application and interpretation of the definitions, standards, and regulations of The By-law. A detailed summary of the housekeeping amendments proposed can be found as Appendix I and a detailed redlined version of The By-law can be found as Appendix III. This project is one of the initiatives of the City's Housing Target and Pledge to the Province of Ontario and is part of Council's approved application to the Housing Accelerator Fund.

DISCUSSION:

A Virtual/In-Person Public Information Meeting was held on May 8, 2024, to gain public input regarding the proposed applications. Two (2) members of the public participated at the Public Information Meeting, and the following was discussed:

- The specificity of the definitions to be included in the by-law and their interpretation,
- Parking regulations,
- Private outdoor storage regulations and interpretation,
- Recreational vehicles and associated private outdoor storage regulations,
- Visitor parking requirements, and
- Driveway paving widths.

The Statutory Public Meeting under the Planning Act is being held on July 30, 2024. The Public Meeting provides an opportunity for a presentation regarding the proposed housekeeping amendments. Interested parties can then make

comment and/or raise concerns, and Council members are able to inquire about the proposed housekeeping amendments.

The report is intended to provide Council with background information on the housekeeping amendment. Staff intend to bring a Recommendation Report for consideration at a future meeting.

Other Department Implications:

Other City Divisions have been circulated the amendments for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

FINANCIAL:

There are no anticipated financial costs associated with this process.

CONCLUSION:

The Planning Act requires a Statutory Public Meeting to be held to provide an opportunity for public input and discussion regarding this housekeeping amendment. This report is intended to provide background information for the Public Meeting.

ATTACHMENT:

- Appendix I - Summary of Changes Chart
- Appendix II - Written Comments Received
- Appendix III - Redline Version of Comprehensive Zoning By-law 2017-117

Section	Changes	Rationale
Entire Document	<ul style="list-style-type: none"> • Technical revisions to grammar, spelling, numbering, alphabetization, and updating of footnotes and internal document subsection references. 	<ul style="list-style-type: none"> • The technical revisions to the document will provide clarity and improve the organization of the document. This will improve the overall Zoning By-law readability and understanding.
1	<ul style="list-style-type: none"> • Remove subsection 1.15 	<ul style="list-style-type: none"> • Subsection 1.15 is a duplicate of subsection 2.3. The provisions of the subsection will be maintained in the by-law under subsection 2.3.
4	<ul style="list-style-type: none"> • Add definitions: <ul style="list-style-type: none"> • Access Aisle • Access Driveway • Block Townhouse • Loading Space • Pet Care Establishment • Public Storage • Principal Dwelling • Shelter/Pavilion 	<ul style="list-style-type: none"> • The listed definitions have been added into the by-law to provide clarity in the application and interpretation of existing permitted uses.
	<ul style="list-style-type: none"> • Update definition names: <ul style="list-style-type: none"> • Drive-Through Facility changed to Drive-Through Establishment, • Landscaping changed to Landscape/Landscape Area • Lot Line, Flankage changed to Lot Line, Exterior • Motor Vehicle Dealership changed to Motor Vehicle Sales Dealership • Outside Storage changed to Outdoor Storage 	<ul style="list-style-type: none"> • The listed definitions have been renamed to provide consistency between the defined terminology and its use within the by-law. For example, to align references in the permitted uses tables with those listed in the definitions section. • Any references to these definition names in the remainder of the by-law have been updated to reflect the changes.

	<ul style="list-style-type: none"> • Parking Area, Surface changed to Parking Area • Supportive Living Residence changed to Residential Care Facility 	
	<ul style="list-style-type: none"> • Remove definitions: <ul style="list-style-type: none"> • Dwelling, Converted • Play Lot 	<ul style="list-style-type: none"> • The listed definitions have been removed as they can be applied under other existing defined terms and permitted uses.
	<ul style="list-style-type: none"> • Revise the definition of Driveway 	<ul style="list-style-type: none"> • The definition has been revised to reference a traditional residential driveway. A definition for access driveway has been added to speak to other types of driveways. Historically the by-law references the two differently but there was only one definition. The new definition also addresses the inclusion of hardscaping adjacent to a driveway that may serve as a walkway or as an informal widening of the driveway.
	<ul style="list-style-type: none"> • Revise the definition of Semi-Detached Dwelling. 	<ul style="list-style-type: none"> • The revised definition is intended to be exclusive from other dwelling types and provide clarity to interpretation and application.
	<ul style="list-style-type: none"> • Revise the definition of Street Line. 	<ul style="list-style-type: none"> • To provide greater certainty to the location of the street line.
	<ul style="list-style-type: none"> • Revise the definition of Parking Area to improve its clarity. 	<ul style="list-style-type: none"> • Removed the defined term from the definition making it precise.

	<ul style="list-style-type: none"> • Revise the definition of Amenity Area to include references to parking areas and access aisles. 	<ul style="list-style-type: none"> • To provide clarity in the interpretation and application of the definition by including all parts of a parking area and related uses in the definition.
	<ul style="list-style-type: none"> • Revise the definition of Balcony to remove the requirement that balconies may not have support columns. 	<ul style="list-style-type: none"> • To provide flexibility to the built forms of development while maintaining the provisions related to balconies and projections.
	<ul style="list-style-type: none"> • Revise the definition of Parking Structure to explicitly include underground parking areas. 	<ul style="list-style-type: none"> • Provide clarity to the interpretation and application of the definition.
	<ul style="list-style-type: none"> • Revise the diagrams for lot types, and irregular frontage calculations. 	<ul style="list-style-type: none"> • The diagrams have been updated to reflect the definitions. Lot type now includes a Corner Through Lot and the irregular frontage calculations show 6 metres where the previous image shows 7.5 metres.
	<ul style="list-style-type: none"> • Revise the definition of Lot Frontage to include calculation methods for front lot lines which are curved or otherwise not straight. 	<ul style="list-style-type: none"> • Adding in provisions for chord frontage will allow for a more consistent approach to calculating lot frontages for lots without a straight front lot line and makes the calculation of lot frontage independent from the shape of the lot which allows for a more consistent measurement.
5	<ul style="list-style-type: none"> • Revise subsection 5.2 	<ul style="list-style-type: none"> • The revisions reflect the legislation set out in Bill 23 relating to Accessory Dwelling Units.

<ul style="list-style-type: none"> • Revise subsection 5.3.1 to permit sea-can containers for storage purposes in the agricultural and industrial zones. 	<ul style="list-style-type: none"> • Added provisions to permit and regulate the use of sea-can containers in the agricultural zones.
<ul style="list-style-type: none"> • Revise subsection 5.6 to reorganize the provisions for different condominium tenures. 	<ul style="list-style-type: none"> • This subsection was reorganized to provide greater clarity and consistency in the provisions related to different condominium tenures
<ul style="list-style-type: none"> • Revise subsection 5.10.2 to identify maximum encroachment regulations for interior side yards and rear yards for balconies and awnings. 	<ul style="list-style-type: none"> • The added provisions permit and regulate balconies and awnings in interior side yards and rear yards. The new provisions limit how far into a required interior side yard or rear yard a balcony or awning can project.
<ul style="list-style-type: none"> • Removal of subsection 5.10.5 f) 	<ul style="list-style-type: none"> • The subsection is a duplication of subsection 5.10.5 b) and can be removed.
<ul style="list-style-type: none"> • Revision of subsection 5.10.6 	<ul style="list-style-type: none"> • Revised to include access driveways.
<ul style="list-style-type: none"> • Identify provisions for generators in subsection 5.10.7 	<ul style="list-style-type: none"> • Generators were added into this section to provide applicable provision for their use.
<ul style="list-style-type: none"> • Removal of subsection 5.26 	<ul style="list-style-type: none"> • To provide greater clarity to the related subsections and reduce overlap of provisions.
<ul style="list-style-type: none"> • Revise subsection 5.38 to introduce a provision that precludes sight triangle from being interpreted as front lot lines where they are the 	<ul style="list-style-type: none"> • Sight triangles are intended as a safety feature and are not intended to be interpreted as a front lot line for the

	<p>shortest lot line abutting a street.</p> <ul style="list-style-type: none"> Revise subsection 5.41 to reference Through Corner lots and clarify the provisions. 	<p>purpose of zoning regulation interpretation.</p> <ul style="list-style-type: none"> The inclusion of provisions for through corner lots, and the refining of provisions for corner lots are intended to provide greater clarity in the application and interpretation of those lot fabric types.
6	<ul style="list-style-type: none"> Combine subsections 6.1.6 and 6.1.8 	<ul style="list-style-type: none"> Combined the two subsections to promote consistency of interpretation and improve the clarity of the provisions.
	<ul style="list-style-type: none"> Revise subsection 6.6 to identify tiered dimensions for required loading spaces. 	<ul style="list-style-type: none"> To provide flexibility to developments of different scales and types. The different dimensions should reflect the scale of the development and the lot size
	<ul style="list-style-type: none"> Revise subsection 6.9 relating to residential parking location and related requirements, but not a reduction to the required parking rate. 	<ul style="list-style-type: none"> The minimum distance from the street line has been removed to provide flexibility in built form, parking location, driveway width and lot layout.
7	<ul style="list-style-type: none"> Revise zoning regulations for two-unit dwellings in the RL2 zone to be the same as single-detached dwellings in the RL2 zone. 	<ul style="list-style-type: none"> Provides consistency in zoning regulations across similar built forms.
8	<ul style="list-style-type: none"> Add “Block Townhouse” as a permitted use in the CC1 Zone. 	<ul style="list-style-type: none"> Include the block townhouse built form to align with similar existing permitted residential built forms.
9	<ul style="list-style-type: none"> Revise the zoning regulations for the Welland Recreational Waterway zone (WRW) to 	<ul style="list-style-type: none"> Expanding the referenced zoning provisions to include the RL2 Zone because there

	use the RL2, RM, and RH zoning provisions where appropriate	were permitted uses available in the WRW Zone that were not encompassed in the RM Zone or RH Zone.
11	<ul style="list-style-type: none"> Revise the permitted use of “Retail” to be “Retail Establishment” 	<ul style="list-style-type: none"> Name revised to reflect the defined term.
	<ul style="list-style-type: none"> Organizational revisions across the section tables. 	<ul style="list-style-type: none"> Minor adjustments throughout the section to ensure tables are arranged alphabetically and grouped properly.
13	<ul style="list-style-type: none"> Revise the permitted use of “Lumber Yard” to be “Building and Lumber Supply Establishment” in Table 13.2.1 and in Table 13.3.1 	<ul style="list-style-type: none"> Name revised to reflect the defined term.
	<ul style="list-style-type: none"> Revise the permitted use of “Outside Storage” to be “Outdoor Storage” 	<ul style="list-style-type: none"> Name revised to reflect the defined term.

- 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.

NO DEFINITIONS ARE GIVEN FOR VEHICLE, PRIVATE, EXCLUSIVE, PRIMARY FUNCTION, PERMITTED, ETC, PRINCIPAL

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.

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

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

ADD
COMMONLY KNOWN
AS CITY PROPERTY



Vehicle

RE PG 37(N)

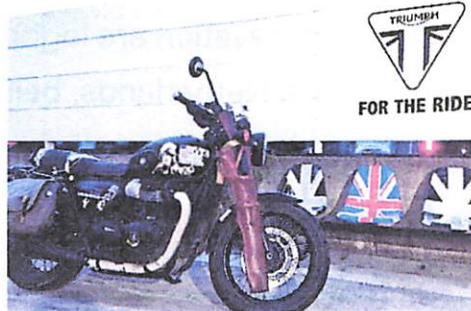
OXFORD DICTIONARY

PRINCIPAL USE

A **vehicle** (from Latin *vehiculum*)^[1] is a machine designed for self-propulsion, usually to transport people or cargo, or both. Vehicles include wagons, bicycles, motor vehicles (for example, motorcycles, motor cars, trucks, buses and powered wheelchairs and scooters for disabled people), railed vehicles (trains, trams), watercraft (ships, boats, underwater vehicles), amphibious vehicles (screw-propelled vehicles, hovercraft), aircraft (planes, helicopters, aerostats) and spacecraft.^[2]



A bus, a common form of vehicle used for public transport



Motorcycles are used to transport light cargo quickly, in crowded cities, and on unpaved roads.

Land vehicles are classified broadly by what is used to apply steering and drive forces against the ground: wheeled, tracked, railed or skied. ISO 3833-1977 is the standard, also internationally used in legislation, for road vehicles types, terms and definitions.^[3]

History

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

PARKING AREA
OPEN SPACE.
ANY KIND OF VEHICLE?

WHY IS THIS DEFINITION NECESSARY

THIS IS USED IN ZONING REQUIREMENTS ON PG 110

VEHICLES - LOOKS LIKE FOR NON-RESIDENTIAL USE OR IN A APT BUILDING WITH UNDERGROUND PARKING YOU CAN PARK ANY VEHICLE? VEHICLE IN DEFINITIONS NOT DEFINED.

- c) No school bus, used as a commercial vehicle, designed for carrying ten or more passengers, shall be parked, or stored in a Residential Zone.
- d) Any bus used for place of worship purposes may be parked on the lot on which the place of worship is located.

6.12 Trailers, Recreational Vehicles and Boat Parking and Storage

6.12.1 Vacant Lot

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

6.12.2 Private Storage – Outside OUT DOORS

No person shall, on a developed lot:

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

6.12.3 Trailer Sales, etc.

Notwithstanding any other provision of this By-law, where the principal use of the lands, building, structure, or lot is that of retail or wholesale, repair or reconditioning, seasonal storage for sales purposes as in businesses referred to

Term	Definitions
	to the public primarily for consumption off the premises such as catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers.
Fuel Storage Tank	Means a tank for the bulk storage of petroleum, gasoline, fuel, oil, gas, natural gas, or inflammable liquid; but does not include a container for inflammable liquid legally and properly kept in a retail store, or a tank for storage merely incidental to some other use of the premises where such tank is located.
Funeral Home	Means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming, and includes an ancillary visitation centre and place of worship and may also include a crematorium and cemetery.
G	
Garage, Private	Means a portion of a dwelling or a detached accessory building or structure accessory to a dwelling designed or primarily used for the parking of private motor vehicles, <u>permitted</u> commercial motor vehicles, and/or recreational vehicles, and includes carports.
Garden Centre	Means the use of land or a building, or part thereof, for the display and sale of plants, trees, shrubs, and the like and may include the sale of landscaping and gardening supplies

also permitted?

DO YOU NEED TO BUY A PERMIT FOR THIS?

NO DEFINITION IN SECTION 4 FOR PERMITTED

Term	Definitions
	an adult entertainment establishment, nightclub, or a sports facility.
Place of Worship	Means a lot, building or structure, 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.
Planting Strip	Means a strip of land, located within a required yard, devoted solely to the growing of grass, trees and/or ornamental shrubs and composed of planting material suitable to the soil and climate conditions of the site.
Play Lot	Means a lot used for the purposes of a non-profit play lot for children under the age of seven years and managed and controlled by the corporation or by a neighbourhood association, church or other similar organization.
Porch	Means an unenclosed, covered platform with direct access to the ground that is attached to a building.
Principal Use	Means the primary purpose for which a lot, building or structure is used, or is intended to be used.
Privacy Screen	Means a decorative wall or fence designed to provide privacy for a patio, deck, balcony, or part of a yard.
Private Club	Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations of community, social or cultural purposes, but does not include uses

pg 67 TOO VAGUE

Driveway (N)

Means for a residential use, an area between a street or lane and a

NEW PG 45

dwelling used or designed to be used for the parking of vehicles and includes any surfaced or other hard landscaping located parallel to the driveway that is able to be parked on by any part of a vehicle.

in 4: Definitions | Page 4-8

DESCRIBES
6.1.3 d)
MUST HAVE 3M
SET BACK
FROM STREET LINE

WHAT IF THIS IS A CORNER LOT?
NO PROVISION PROVIDED FOR THIS SITUATION.

6.1.1
DESCRIPTION

Means for a non-residential use, an area provided for access between a street and the following, but does not include the following, parking area(s), parking structure(s), loading space(s), queuing space(s), and access aisle(s), an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.

THE ORIGINAL DEFINITION WAS DESCRIBED WELL

★ DRIVEWAY IN THE OXFORD DICTIONARY. "A PRIVATE ROAD THAT CONNECTS A HOUSE, GARAGE OR OTHER BUILDING WITH THE STREET."

Principal Use Means the primary purpose for which a lot, building or structure is used, or is intended to be used.

pg 106 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.

DRIVEWAYS AND PARKING SPACES ARE NOT THE SAME

✓
For “Principal Building” in defining of yards (pages 77/78) it should have it’s own definition stated as a “Building” on page 41 means “Any structure.....” ✓

Driveways on page 44/45 – The original definition is better.

Corner Lot page 58 does not match up with the illustrations on page 59. A corner only has 2 sides (Oxford dictionary). Also 5.41.2 on page 104 states “on **more** than two streets, the shorter of the two”. This could be fixed at this time

“Permitted” is not defined in Section 4. It is in several areas and it is unclear if it means “allowed” or if it requires a “licence” to be obtained. *pg 106 sample*

Define “Private” as used in “Private Storage-Outdoors” page 124, “Garage, Private” on page 50, etc.

Define “vehicle” on page 64 in parking definitions as it could be a tractor, forklift, dumpster, etc. as defined in the Oxford dictionary. As an example, “motor vehicle” defined on page 61 clearly states what is allowed.

“Street Line” on page 74 could be better understood by adding “commonly known as City Property”.

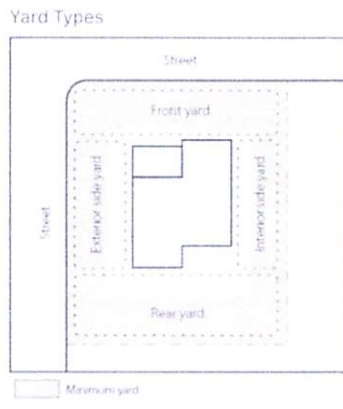
I have only looked at wording in the area of parking, etc. as it is my main focus at this time.

pg 71/78

Term	Definitions
X	commercial, institutional, and agricultural business users including other wholesalers, and includes distribution.
Y	
Yard	Means any open uncovered, unoccupied space appurtenant to a principal building.
Yard, Exterior Side	Means a yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the nearest wall of a principal building or structure on the lot.
Yard, Front	Means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot.
Yard, Interior Side	Means a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the nearest wall of a building or structure on the lot.
Yard, Rear	Means a yard extending across the full width of the lot between the rear lot line and the nearest wall of any principal building or structure on the lot.
Yard, Required	Means the minimum yard required by the provisions of this By-law, or any variances approved by the Committee of Adjustment.

pg 41 (BUILDING)

DEFINE PRINCIPAL BUILDING OR REPLACE WITH PRINCIPAL DWELLING



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).

Term	Definitions
Yard, Side	Means a yard extending from the front yard to the rear yard between a side lot line and the nearest wall of a <u>principal</u> building or structure on a lot.
Z	
Zone	Means a defined area of land use shown on the Zone Maps of this By-law.

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

COULD BE A HOUSE,
GARAGE, BARN
TEMPORARY?

SECTION 6 PARKING AND LOADING REGULATIONS

6.1 General Parking and Loading Provisions

6.1.1 Exclusive Use *NOT DEFINED IN SECTION 4*

Any minimum parking space, barrier-free parking space, bicycle parking space, stacking space, and loading space required by this By-law and any driveway or aisle leading to those spaces shall be unobstructed, available, and exclusively used for that purpose at all times, unless otherwise specific by this By-law. *PLEASE REVIEW THIS IN SECTION 4 (OVER ->)*

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. *DO YOU NEED TO BUY A PERMIT?* ?
- 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.

PLEASE SEE OVER
→

Driveway
pg 44

Means for a residential use, an area between a street or lane and a

PLEASE SEE PG 4
RE THE IMPORTANCE
TO DEFINE WORDS.

Term	Definitions
	<p><u>dwelling</u> used or designed to be used for the <u>parking</u> of vehicles and includes any surfaced or other hard landscaping located parallel to the driveway that is able to be parked on by any part of a vehicle.</p>
	<p>Means for a non-residential use, an area provided for access between a street and the following, but does not include the following, parking area(s), parking structure(s), loading space(s), queuing space(s), and access aisle(s), an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.</p>

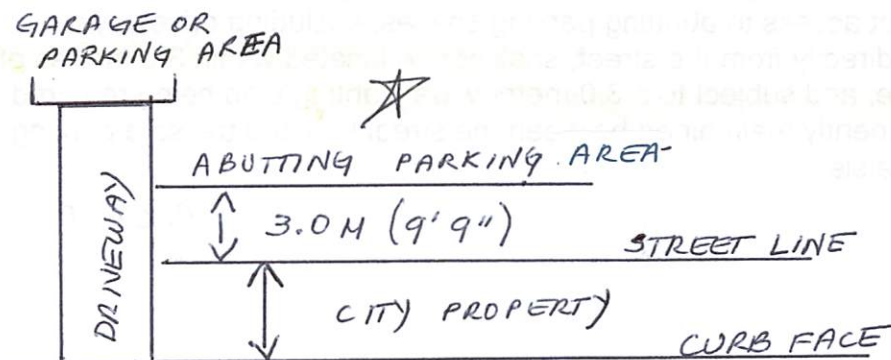
SEE PAGE 122

6.9.1 a)

THAT WOULD BE A PARKING AREA NOT PART OF A DRIVEWAY

THE ORIGINAL DEFINITION IS GOOD.

ILLUSTRATION



★ FOR AN ABUTTING OR ADDITIONAL PARKING AREA THE SET BACK DISTANCE FROM THE CURB TO THE PARKING ARE IS THE DISTANCE FROM THE CURB TO THE STREET LINE + 3 METRES

5.40.1 Distance from Lot Line

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

5.40.2 Treatment Equipment

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

5.40.3 Lot Coverage

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

5.40.4 Decks Associated with a Swimming Pool or Hot Tub

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

5.41 **Through Lots and Corner Lots**

5.41.1 Through Lots

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

5.41.2 Corner Lots

SEE PAGE 58, DEFINITIONS, (3?) 2 DIFFERENT DESCRIPTIONS

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

5.42 **Use of City Lands**

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

Term	Definitions
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Long Term Care Facility	Means an institutional care facility as licensed under the <i>Long Term Care Act</i> , as amended, and shall include residences which provide care to meet the physical, emotional, social, spiritual, and personal needs of persons.
-------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Lot	Means one parcel of land that is registered as a legally conveyable parcel of land in the land registry office.
-----	-----------------------------------------------------------------------------------------------------------------

CORNER LOTS
SEE PAGE 104 5.41.2

<u>Lot, Corner</u>	<u>Means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street or streets containing an angle of not more than one-hundred thirty-five degrees.</u>	A CORNER MEANS (2) EVERY ILLUSTRATION pg 59 SHOWS 2 STREETS ONLY
<u>Lot, Interior</u>	<u>Means a lot other than a corner lot, through lot, or through corner lot.</u>	
<u>Lot, Through</u>	<u>Means a lot bounded by a public street on two opposite lot lines but does not include a corner lot or through corner not.</u>	
<u>Lot, Corner Through</u>	<u>Means a lot bounded by public streets on three or more lot lines.</u>	

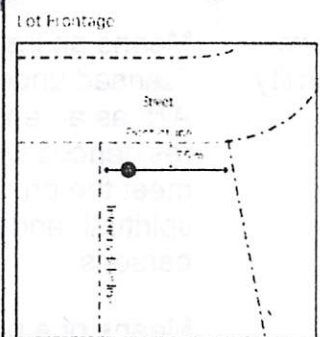
Lot Area	Means the total horizontal area within the lot lines of a lot.
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Lot Coverage	Means the horizontal area of that part of the lot covered by all roofed structures and buildings above ground level, excluding permitted eave projections and balconies, expressed as a percentage of the lot area.
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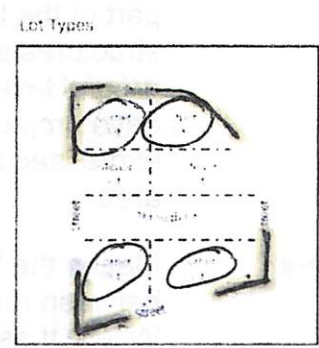
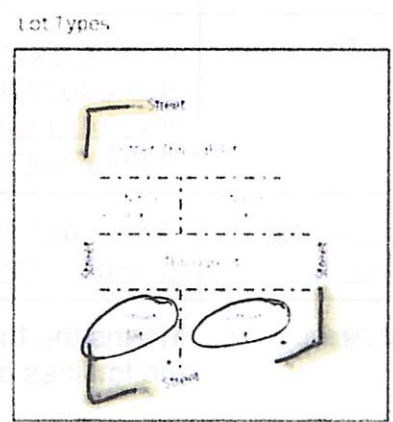
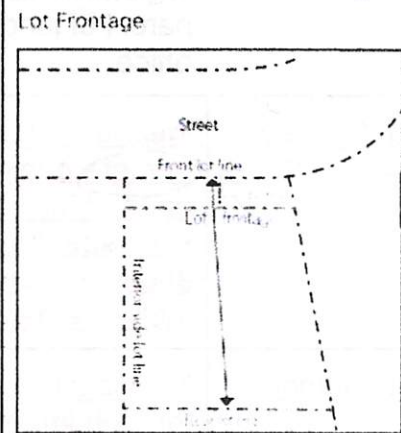
Lot Depth	Means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it
-----------	------------------------------------------------------------------------------------------------------------

PLEASE SEE OVER →

Term	Definitions
	shall be the length of a line joining the mid points of the front and rear lot lines.
Lot Frontage	Means the horizontal distance between the side lot lines; where such lot lines are not parallel, the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 6.0 metres from the front lot line.
Lot Line	Means any boundary of a lot.
Lot Line, Exterior Flankage	Means a lot line other than a front lot line that abuts a street.
Lot Line, Front	<p>Means any lot line abutting a street, and:</p> <p>(a) For a corner lot, through lot or through corner lot, the shortest of the lot lines that divide the lot from the road shall be deemed to be the front lot line.</p> <p>(b) For a corner lot, through lot, or through corner lot where such lot lines are of equal length, the City may deem any of the lot lines that divide the lot from the street as the front lot line.</p>
Lot Line, Interior Side	Means a lot line other than a front, rear, or an exterior flankage lot line.
Lot Line, Rear	Means the lot line opposite to, and most distant from, the front lot line, but where the side lot lines intersect, the rear lot line shall be the point of intersection of the side lot lines.



Measurement of Lot Frontage



Term	Definitions
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dwelling used or designed to be used for the parking of vehicles and includes any surfaced or other hard landscaping located parallel to the driveway that is able to be parked on by any part of a vehicle.

? →

Means for a non-residential use, an area provided for access between a street and the following, but does not include the following, parking area(s), parking structure(s), loading space(s), queuing space(s), and access aisle(s), an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.

WHAT IF IT IS A GARAGE?
ANY VEHICLE?

KEEP THIS

Dry Cleaning and Laundry Plant

Means a building where dry cleaning, dry dyeing, washing, or pressing of articles of clothing and/or goods of fabric is conducted.

Dwelling

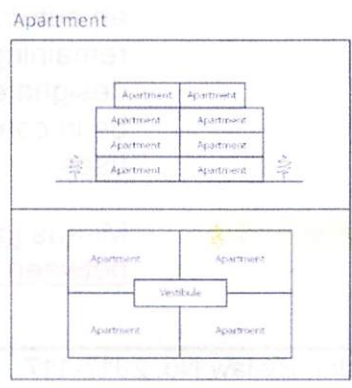
Means a separate building containing one or more dwelling units.

Dwelling, Accessory

Means a dwelling unit that is located in a single-detached dwelling, semi-detached dwelling, or two-unit dwelling, or townhouse dwelling that is subordinate to the principal dwelling.

Dwelling, Apartment

Means a dwelling unit within a building containing five or more dwelling units where the units are connected by a common corridor or vestibule, but does not include a rooming or boarding house.



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

My primary interest and focus on this Zoning By-law Amendment is in the area of parking and in the clarity of definitions pertaining to that topic.

Commonly used motorized vehicles are a necessity for daily living to provide for our families, enjoy recreational activities and stay connected to our friends and community. We live in wonderful city that has been growing and is becoming increasingly busy on our streets and infrastructure. We need to recognize that on-street parking deals with competing uses for a limited amount of curb space.

The primary function of a street network is to move vehicles and pedestrians safely and efficiently. On-street parking is not a right but rather a privilege.

Recreational vehicles are a luxury yet they are claiming seasonal parking space for storage. They correctly cannot be used for habitation and they block the views of neighbours who wish to enjoy the best parts of an outdoor season. Safety for our children coming and going from school or in the summer vacation learning to ride a bike, or people walking their dogs and are unable to see another dog walker coming their way, should be examples of our focus and concerns. There are many storage businesses available to accommodate these RVs for the small percentage of the population who own them. Let us refocus on what is important to the majority of our residents and change our property uses and decisions to make this City livable for everyone.

Our Mayor's Message, in **Projects and Initiatives 2023 to 2026 Livability**

Objectives 4.4, encouraged us to focus on finding opportunities to improve traffic flow, safety and accessibility. Let's work on making those opportunities a reality!

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, boat or other recreational vehicle, unless specifically permitted by this By-law.

6.12.2 Private Storage – Outdoors

On a developed lot:

- a) No person shall store or park any boat or trailer or other recreational type of vehicle without maintaining one required parking space and an available, exclusively used, unobstructed driveway or aisle leading to that space.
- b) No person shall store or park any boat or trailer or other recreational type of vehicle that exceeds 10 metres in length.
- c) No person shall store or park any boat or trailer or 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 if it is a corner lot, the exterior/rear yard set back from the street line to the parking space must be 3 metres; 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 curb exists and the requirements set out in a) above are met.
- d) No person shall use a boat, trailer or recreational type vehicle for human habitation.

My interest in the housekeeping amendment is on two areas of Zoning By-law 2017-117.

Firstly, while no changes were directly made in the content of 6.12.2 Private Storage-Outdoors, (Trailers, Recreational Vehicles and Boat Parking and Storage) the proposed definition changes found in Section 4 for “Parking Area”, “Driveway” and the change of “any” building to “main” building in the Yard definitions, altered the permitted guidelines for the seasonal parking of recreational vehicles. With that in mind, I am requesting that **my** revision of 6.12.2 Private Storage-Outdoors (copy attached) be considered to replace the existing By-law. The minor changes I am proposing make the By-law more readable and adds a setback for c)i) from the “street line” to reflect the definition changes for a **corner lot** “Exterior Side Yard” and as well maintains the integrity of the **original** definition of a driveway.

Further to the proposed changes to the definition of a driveway, the last line includes “able to be parked on **by any part of a vehicle**”. This leaves the door open for allowing storage on a driveway for tires, a vehicle in a wrecked condition, etc. and as there is no definition for “vehicle” in section four, the common definition found in the Oxford dictionary defines a vehicle as a conveyance which could be anything that transports people or things such as an ambulance or aircraft, or as wild as a rickshaw, chariot and so forth. The original simple, precise definition of a driveway should remain.

Secondly, Report P&B 2017-53, page 4, Section 6, noted that the “parking standards have been relaxed to reflect current and future conditions”. The new residential standard was reduced to one space per dwelling unit. This opened the door to use a driveway for the Outdoor Storage of Recreational Vehicles. While this use may have been important in 2017, today there are many local and affordable businesses for storage that can now accommodate RV’s and put motorized vehicles back on people’s driveways and off the street. As stated in the City’s Parking Enforcement mandate, “on street parking is not a right but rather a privilege”. With the projected increase in Welland’s population in mind and the fact that families now have multiple cars/trucks, and that delivery vehicles are a daily occurrence on every street in the City our streets have become overloaded with vehicles. We must ensure our important Emergency services such as Police, Fire and Ambulance have clear and safe access on our streets to keep us safe. With this in mind and with the proposed City of Welland Official Plan commitments, we need to phase out Seasonal Parking Outdoors as the high density of housing projects continue.

As well, the high density of housing is bringing more noise into our City from construction, traffic, people, etc. The 10 year old 2015 noise By-law needs some immediate attention. No longer do we have the 5 day, 9 to 5 work week and many people are working longer hours and at home. Section (k) on page 6 needs to be “At all times” to encourage and reflect what it means to be a respectful good neighbour.

The commitment to the common good for all residents of this City should be our primary goal. WELLAND GOOD is what we deserve.

Mariam Gibson
905 734 8486

Prospective revision of the original by-law found on page 115.

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, boat or other recreational vehicle, unless specifically permitted by this By-law.

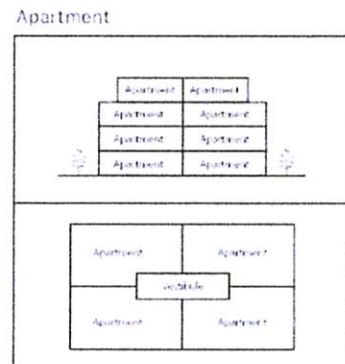
6.12.2 Private Storage – Outdoors

On a developed lot:

- a) A person may store or park **one** boat **or** trailer **or** other recreational type of vehicle providing one required parking space and an available, exclusively used, unobstructed driveway or aisle leading to that space is maintained.
- b) A person shall not store or park any boat or trailer or other recreational type of vehicle that exceeds 10 metres in length.
- c) A person shall not store or park any boat or trailer or 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 if it is a corner lot, the exterior/rear yard set back from the street line to the parking space must be 3 metres; 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 curb exists and the requirements set out in a) and b) above are met.
- d) No person shall use a boat, trailer or recreational type vehicle for human habitation.

Term	Definitions
Driveway	<p>designated queuing space, and may be in combination with other land uses.</p> <p>Means <u>an area leading from a street, condominium road, or lane and provides access to a parking space and/or private garage and includes any hard surface or other hardscaping located parallel to the driveway that is able to be parked on by any part of a vehicle.</u></p> <p>an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.</p>
Dry Cleaning and Laundry Plant	<p>Means a building where dry cleaning, dry dyeing, washing, or pressing of articles of clothing and/or goods of fabric is conducted.</p>
Dwelling	<p>Means a separate building containing one or more dwelling units.</p>
Dwelling, Accessory	<p>Means a dwelling unit that is located in a single-detached dwelling, <u>semi-detached dwelling,</u> or <u>two-unit dwelling, or townhouse dwelling</u> that is subordinate to the principal dwelling.</p>
Dwelling, Apartment	<p>Means a dwelling unit within a building containing five or more dwelling units where the units are connected by a common corridor or vestibule, but does not include a rooming or boarding house.</p> <p>Additionally, a Mixed Use Zone permits a dwelling unit within a</p>

PLEASE KEEP THIS DEFINITION
dm



By-law. Many changes are technical changes (editorial, typographical errors) or have been made to clarify the intent or applicability of a regulation. Other changes were made as a result of further review of issues that have been identified throughout the process. The majority of the submissions received from the public are of a site specific nature for a specific property.

Section 3 – Establishment of Zones

This section establishes which Zones are in the Zoning By-law. It also gives direction on the use of Site Specific Zone, Holding Zones, Temporary Use Zones and Interim Control By-law. The proposed Zoning By-law establishes twenty-six (26) new Zones versus the fifty (50) Zones that exist in the current By-laws. Staff are recommending less Zones because it makes it easier for Staff and the public to understand and interpret the By-law. There is still an appropriate mix of Zones to ensure effective land use management while still providing ample opportunities for growth and development in the City.

Section 4 – Definitions

Section 4 defines key terms in the proposed By-law. There has been a consolidation of definitions from the current By-laws. The definitions have also been refined to provide a clear indication of what the key terms mean. For example, under the current By-laws there are a variety of definitions for retail type uses (eg. Convenience store, retail store, and second hand store). The proposed Zoning By-law will only include a definition for retail store which encompasses most retail type uses.

Section 5 – General Provisions

The General Provisions Section covers forty-four (44) different development situations and how they are regulated. This includes but is not limited to accessory uses, buildings and structures, public uses, bed and breakfast establishments and encroachments. This Section also establishes permissions for accessory dwelling units which have been mandated by the Province to be included in New Zoning By-laws. The current By-laws did not expressly permit Accessory Dwelling units in compliance with the current Planning Act requirement. Staff are of the opinion that this change will have positive impacts on the City as a whole. It will help to create affordable housing units for all types of people and make home ownership more affordable. It will also assist the City in continuing to meet the intensification requirements of the Growth Plan for the Greater Golden Horseshoe. In particular, that 60% of the City's residential growth occur in the Built-Up Area of the City.

Section 6 – Parking and Loading Regulations

The Parking and Loading Regulations Section provides new and refreshed parking and loading standards for the whole City. The parking standards as they relate to the number of spaces required and the size have been relaxed to reflect current and future conditions (eg. Online shopping, automated productions, aging populations and increased transit use). The current parking requirements are too restrictive and do not reflect market and societal conditions. The new standard for industrial uses has been reduced to 1 space per 180 m². The residential standard is now 1 space per dwelling units (except in DMC Zoned properties) and .3 spaces for apartments will equal to or less than 50 m². The new Commercial Standard has been rationalized at 1 space per 30 m². The barrier free standards have been revised to be compliant with OADA requirements. Requirements for bicycle parking are now included in the new By-law. This is being done to promote active transportation. There is also now a provision



Parking Enforcement

Enforcement of parking regulations supports improved road safety, traffic flow, and accessibility. Parking enforcement is proactively enforced throughout the city.

Parking advisories +

Ways to avoid receiving a parking ticket:

- Look for signs and do not assume parking is permitted.
- Read the parking meters and machines, ensuring you receive the appropriate time for the amount you deposit, and if there is a problem, immediately contact traffic and parking operations.
- Do not park in spaces reserved exclusively for vehicles displaying valid accessible parking permits, and do not park in accessible spaces; doing so comes with a provincial legislation fine of \$300.
- Park at a distance from corners and bus stops.
- Use off-street parking for longer-term parking at a lower cost. Most parking lots are within a short distance from any downtown core business.
- Park safely within school zones and be aware of your surroundings.
- Respect residential parking restrictions.
- Always err on the side of caution.
- Do not park in fire routes.


On-street residential parking -

On-street parking is not a right but rather a privilege subject to a given roadway's functional, safety, geometrics, and adjacent access characteristics. Parking is permitted on any street unless posted signs indicate otherwise.

On-street parking deals with several competing uses for a limited amount of curb space. The primary function of a street network is to move vehicles and pedestrians safely and efficiently. Commercial districts require available curb space for unloading and customer parking, and area residents can become frustrated at the high demand for long-term parking spaces in their neighbourhood.

Parking restriction signs are installed to address the need for additional travel lanes, safety concerns, and emergency services access to a roadway. In addition, permissive parking signs are installed to limit the time that vehicles may park. These signs are primarily located in business and commercial areas to generate parking turnover for the benefit of businesses and



<p>repose of any person in any dwelling unit, hotel or other type of residence.</p>	
<p>j) The sound or noise from or created by any radio, television, electronic device, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument which emits sound when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence or business office.</p>	<p>At all times</p> 
<p>k) Any shouting, yelling, hooting, whistling or singing which disturbs the peace and quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.</p>	<p>Between the hour of 11:00 p.m. of any Sunday, Monday, Tuesday, Wednesday or Thursday and the hour of 7:00 a.m. of the following day (unless the following day is a holiday) or between the hour of 1:00 a.m. and the hour of 7:00 a.m. of any Saturday, Sunday or holiday.</p>
<p>l) Any unreasonable or unnecessary noise in the vicinity of any school, hospital or court of law which the same is in session.</p>	<p>At all times</p>
<p>m) The sound or noise from or created by any drum, horn, bell, radio, record player, tape player, amplifier, loudspeaker, public address system or equipment, device or instrument which emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods, wares or merchandise and projects such sound or noise into any street or other public space.</p>	<p>At all times</p>
<p>n) The sound or noise from or created by any radio, record player, tape player, amplifier, loud speaker, public address system or equipment, device or instrument which emits sound when the same is used or operated from any motor vehicle, trailer or other vehicle</p>	<p>At all times</p>
<p>o) The racing or accelerating of a motor attached to any motor vehicle while the vehicle is not in motion</p>	<p>Between 11:00 p.m. of any day and 7:00 a.m. of the following day, 9:00am on Saturdays, Sundays and statutory holidays.</p>
<p>(p) The operation or use of any tool for domestic purposes other than snow removal</p>	<p>Between 11:00 p.m. of any day and 7:00 a.m. of the following day, 9:00 a.m. on Saturdays, Sundays and statutory holidays</p>

SCHEDULE 1

TIME AND ACTIVITY PROHIBITIONS

TYPE OF ACT	PROHIBITED PERIOD OF TIME
a) The sounding of any bell, horn, siren or other warning device on any motor vehicle, motorcycle, snowmobile, bicycle or other vehicle or whatsoever kind except when permitted by law.	At all times
b) The sounding of any such bell, horn, siren or warning device for an unnecessary or unreasonable period of time.	At all times
c) The grating, grinding or rattling sound or noise caused by the condition of disrepair or maladjustment of any motor vehicle, motorcycle, snowmobile, trailer or other vehicle or part or accessory thereof.	At all times
d) The sound or noise created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things which are loaded upon such vehicle in such a manner as to create noise.	At all times
e) The sound or noise from the discharge into the open air of the exhaust of any steam engine or internal combustion engine, including the engine of an automobile, motorcycle and snowmobile, except through a muffler or other device which effectively prevents loud or explosive noises.	At all times
f) The sound made by any animal or bird which unreasonably disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.	At all times
g) The sound or noise from any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose giving notice to workmen of the time to commence or cease work or as a warning of danger.	At all times
h) The sound or noise arising from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building or structure except in case of urgent necessity	Between 6:00 p.m. of any day and 7:00 a.m. of the following day.
i) The sound or noise produced by the venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, compressor, pressure vessel, pipe, valve, machine, device or system which disturbs the peace, quiet, comfort or	At all times

From: [Municipal Planning](#)
To: [Caitlin Kovacs](#)
Subject: RE: Application for Zoning By-law Amendment - Welland - File No. 2024-02
Date: May 3, 2024 8:51:26 AM

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Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Sent: Monday, April 29, 2024 4:29 PM
Subject: [External] Application for Zoning By-law Amendment - Welland - File No. 2024-02

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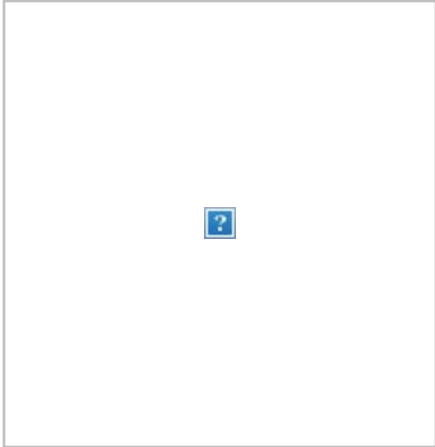
Please be advised of application for zoning by-law amendment, City File No. 2024-02 for housekeeping amendments to Zoning By-law 2017-117.

Please have any comments returned no later than May 24, 2024, the relevant documentation

is attached to this email.

If you have any questions or concerns, please reach out to myself.

Best regards,



Caitlin Kovacs

Development Planner

Planning and Development Services

60 East Main Street, Welland, Ontario

L3B 3X4

Phone: 905-735-1700 x2131

welland.ca

engagewelland.ca



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MEMORANDUM

TO: Caitlin Kovacs, Development Planner

FROM: Tolga Aydin, C.E.T., Development Technologist

CC: Taylor Meadows, RPP, Planning Supervisor, Development
Samantha McCauley, P.Eng., Senior Project Manager – Development

DATE: May 08, 2024

SUBJECT: Housekeeping Zoning By-law Amendment 2024-02 Review

An application for a housekeeping Zoning By-Law Amendment was initiated by the City of Welland Planning Department. The Engineering department has reviewed the proposed changes.

After review, Engineering has no comments.

From: [Wilson, Connor](#)
To: [Caitlin Kovacs](#)
Subject: RE: Application for Zoning By-law Amendment - Welland - File No. 2024-02
Date: May 21, 2024 3:26:05 PM
Attachments: [image001.png](#)

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Good afternoon Caitlin,

Regional Growth Strategy and Economic Development staff does not object to the proposed housekeeping amendments to Zoning By-law 2017-117, and is satisfied that the Amendments are consistent with the PPS and conforms to Provincial and Regional plans.

Regional staff offer no comments.

All the Best,



Connor Wilson
Development Planner
Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7
P: (905) 980-6000 ext. 3399
W: www.niagararegion.ca
E: connor.wilson@niagararegion.ca

From: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Sent: Monday, April 29, 2024 4:29 PM
Subject: Application for Zoning By-law Amendment - Welland - File No. 2024-02

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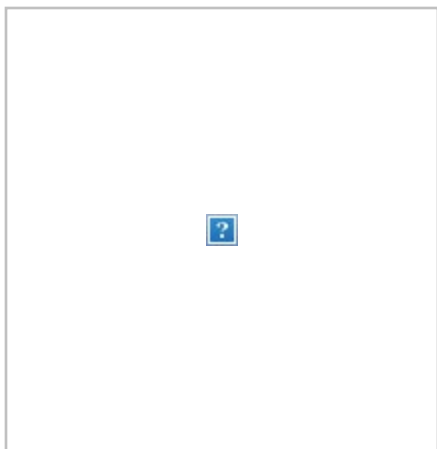
Hello,

Please be advised of application for zoning by-law amendment, City File No. 2024-02 for housekeeping amendments to Zoning By-law 2017-117.

Please have any comments returned no later than May 24, 2024, the relevant documentation is attached to this email.

If you have any questions or concerns, please reach out to myself.

Best regards,



Caitlin Kovacs
Development Planner
Planning and Development Services
60 East Main Street, Welland, Ontario
L3B 3X4

Phone: 905-735-1700 x2131

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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 Pan contains policies that affect the use of land throughout the City. -These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

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

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

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

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

How to Use This By-law – step by step

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

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

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

2. By-law Amendments

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

3. Zone Provisions

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

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

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

4. General Provisions

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

5. Parking and Loading

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

6. Exceptions, Holding Zones, and Temporary Uses

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

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

Description of By-law Components

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

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

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

The purpose of each of these Sections is described below.

Section 1 and 2 – Interpretation and Administration

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

Section 3 - Establishment of Zones

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

Section 4 - Definitions

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

Section 5 - General Provisions

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

Section 6 - Parking and Loading Standards

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

Section 7 to 13 – Zone Provisions

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

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

Section 15 - Enactment

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

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SECTION 1 INTERPRETATION

1.1 Title of By-law

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

1.2 Administration

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

1.3 Scope of By-law

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

1.4 Area for Which By-law Applies

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

1.5 Level of Accuracy

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

1.6 Abbreviations

Abbreviations used throughout this By-law are as follows:

M	metre(s)
Cm	centimetre(s)
m ²	square metre(s)
Ha	hectares
Max	maximum
Min	minimum
%	percent

G.F.A. Gross Floor Area

1.7 Measurements

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

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

1.8 Legal Non-Conforming Buildings and Uses

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

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

1.9 Conformity and Compliance Requirements

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

1.10 Compliance with other Legislation or Regulations

- a) Nothing in this By-law shall exempt any person from the requirement to comply with other By-laws of the City and regulations of the Regional Municipality of Niagara, Niagara Peninsula Conservation Authority, Province of Ontario, and Government of Canada, that may affect the use of land or the erection, use or alteration of buildings or structures.
- b) To the extent of any conflict or inconsistency between this By-law and any other By-law of the City, the more restrictive By-law shall prevail.

- c) Where a permit has been issued by the Niagara Peninsula Conservation Authority, the provisions or conditions set out in the permit shall supersede the provision of this By-law where more restrictive.
- d) References to “the Zoning By-law”, or “By-law 2667”, or “By-law 1538 (Crowland)” in other City By-laws or documents shall be deemed to refer to this By-law where this By-law applies.

1.11 Definitions

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

1.12 Discretionary and Mandatory Wording

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

1.13 Examples and Illustrations

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

1.14 Legislative References

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

~~Technical Revisions~~

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

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

SECTION 2 ADMINISTRATION

2.1 Validity

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

2.2 Effective Date

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

2.3 Technical Revisions to the Zoning By-law

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

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

2.4 Enforcement

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

2.5 Removal and Reinstatement

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

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

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

2.6 Violation of the By-law

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

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

2.7 Penalties

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

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

2.8 Repeal of Former By-laws

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

2.9 Transition Matters

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

- a) This By-law does not apply to prevent the issuance of a building permit for a project for which a Complete Application was received on or prior to the day before this By-law was passed by Council for a:
 - i) Building Permit;
 - ii) Committee of Adjustment Approval;
 - iii) Site Plan Control Approval;
 - iv) Part Lot Control Exemption Approval;
 - v) Approval of Draft Plan of Subdivision or Draft Plan of Condominium; or
 - vi) Site Specific Zoning By-law Amendment.
- b) For the purposes of Subsection 2.8 a), "Complete Application" means an application which could have been approved or granted on the day before this By-law was passed by Council, had it been processed or disposed of on that day as determined in accordance with the provisions of the *Planning Act*, as amended, R.S.O. 1990, Chapter P. 13, and the Regulations, thereunder.
- c) Where a project qualifies under Section 1.8 - Legal Non-conforming Uses the building permit for that project may be issued; or the Committee of Adjustment Approval, the Site Plan Control Approval, the Part Lot Control Exemption Approval, and the Draft Plan of Subdivision or Draft Plan of Condominium Approval may be granted, if the project in question complies with the provisions of Zoning By-law Numbers 2667 or 1538 (Crowland),

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

- d) Nothing in this By-law applies so as to continue the exemption provided by this Subsection beyond the issuance of the permit or other approval under Subsection 2.8 a), upon which the exemption is founded; and in no case, does the exemption mentioned in Subsection 2.8 c), continue beyond the repeal of this Subsection.
- e) Once the permit or approval under Subsection 2.8 a), has been granted, the provisions of this By-law apply in all other respects to the land in question.
- f) Section 2.8 is repealed in its entirety three years from the date of enactment of this By-law.

SECTION 3 ESTABLISHMENT OF ZONES

3.1 Zones and Zone Symbols

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

Table 3.1.1: Zones in the Zoning By-law

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

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

3.2 Location of Zones

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

3.3 Zone Maps

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

3.4 Determining Zone Boundaries

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

- a) As following a street, lane, railway, right-of-way, transmission line, or watercourse, the boundary shall be the ~~centre-line~~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 ~~centre-~~linecentreline of the future public or private street being constructed;

- c) As following any other lot line on an existing lot or a future lot shown on a draft approved Plan of Subdivision or Condominium, the boundary shall be the existing or future lot line;
- d) As running substantially parallel to a lot line abutting any street and the distance from the street is not indicated, the boundary shall be parallel to the applicable lot line and the distance shall be determined according to the scale shown on the Zone Maps;
- e) As following a lot line abutting an unopened road allowance, the boundary shall be the ~~centre-line~~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 required by this By-law may be provided anywhere on a lot that falls into two or more Zones except that portion of a lot in any Environmental Zones.
- c) A Zone boundary dividing a lot into two or more Zones is not a lot line for the purposes of this By-law.

3.6 Special Zone Symbols

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

3.7 Site Specific Zones

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

3.8 Holding Zones

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

3.9 Temporary Use Zones

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

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

3.10 Interim Control By-laws

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

h)

- 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.
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SECTION 4 DEFINITIONS

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

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

Term	Definitions
	<p>which, or of the building or structure within which, the accessory use is located.</p>
<p>Adult Entertainment Establishment</p>	<p>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.</p>
<p>Aggregate Extraction Operation</p>	<p>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.</p>
<p>Agriculture</p>	<p>Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.</p>
<p>Agriculture-Related Use</p>	<p>Means those farm-related commercial and farm-related industrial uses that are directly related to a farm operation in the area, support agriculture, benefit from being in close proximity to farm</p>

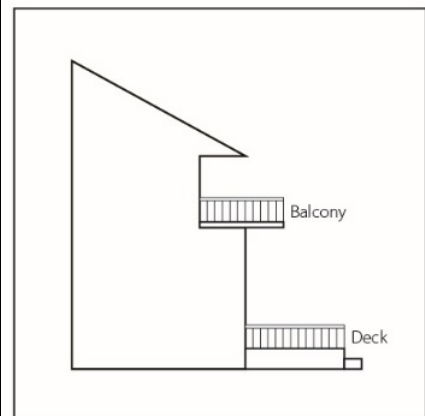
Term	Definitions
	operations, and provide direct products and/or services to farm operations as a primary activity.
Agri-Tourism	Means the use of land, buildings or structures for accessory uses to the principal agricultural use of the lot, conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to agricultural education and research facilities, bed and breakfast establishments, farm markets and the retail of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, value-added assembly, fabrication, processing, packing or storage operations.
Air Treatment Control System	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.
Alter	<p>Means:</p> <ul style="list-style-type: none"> (a) When used in reference to a building or part thereof, a change in the total floor area or an addition made to a building, or a change made in the type of construction of the exterior walls or roof thereof; or (b) When used in reference to a lot, a decrease in the width, depth, area of any required yard, or a change in the

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

B

Balcony	Means a platform in excess of 2.4 metres above-grade, having at least one side open that may be covered by either a roof or another balcony, <u>and</u> shall have no direct access to the ground, is cantilevered and not supported by columns at ground level.
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Balconies & Decks



Term	Definitions
Basement	Means that portion of a building below the first storey.
Bed and Breakfast	Means a single-detached dwelling occupied by the owner and offering short term lodging for compensation to the travelling and vacationing public and where meals may be offered to the occupants of the guest rooms.
Boarding or Lodging House	Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital, nursing home or other establishment otherwise classified or defined in this By-law.
Building	Means any structure, whether temporary or permanent, consisting of walls and a roof, used, or intended to be used for the shelter, accommodation, or enclosure of persons, animals, or chattels.
Building and Lumber Supply Establishment	Means the use of land, buildings or structures, or part thereof for a retail store predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, garden products, and home design products.
Building or Contracting Supply Establishment	Means the use of land, buildings or structures, or parts thereof, in which building, construction or home improvement materials are warehoused such as a lumber yard, and which may include accessory retail.

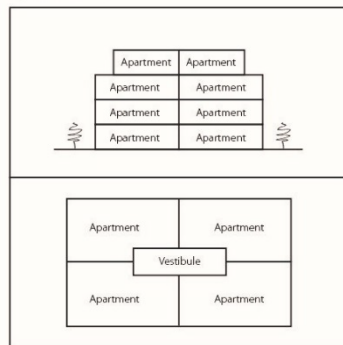
Term	Definitions
Building Height	Means the vertical distance between the average grade at the base of a main wall of the building and the highest point of the roof. -Where the height is established in the regulations as a number of storeys, height means the number of storeys.
C	
Cannabis Production Facility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

Term	Definitions
Commercial Vehicle	Means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways as defined in the <i>Highway Traffic Act</i> , as amended.
Community Centre	Means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature.
Community Garden	Means a communal garden provided for the sole use of or consumption by the individual or individuals working the garden.
Conservation	Means the use of land, buildings, or structures for the purpose of the protection and management of the natural environment.
Contractors Establishment	Means a premises where construction, maintenance, repair and service equipment, vehicles and materials of a contractor are stored and where contractor performs work in preparation for providing construction, maintenance, or repair services elsewhere, and may include an accessory office for the administration of the business and an accessory display area of pertinent samples.
Custom Workshop	Means a building where there is carried on individual custom production of drapes and slip-covers, venetian blinds, handmade leather goods, millinery, glass blowing, orthopaedic and prosthetic appliances, weaving, awnings, metal

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

Term	Definitions
Driveway	<p>designated queuing space, and may be in combination with other land uses.</p> <p>Means <u>an area leading from a street, condominium road, or lane and provides access to a parking space and/or private garage and includes any hard surface or other hardscaping located parallel to the driveway that is able to be parked on by a motor vehicle.</u></p> <p>an unobstructed driving route located within a parking area and designed to provide access between a public street or condominium road and a parking space, aisle, or loading space, or between two parking areas, by motor vehicles.</p>
Dry Cleaning and Laundry Plant	<p>Means a building where dry cleaning, dry dyeing, washing, or pressing of articles of clothing and/or goods of fabric is conducted.</p>
Dwelling	<p>Means a separate building containing one or more dwelling units.</p>
Dwelling, Accessory	<p>Means a dwelling unit that is located in a single-detached dwelling, <u>semi-detached dwelling,</u> or two-unit dwelling, <u>or townhouse dwelling</u> that is subordinate to the principal dwelling.</p>
Dwelling, Apartment	<p>Means a dwelling unit within a building containing five or more dwelling units where the units are connected by a common corridor or vestibule, but does not include a rooming or boarding house.</p> <p>Additionally, a Mixed Use Zone permits a dwelling unit within a</p>

Apartment



Term	Definitions
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	building containing a non-Residential use on the first storey. -The apartment dwelling is accessed by an entrance separate from that for the non-Residential use.
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<u>Dwelling, Block Townhouse</u>	<u>Means a residential townhouse building containing three or more attached principal dwelling units that are divided vertically and where all the townhouses are located on one lot or block and accessed from a street, laneway, or common element as part of a condominium.</u>
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Dwelling, Converted	Means a residential dwelling that has been altered, but not demolished and replaced, to increase the number of principle dwelling units to four or more.
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Dwelling, Duplex	Refer to Dwelling, Two-Unit.
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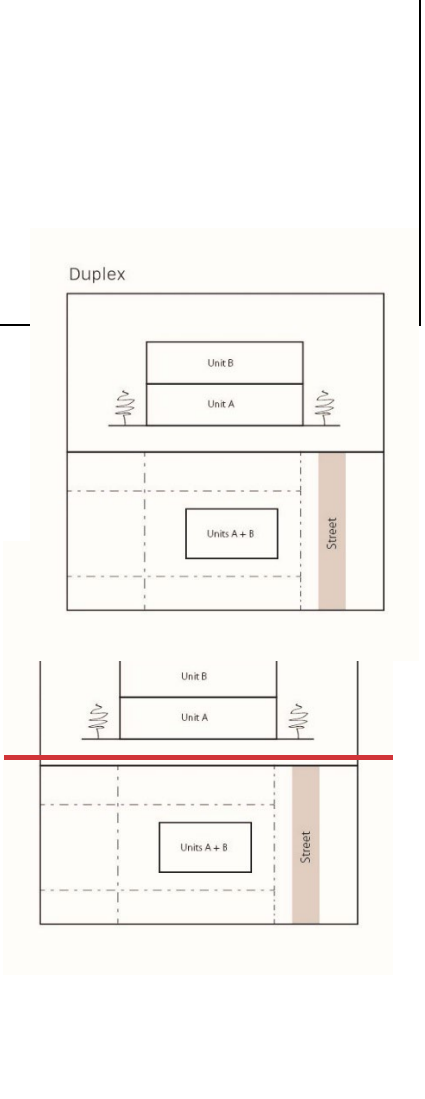
Dwelling, Link	Refer to Dwelling, Multiple.
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Dwelling Maisonette / Back-to-Back	Refer to Dwelling, Multiple.
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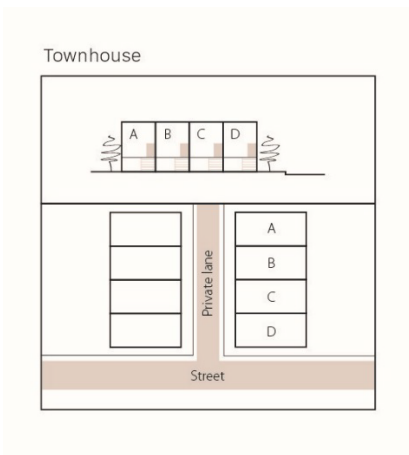
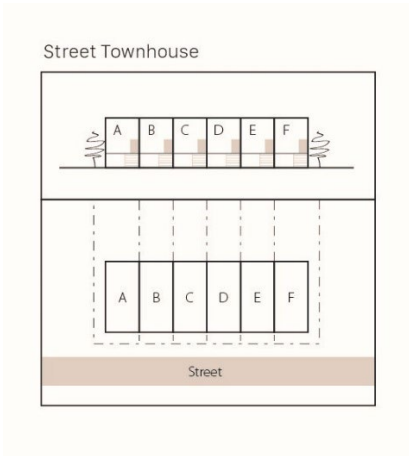
Dwelling, Multiple	Means a dwelling unit within a building containing three or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.
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<u>Dwelling, Principal</u>	<u>Means the primary dwelling unit on a lot.</u>
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Dwelling, Semi-Detached	<u>Means a building that is divided vertically into two principal dwelling units each with an independent entrance to the exterior and wherein each dwelling unit is located on a</u>
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Term	Definitions
Dwelling, Single-Detached	<p>separate lot. Refer to Dwelling, Two-Unit.</p> <p>Means a dwelling containing one dwelling unit.</p>
Dwelling, Stacked Townhouse	Refer to Dwelling, Multiple.
Dwelling, Street Townhouse	Means a townhouse dwelling wherein each dwelling unit is located on a separate lot.
Dwelling, Townhouse	Refer to Dwelling, Multiple.
Dwelling, Two-Unit	Means a dwelling containing two <u>principal</u> dwelling units but does not include an accessory dwelling unit.
Dwelling Unit	Means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.
E	
Educational Establishment	Means a Provincially approved institution for academic instruction and shall include a public, private, or separate school, college, or university.
Emergency Service	Means police, fire, ambulance, or paramedic services.
Environmental Protection Areas	Means Provincially Significant Wetlands, Provincially Significant Life Science Areas of Natural and Scientific Interest (ANSI); Fish Habitat, and Significant Habitat of



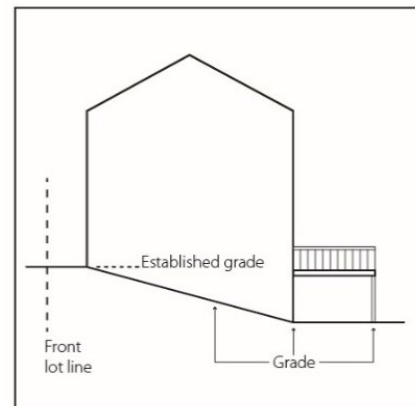
Term	Definitions
	Threatened and Endangered Species; Key Natural Heritage Features; and Key Hydrologic Features.
Environmental Conservation Areas	Means significant woodlands; significant wildlife habitat; significant habitat of species of concern; Regionally Significant Life Science; other evaluated wetlands; significant valley lands; savannahs and tall grass prairies; alvars; and, publicly owned conservation lands.
Erect	Means to build, construct, reconstruct, move, or enlarge a building or structure, and includes any physical operation and preparatory work such as excavating, filling, grading, or draining land for a building or structure.
Existing	Means existing as of the date of the passing of this By-law.
F	
Farm Labour Residence	<p>Means accommodation accessory to agriculture and on the same lot as an existing permanent principal farm dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:</p> <ul style="list-style-type: none"> <li data-bbox="451 1617 984 1764">(a) An accessory apartment attached to and forming part of the principal farm dwelling; or <li data-bbox="451 1795 984 1858">(b) An accessory detached dwelling of temporary

Term	Definitions
	<p>construction, such as a mobile home; or</p> <p>(c) An accessory detached bunk house of temporary construction where cooking and sanitary facilities are shared.</p>
Farm Produce/Product Stand	Means a building or structure where fresh fruit and vegetables, flowers, and plants grown, and other products derived from the agricultural operation on the same property are offered for sale on a seasonal basis.
Financial Establishment	Means a use where money is deposited, kept, lent, and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.
First Floor	Means the floor of a building approximately at or first above-grade.
Flea Market	Means a retail establishment consisting of multiple vendors engaged in the retailing of home-made, home-grown, hand-crafted, and antique as well as previously owned or used goods, wares, merchandise, or other articles.
Floor Area, Ground	Means the area of that portion of a lot occupied by a building or structure, exclusive of any porch, sunroom, or private garage.
Food Production	Means a premises for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the premises such as catering establishments, make-

Term	Definitions
	your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers.
Fuel Storage Tank	Means a tank for the bulk storage of petroleum, gasoline, fuel, oil, gas, natural gas, or inflammable liquid; but does not include a container for inflammable liquid legally and properly kept in a retail store, or a tank for storage merely incidental to some other use of the premises where such tank is located.
Funeral Home	Means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming, and includes an ancillary visitation centre and place of worship and may also include a crematorium and cemetery.
G	
Garage, Private	Means a portion of a dwelling or a detached accessory building or structure accessory to a dwelling designed or primarily used for the parking of private motor vehicles, permitted commercial motor vehicles, and/or recreational vehicles, and includes carports.
Garden Centre	Means the use of land or a building, or part thereof, for the display and sale of plants, trees, shrubs, and the like and may include the sale of landscaping and gardening supplies such as soils, planting materials, mulch, hand tools, ornamental garden décor, and similar materials

Term	Definitions
	used in landscaping and gardening but does not include the cultivation of plants.
Garden Suite	Means a temporary one unit, detached residential structure containing bathroom and kitchen facilities that is ancillary to the existing residential structure and that is designed to be portable.
Golf Course	Means a public or private area operated for the purpose of playing golf and may include a restaurant, a clubhouse, a pro shop, driving ranges, miniature golf, hotel, accommodations, and similar uses which are normally accessory to the operation of a golf course, and which are located on the same lot as the golf course.
Grade	Means the average level of proposed or finished ground adjoining a building or structure at all exterior walls.
Grade, Established	Means the grade elevation measured at the centre point of the front lot line for interior lots, and average of the centre points of each lot line abutting a road for corner lots and through lots.
Greenhouse	Means a building for the growing of flowers, plants, shrubs, trees, and similar vegetation but shall not include a garden centre or landscaping business.
Grocery Store	Means a building or part thereof used for the sale of food, and may include the incidental sale of household items, with a gross leasable floor

Grade & Established Grade



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

Term	Definitions
Gross Floor Area	<p>area of less than 3,000.0 square metres.</p> <p>Means the total area of each floor whether located above, at or below-grade, measured from the interior of outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:</p> <ul style="list-style-type: none"> (a) Floor area occupied by shared mechanical, service and electrical equipment that serve the building; (b) Common hallways, corridors, stairwells, elevator shafts and other voids, steps, and landings; (c) Bicycle parking, motor vehicle parking or loading facilities; (d) Common laundry, storage and washroom facilities that serve the building or tenants; (e) Common storage areas that are accessory to the principal use of the building; (f) Common amenity area and play areas accessory to a principal use on the lot; (g) Living quarters for a caretaker of the building; and (h) Outdoor patios.
Group Home	<p>Means a group living arrangement, within a dwelling unit occupied wholly by a minimum of four supervised residents and a maximum of ten, exclusive of staff, residing on the</p>

Term	Definitions
	<p>premises because of social, emotional, mental, or physical handicaps or personal distress.</p> <p>A group home shall not include an emergency shelter, lodging house, corrections residence, or correctional facility.</p>
H	
Habitable Room	Means a room in a dwelling unit designed for living, sleeping, and eating or food preparation.
Hazard Land	Means property or lands that could be unsafe for development due to naturally occurring processes. Along rivers, streams, and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. -(PPS, 2014)
Health Related Retail	Means commercial retail establishments related to health care including pharmacy, optician, etc.
Heavy Equipment Sales, Rental and Service	Means the sale, rental, servicing, and accessory storage of heavy vehicles including farm vehicles or equipment, and transport trucks or trailers.

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

Term	Definitions
	<p>accessory to a single detached dwelling or agricultural operation and performed by one or more residents of the household on the same property. -A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop, or blacksmith's shop, etc., but does not include an auto repair or paint shop.</p>
Home Occupation	<p>Means the accessory use of a dwelling for an occupation or business.</p>
Hospital, Public	<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>
Hotel/Motel	<p>Means a premises containing lodging units for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a restaurant, place of assembly, and retail stores which are incidental and subordinate to the primary hotel function and located in the same building.</p>
I	
Institutional Use	<p>Means the use of land, buildings, or structures for social, educational, health or religious purposes.</p>
J	

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

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

Term	Definitions
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	parcel of land in the land registry office.
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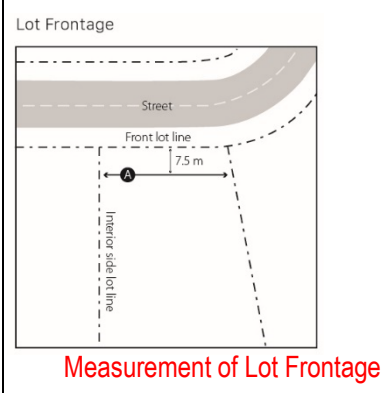
<u>Lot, Corner</u>	<u>Means a lot at the intersection of two public streets or upon two parts of the same public street with such street or streets containing an angle of not more than one-hundred thirty-five degrees.</u>
<u>Lot, Interior</u>	<u>Means a lot other than a corner lot, through lot, or through corner lot.</u>
<u>Lot, Through</u>	<u>Means a lot bounded by a public street on two opposite lot lines but does not include a corner lot or through corner lot.</u>
<u>Lot, Through Corner</u>	<u>Means a lot bounded by public streets on three or more lot lines.</u>

Lot Area	Means the total horizontal area within the lot lines of a lot.
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Lot Coverage	Means the horizontal area of that part of the lot covered by all roofed structures and buildings above ground level, excluding permitted eave projections and balconies, expressed as a percentage of the lot area.
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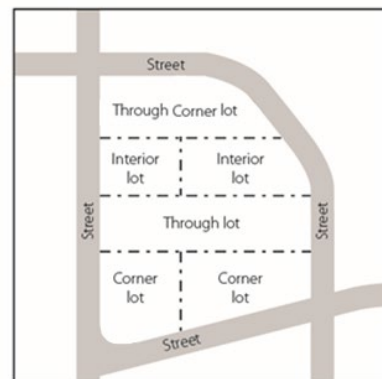
Lot Depth	Means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and rear lot lines.
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Lot Frontage	Means the horizontal distance between the side lot lines; <u>where such side lot lines are not parallel, the lot frontage shall be measured 6 metres from the front lot line and parallel to the front lot line.</u>
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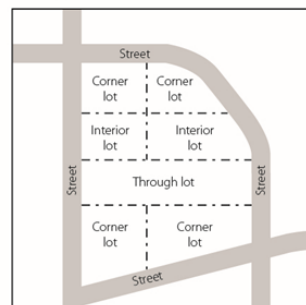


Term	Definitions
	<p>such lot lines are not parallel, the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 6.0 metres from the front lot line.</p> <p>Where the front lot line is not a straight line the lot frontage shall be measured 6 metres from the centre point of the chord and parallel to the chord.</p> <p>For the purposes of lot frontage the chord shall be the straight line joining the two points where the side lot lines intersect the front lot line.</p>
Lot Line	Means any boundary of a lot.
Lot Line, <u>Exterior Flankage</u>	Means a lot line other than a front lot line that abuts a street.
Lot Line, Front	<p>Means any lot line abutting a street, and:</p> <p>(a) For a corner lot, through lot or through corner lot, the shortest of the lot lines that divide the lot from the road shall be deemed to be the front lot line.</p> <p>(b) For a corner lot, through lot, or through corner lot where such lot lines are of equal length, the City may deem any of the lot lines that divide the lot from the street as the front lot line.</p>
Lot Line, Interior Side	Means a lot line other than a front, rear, or <u>an exterior-flankage</u> lot line.
Lot Line, Rear	Means the lot line opposite to, and most distant from, the front lot line,

Lot Types



Lot Types



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

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

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

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

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

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

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

Term	Definitions
	bingo halls but does not include casinos or any other establishment accommodating gambling services, an adult entertainment establishment, nightclub, or a sports facility.
Place of Worship	Means a lot, building or structure, 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.
Planting Strip	Means a strip of land, located within a required yard, devoted solely to the growing of grass, trees and/or ornamental shrubs and composed of planting material suitable to the soil and climate conditions of the site.
Play Lot	Means a lot used for the purposes of a non-profit play lot for children under the age of seven years and managed and controlled by the corporation or by a neighbourhood association, church or other similar organization.
Porch	Means an unenclosed, covered platform with direct access to the ground that is attached to a building.
Principal Use	Means the primary purpose for which a lot, building or structure is used, or is intended to be used.
Privacy Screen	Means a decorative wall or fence designed to provide privacy for a patio, deck, balcony, or part of a yard.
Private Club	Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations of

Term	Definitions
	community, social or cultural purposes, but does not include uses that are normally carried out as a commercial business.
Propane Transfer Facility	Means a fixed location where the transfer of propane fuel from one container to another is affected.
Public Authority	Means Federal or Provincial bodies, the Regional Municipality of Niagara, or the City of Welland, and includes any commission, board, authority, or department established by or for any of them.
<u>Public Storage</u>	<u>Means a premises used for the purpose of providing rented self-service storage units for use by private citizens.</u>
Q	
R	
Recreation	Means the use of land for leisure, passive and/or athletic activities.
Recreation, Passive	Means activities that involve relatively unorganized recreational pursuits, generally in the outdoors, such as walking, sitting, and picnicking, and trails.
Recreational Vehicles	Means either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, recreational vehicle (RV), travel trailers, tent trailers, boats,

Term	Definitions
Repair Shop	<p>boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.</p> <p>Means a premises for the servicing or repair of articles excluding any repairs or services to motor vehicles.</p>
Research and Development Centre	<p>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.</p>
<u>Residential Care Facility</u>	<p><u>Means a dwelling, or part thereof, where accommodations are provided, along with support services such as personal care, medical care, and/or nursing, for persons with special needs. The dwelling may contain accommodation for staff.</u></p>
Restaurant	<p>Means a premises, where meals or refreshments are provided to order for take-out, delivery and/or eat-in and may include table service on an accessory patio.</p>
Retail Centre	<p>Means a combination of two or more retail, service commercial, recreation or office uses, in one or more buildings, on one or more parcels of land, designed as an integrated, planned development having common off-street parking and <u>access</u> driveways.</p>
Retail Establishment	<p>Means a premises in which goods, wares, merchandise, substances, articles, or things are displayed, rented, or sold directly to the public</p>

Term	Definitions
Retirement Home	<p>not including home furnishing retail establishments or building and lumber supply establishments or supermarkets or grocery stores.</p> <p>Means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex;</p> <ul style="list-style-type: none"> (a) that is occupied primarily by persons who are sixty-five years of age or older, (b) where the operator of the home makes at least two (2) care services available, directly, or indirectly, to the residents, <p>but does not include premises or parts of premises that are governed by or funded under the <i>Homes for Special Care Act</i>, as amended, means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex; the <i>Ministry of Community and Social Services Act</i>, as amended, the <i>Private Hospitals Act</i>, as amended, the <i>Public Hospitals Act</i>, as amended, or the <i>Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act</i>, as amended, or premises at which emergency hostel services are provided under the <i>Ontario Works Act</i>, as amended.</p>

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

Term	Definitions
	school board established by the Province of Ontario.
Screening Device	A barrier used for the purpose of providing privacy/screening.
Seasonal Outdoor Use	Means the use of lands for the sale of seasonable products.
Secondary	Means, when used to describe a use of land, building or structure, a use which is secondary to the principal use of the property.
Service Commercial Establishment	<p>Means a place where:</p> <ul style="list-style-type: none"> <li data-bbox="456 806 982 1205">(a) A service is performed for the personal grooming and personal 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 data-bbox="456 1247 982 1457">(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 data-bbox="456 1499 982 1793">(c) Other personal or business services are provided including a catering service, printing, publishing, photocopying, picture framing or photofinishing service, and custodial services including self-service operations.

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

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

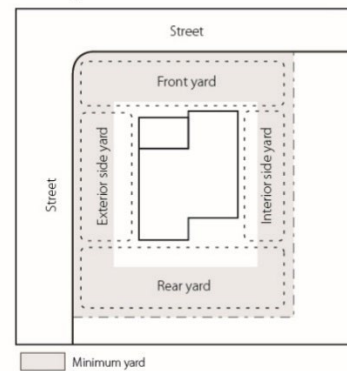
The determination of what constitutes a “storey” is based on the Ontario Building Code.

Term	Definitions
	include pavement, curbs, walkways, clothes line pole, trellis, arbour, flag pole, kiddie pool, play structure, basketball pole/net or such like objects or a fence.
Supermarket	Means a retail store for the sale of food, food stuffs, beverages, housewares, health and beauty aids, pharmaceutical products, pet supplies, hardware, plants and nursery products and general merchandise related thereto and having a gross leasable floor area of more than 3,000.0 square metres.
Supportive Living Residence	Means a dwelling, or part thereof, where accommodations are provided, along with support services such as personal care, medical care, and/or nursing, for persons with special needs. The dwelling may contain accommodation for staff.
T	
Trucking Operation	Means an establishment engaged primarily in the provision of local and long distance trucking, transfer and related services including repair and maintenance of trucks with the exception of those establishments engaged principally in the transportation of used uncrated household goods.
U	
Use	Means the purpose for which any lot, building, structure, or premises is arranged, designed, intended, occupied, or maintained.
V	

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

Term	Definitions
	commercial, institutional, and agricultural business users including other wholesalers, and includes distribution.
X	
Y	
Yard	Means any open uncovered, unoccupied space appurtenant to a <u>main</u> building.
Yard, Exterior Side	Means a yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the nearest wall of a <u>main</u> building or structure on the lot.
Yard, Front	Means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot.
Yard, Interior Side	Means a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the nearest wall of a <u>main</u> building or structure on the lot.
Yard, Rear	Means a yard extending across the full width of the lot between the rear lot line and the nearest wall of any <u>main</u> building or structure on the lot.
Yard, Required	Means the minimum yard required by the provisions of this By-law, or any variances approved by the Committee of Adjustment.
Yard, Side	Means a yard extending from the front yard to the rear yard between a

Yard Types



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).

Term	Definitions
	side lot line and the nearest wall of a <u>main</u> building or structure on a lot.
Z	
Zone	Means a defined area of land use shown on the Zone Maps of this By-law.

SECTION 5 GENERAL PROVISIONS

5.1 Access

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

5.2 Accessory Dwelling Units

Notwithstanding any other provisions of this By-law, where ~~an~~ accessory dwelling units ~~are~~ permitted by this By-law ~~they~~ it shall be in accordance with the following provisions: accessory dwelling unit shall be permitted per lot.

- a) ~~An~~ 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) ~~An~~ 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. ~~a single residential dwelling unit.~~
- c) Parking shall be in accordance with Section 6.
- d) Detached accessory dwelling units shall be in accordance with Section 5.3.
- e)

5.3 Accessory Uses, Buildings and Structures

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

5.3.1 General

- a) Where this By-law provides that a lot may be used for a permitted use or a building or structure may be erected or used for a permitted use, that use shall include any accessory building or structure or accessory use, but shall not include:
- i) Any occupation for gain or profit conducted within or accessory to a dwelling unit except where specifically permitted by this By-law;
 - ii) Any building used for human habitation, except where specifically permitted by this By-law;
 - iii) An outdoor furnace or outdoor wood-burning sauna;
 - ~~iv)~~ Any storage container, portable storage unit, repurposed motor vehicle in whole or in part, ~~“sea can” container~~, intermodal container or other such like container in any Zone other than an Industrial Zone.
 - ~~iv)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 main building on the same lot, ~~and/or~~ in the case of a detached private garage, not less than 5.5 metres to a street line; or
 - iv) So as to interrupt or encroach into a required planting strip.
- b) No person shall erect or locate an accessory building less than 0.9 metres from any main building.

5.3.3 Height

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

5.3.4 Lot Coverage

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

5.3.5 Special Provisions for Certain Accessory Uses, Buildings and Structures

- a) Accessory Dwelling Units: Refer to Subsection 5.2;
- b) Bicycle Parking Requirements: Refer to Subsection 6.7;
- c) Drive-Through Facilities: Refer to Subsection 5.9;
- d) Encroachments: Permitted Yard, Setback and Height Encroachments (applicable to certain accessory buildings and structures): Refer to Subsection 5.10;
- e) Fences and Privacy Screens: Refer to Subsection 5.12;
- f) Garbage and Refuse Storage and Enclosures: Refer to Subsection 5.14;
- g) Garden Suites: Refer to Subsection 5.15;
- h) Home Industries: Refer to Subsection 5.17;
- i) Home Occupations: Refer to Subsection 5.18;
- j) Loading Spaces: Refer to Subsection 6.6;
- k) Parking and Loading Regulations: Refer to Section 6;
- l) Pergolas: Refer to Subsection 5.2~~7~~8;
- m) Seasonal Outdoor Uses: Refer to Subsection 5.3~~6;4~~4;
- n) Swimming Pools and Hot Tubs: Refer to Subsection 5.4~~0~~1;
- 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~~et~~ and Common Element Condominiums

Notwithstanding Section 5.13 of this By-law, single-detached dwellings, semi-detached dwelling, 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 access driveway or driveway connecting to a public street.

- a) 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 access driveway connecting to a public street.
- i) 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:
- ii) 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
- iii) 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:
1. Direct access on the lot without passing through any portion of the dwelling units; or
 2. 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
 3. 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.
- a)b) MMore 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 streetroad 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.

- a)j. 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.

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 access driveway or internal walkway which provides primary access to the dwelling.

5.7 Construction Uses and Sales Offices

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

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

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

- i) Maximum height of 2.6 metres;
 - ii) Chain link construction;
 - iii) No barbed wire;
 - iv) No electric fencing; and
 - v) May be located within the required front yard.
- b) A temporary sales office used for the sale of residential, industrial, or commercial lots or units in a Plan of Subdivision or a Plan of Condominium which has received Draft Approval or has been Zoned to permit the development shall be permitted for a maximum of five years. A temporary sales office shall comply with the applicable setbacks of the Zone in which the office is located.
- c) A temporary construction trailer and a temporary fenced compound for construction materials, provided such trailer or compound is located at the

time of the installation, at least 45.0 metres from an existing dwelling unit under construction.

- i) Notwithstanding the Fence By-law, as amended, such fence enclosing a compound in a Residential Zone shall meet the following criteria:
 - (1) Maximum height of 2.6 metres;
 - (2) Chain link construction;
 - (3) No barbed wire;
 - (4) No electric fencing; and
 - (5) May be located within the required front yard.

5.8 Day Care Centres

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

5.9 Drive-Through Facilities

- a) A drive-through use shall be a permitted accessory use to a permitted Commercial use with the exception of a Commercial use within the Downtown Mixed Use Centre Zone.
- b) A drive-through shall include a minimum of eight designated stacking spaces for restaurants and two stacking spaces for any other use.
- c) A stacking space shall be a minimum of 5.5 metres in length and 3.0 metres in width.
- d) A stacking lane shall not be permitted within 10.0 metres of any Residential Zone.- The required setback may be reduced to a minimum of 3.0 metres, provided that a noise wall, certified by a professional engineer, no taller than 1.8 metres exclusive of decorative elements, is installed prior to occupancy of the drive-through facility.- The noise levels shall not exceed the maximum levels specified by the Ministry of Environment's NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.
- e) Stacking spaces shall not be included in the calculation of required parking.
- f) Stacking spaces shall not be located within any parking aisle or 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 sightvisibility 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 main building between existing main buildings or adjacent to existing main buildings which are adjacent to the lot, and which are separated by no more than 20.0 metres, may be built with a setback equal to, or greater than, the average setback of the adjacent buildings.

5.10.5 Decks, Porches, Steps

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

- d) Decks may project into any required front or exterior side yard a distance of not more than 1.5 metres provided said structure is not higher than 4.0 metres from grade.
- e) Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 1.5 metres above-grade.
- f)e) ~~In an interior side yard, the setback requirements for the main building shall apply.~~

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, ~~and~~ Ventilating Equipment, Generators, etc.

- a) Heat pumps, air conditioners, ~~and~~ 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 and air conditioners, 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 flag-pole, a clock tower, a chimney, a radio or television tower, or an antenna or satellite dish; and

- c) Elements such as free standing chimney stacks, scrubbers, and other similar equipment for the purpose of pollution abatement in the case of an industrial building.

5.10.9 Ornamental Structure

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

5.10.10 Structures

Notwithstanding the yard provisions of this By-law, clothes lines, flag-poles, garden trellises, fences, retaining walls, monuments, pergolas, or lawful swings, shall be permitted in any required yard, except where specifically excluded in a corner lot ~~visibility-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) Privacy screens are permitted on decks and balconies for single-detached dwellings subject to the following regulations:	
i) Maximum Height from Platform	2.0 metres
ii) Setback from a Street	as per minimum front yard required in the corresponding Residential Zone
iii) Setback from a Side Lot Line	1.0 metres
iv) Setback from a Rear Lot Line	1.0 metres
b) Privacy screens are permitted for two-unit dwellings, multiple dwellings, street townhouse dwellings and apartment dwellings and are subject to the following regulations:	
i) Maximum Height	2.5 metres
ii) Setback from a Street:	as per minimum front yard required in the corresponding Residential Zone
iii) Setback from a Side Lot Line	0 metres
iv) Setback from a Rear Lot Line	1.0 metres
c) Privacy screens are permitted for apartment dwelling units and multiple dwelling units and are subject to the following regulations:	
i) Maximum Height	2.0 metres
ii) Setback from a Street	as per minimum front yard required in the corresponding Residential Zone
iii) Setback from a side lot line	1.0 metres

iv) Setback from a rear lot line	1.0 metres
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5.13 Frontage on a Public Street or Navigable Waterway

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

5.14 Garbage and Refuse Storage and Enclosures

- a) An enclosure for the outside storage of domestic waste containers accessory to single-detached dwellings, semi-detached dwellings, two-unit dwellings, ~~converted dwellings~~, multiple dwellings or residential structures containing less than four dwelling units shall not be required, unless otherwise specified.
- b) For all other uses other than those specified in Subsection 5.14 a), no person shall store garbage or refuse on any lot except within the main building on the lot or within a wholly enclosed accessory building or structure or enclosed waste management container or specialized partially underground waste container system.
- c) Where an enclosure is provided in accordance with Subsection 5.14 b), said enclosure shall be surrounded by masonry, concrete, or wooden walls on all sides up to the height of the structure to screen the waste container.
- d) Where an enclosure or private waste management container is provided in accordance with Subsection 5.14 b), the enclosure shall be associated with an area of at least 9.0 metres by 3.0 metres, to be used for the purposes of picking up garbage or refuse from the enclosed container.
- e) Any enclosure or accessory building provided in accordance with Subsection 5.14 ba), 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) Kennel;
- b) Veterinary Clinic;
- c) Motor Vehicle Body Shop;
- d) Motor Vehicle Repair Establishment;
- e) Motor Vehicle Dealership;
- f) Motor Vehicle Washing Establishment;
- g) Painting of Vehicles, Trailers, or Boats;
- h) Multiple Chair Hairdresser or Barber;
- i) Welding Shop;

- j) Service and Repair Shop for Large Appliances or Commercial and Industrial Equipment; and
- k) Arcade.

5.19 Minimum Distance Separation – MDS I and II

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

5.19.1 MDS I – New Non-Farm Uses

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

5.19.2 MDS II – New or Expanding Livestock Facilities

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

5.20 Model Homes in Draft Plans of Subdivision

Notwithstanding any other provisions of this By-law, where a Subdivider's Agreement has been executed (signed) by the owner, more than one single-detached dwelling, 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 main building provided that such enlargement or extension does not exceed twenty-five percent of the existing gross floor area and that such enlargement or extension is in compliance with the Zone the lot is located in; and
 - ii) The erection of any accessory building provided that such accessory building complies with the requirement of Subsection 5.3.

~~5.26 Partial Destruction to Existing Buildings~~

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

~~5.27~~5.26 Patios, ~~Outdoor~~

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

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

5.285.27 Pergolas

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

5.295.28 Planting Strips

5.29.15.28.1 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.

5.305.29 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.

5.315.30 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.

5.325.31**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.

5.335.32**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.

5.345.33**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.

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

5.365.35 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.

5.375.36 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

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

- a) A short-term rental is subject to licencing in accordance with the City's Short-Term Rentals Licencing By-law.
- b) A short-term rental shall only be permitted in a single-detached dwelling, 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

- d) dwelling.
- e) A short-term rental may be the principal use in Commercial Zones where residential uses are permitted.
- f) 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.
- b)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 main or accessory building, no water circulating, heating or treatment equipment shall be located closer than 0.9 metres to any lot line.

5.40.3 Lot Coverage

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

5.40.4 Decks Associated with a Swimming Pool or Hot Tub

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

5.41 **Through Lots and Corner Lots**

5.41.1 Through Lots

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

5.41.2 Corner Lots and Through Corner Lots

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

5.42 **Use of City Lands**

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

5.43 Visual Barriers

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

5.44 Wayside Pits and Quarries and Portable Asphalt and Concrete Plants

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

SECTION 6 PARKING AND LOADING REGULATIONS

6.1 General Parking and Loading Provisions

6.1.1 Exclusive Use

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

6.1.2 More Than One Use on a Lot

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

6.1.3 Location of Required Parking

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

6.1.4 Calculation and Rounding Provisions

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

6.1.5 Cash-in-Lieu of Parking

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

6.1.6 Required Parking, Access Aisles, and ~~Space Dimensions~~ Parking Areas

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.

a) Parking spaces may be varied in width depending on the angle measured perpendicular to the axis of the access aisle of the space provided. Where an aisle serves two different types of angled parking, which are located across from each other, the largest required access aisle shall be provided. -The dimensions of parking spaces and parking space access aisles shall be in accordance with the following:

- i) Ninety-degree (90°) parking spaces shall be 2.75 metres by 5.5 metres with a minimum 6.0 metres access aisle;
- ii) Sixty-degree (60°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 5.5 metres access aisle;
- iii) Forty-five-degree (45°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle;
- iv) Thirty-degree (30°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle; and
- v) Parallel parking spaces shall be 6.0 metres by 2.75 metres with a minimum 4.5 metres access aisle.

b) Where a parking space is located abutting or near a wall, column or other similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a parking space, the minimum width of the parking space shall be increased by 0.3 metres for each side that is obstructed.

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

6.1.7 Surface Treatment

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

~~6.1.8 Aisle Width and Access Driveways~~

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

6.2 **Applicability**

- a) Whenever a new development occurs or whenever an existing development is enlarged, extended, or increased in capacity, in accordance with this By-law, off-street vehicle parking and loading spaces shall be provided and maintained on the property and within the Zone for all uses unless otherwise indicated in the specific Zone.
- b) Off-street parking and loading shall be in accordance with Subsection 6.1 - General Parking and Loading Provisions, Subsection 6.3 - All Downtown Zones - Required Parking and Queuing Spaces, Subsection 6.4 - All Zones Except Downtown Zones - Required Parking and Queuing Spaces by Use, and Subsection 6.6 - Loading Spaces.
- c) Additional parking spaces, barrier-free parking spaces, bicycle parking spaces, or stacking spaces shall be provided in accordance with the

provisions of this By-law for all uses and all gross floor area on a lot in the following circumstances:

- i) Where a new building is erected, or additional gross floor area is added to a legal or legal non-conforming building existing on the effective date of this By-law; and/or
- ii) Where a change in use occurs that has the effect of requiring the additional spaces identified in Subsection 6.2 b).

6.3 Downtown Zones - Required Parking and Queuing Spaces

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

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

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

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

Column 1	Column 2
Use	Required Number of Parking Spaces
Accessory Dwelling	1 additional tandem parking space
Apartment Dwelling Multiple Dwelling	1 space per unit, except where a dwelling unit is 50.0 m ² in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each such unit and no visitor parking is required
Bed and Breakfast	1 additional parking space per guest room permitted in the front yard

Column 1	Column 2
Use	Required Number of Parking Spaces
	Where 3 guest rooms are provided, one required parking space is not required to have direct, unobstructed access to a public street
Boarding or Lodging House	0.25 additional space per lodging unit
Emergency Shelter, Group Home, Residential Care Facility	1 space for each 5 persons accommodated or designed for accommodation Where the building is less than 350.0 m ² in gross floor area:
	i) Up to 3 in tandem parking spaces are permitted;
	ii) Two of the 3 parking spaces may be located in the driveway, and they may be located in a front yard if they are located in the laneway that leads to a required parking space;
	iii) Only one of the 3 parking spaces must have direct access to a public street or public lane by a driveway; and
	iv) Where parking is occurring in-tandem anywhere on the lot, no parking is permitted in the rear yard of the lot.
<p>Single-Detached Dwelling <u>Semi-detached Dwelling</u> Two-Unit Dwelling Street Townhouse Dwelling</p>	1 space per unit; one of which may be provided in an attached or detached garage

Column 1	Column 2
Use	Required Number of Parking Spaces
Dwelling Units on the 2nd and 3rd Floor of a 2 or 3 storey commercial building	1 space per unit
Home Day Care	No minimum required
Home Industry	No minimum required
Home Occupation	No minimum required
Retirement Home	0.25 spaces per assisted living unit and dwelling unit
Short-Term Rental	0.5 additional parking space per guest room

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

Column 1	Column 2
USE	Required Number of Parking Spaces
Adult Entertainment Establishment	1 space per 2 person capacity
Bank; Financial Establishment	1 space for each 50.0 m ² of gross floor area which accommodates such use
Bowling Alley	1 space per lane, not including restaurant
Building and Lumber Supply Establishment; Building or Contracting Supply Establishment	1 space for each 50.0 m ² of gross floor area, which accommodates the office, retail, and showroom component of the use
Driving Range/Mini Golf	1.5 spaces per tee or hole

Column 1	Column 2
USE	Required Number of Parking Spaces
Funeral Home	1 space per 20.0 m ² of gross floor area, 15 spaces minimum
Golf Course	4 spaces for each hole
Hotel/Motel	1 space per guest room or suite
Kennel	1 space per employee plus 1 per 100.0 m ² gross floor area
Lodge, Fraternity, Private Club	10 spaces per 100.0 m ² of gross floor area
Motor Vehicle Body Shop, Motor Vehicle Dealership, Motor Vehicle Rental Establishment, Motor Vehicle Repair Establishment,	1 space per 110.0 m ² of gross floor area 25% of all required parking need not have direct, unobstructed access to a public street
Motor Vehicle Service Station	
Motor Vehicle Washing Establishment	1 space per 30.0 m ² of gross floor area
Movie Theatre	1 space per 4 seats
Office:	
i) Medical Office or Clinic	1 space per 30.0 m ² of gross floor area
ii) Other	1 space per 30.0 m ² of gross floor area
Personal Services	1 space for each 30.0 m ² of gross floor area which accommodates such use
Pet Care Establishment	1 space for each 30.0 m ² of gross floor area which accommodates such use

Column 1	Column 2
USE	Required Number of Parking Spaces
Place of Assembly	10 spaces per 100.0 m ² of gross floor area
Recreational Establishment	1 space per 30.0 m ² of gross floor area
Restaurant	1 space per 30.0 m ² of gross floor area
Retail or Retail Centre	1 space per 30.0 m ² of gross floor area
Service Commercial Establishment	1 space per 30.0 m ² of gross floor area
Tavern/Bar/Pub	1 space per 30.0 m ² of gross floor area
Trucking Operation	1 space for each 30.0 m ² of gross floor area which accommodates the office component of the use
Other Commercial Uses Not Listed Above	1 space for each 30.0 m ² of gross floor area which accommodates such use

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

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

Column 1	Column 2
Use	Minimum Number of Queuing Spaces Required
In All Other Cases	2

Table 6.4.4: Institutional and Community Uses - Required Parking Spaces

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

Table 6.4.5: Educational Uses - Required Parking Spaces

Column 1	Column 2
Use	Required Number of Parking Spaces
Elementary School (Public/Private)	1.25 spaces per classroom
Secondary School (Public/Private)	2 spaces per classroom not including portables
University, College	The greater of:
	i) 5 spaces for each classroom plus 1 space for every 7 seat capacity in an auditorium, theatre, or stadium; or
	ii) 1 space for each 30.0 m ² of the gross floor area

Table 6.4.6: Industrial Uses - Required Parking Spaces

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

Column 1	Column 2
Use	Required Number of Parking Spaces
Custom Workshop	1 space for each 180.0 m ² of gross floor area which accommodates the office, and showroom component of the use
Dry Cleaning and Laundry Plant	1 space for each 180.0 m ² of gross floor area which accommodates such use
Heavy Equipment Sales and Service	1 space for each 180.0 m ² of gross floor area which accommodates such use
Heavy Industrial	1 space for each 180.0 m ² of gross floor area
Industrial Administrative Office	1 space for each 180.0 m ² of gross floor area
Laboratory	1 space for each 180.0 m ² of gross floor area
Labour Association Hall	1 space for each 30.0 m ² of gross floor area
Landscape Contracting Establishment	1 space for each 180.0 m ² of gross floor area
Light Equipment/Machinery Sales, Rental and Service Establishment	1 space for each 180.0 m ² of gross floor area which accommodates such use
Light Industrial	1 space for each 180.0 m ² of gross floor area
Motor Vehicle Body Shop	1 space for each 180.0 m ² of gross floor area
Motor Vehicle Dealership	1 space for each 180.0 m ² of gross floor area which accommodates such use

Column 1	Column 2
Use	Required Number of Parking Spaces
Motor Vehicle Washing Establishment	i) For a self-serve (manual) car wash sufficient space shall be provided on-site to accommodate 3 vehicles in a line commencing at the entrance of each wash bay and 1 vehicle at the bay exit;
	ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate 5 vehicles in a line commencing at the entrance of each wash bay and 2 vehicles in a line at each bay exit
Private Power Generation Facility	1 space for each 180.0 m ² of gross floor area
Repair Shop	1 space for each 180.0 m ² of gross floor area which accommodates the office, retail, and showroom component of the use
Research and Development Establishment	1 space for each 180.0 m ² of gross floor area
Salvage Yard	1 space for each 180.0 m ² of gross floor area which accommodates the office and retail component of the use
Surveying, Engineering, Planning or Design Business	1 space for each 180.0 m ² of gross floor area
Trucking Operation	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use
Warehouse/Public Storage/Wholesaling	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use

Column 1	Column 2
Use	Required Number of Parking Spaces
Waste Management Facility	1 space for each 180.0 m ² of gross floor area which accommodates the office component of the use, plus 1 for each 200.0 m ² of gross floor area which accommodates the remainder of the use
Other Industrial Uses Not Listed Above	1 space for each 180.0 m ² of gross floor area

6.5 Barrier Free Parking

6.5.1 Number of Barrier Free Parking Spaces

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

Table 6.5.1: Barrier Free Parking

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

6.5.2 General Provisions for Barrier Free Parking Spaces

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

number of spaces required shall be increased to the next highest whole number.

6.6 Loading Spaces

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

- a) A minimum of one off-street loading space shall be provided in conjunction with every principal building, including a mixed use building, but excluding residential buildings less than four storeys high.
- b) The minimum dimensions of a loading space 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 12.0 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 flankage~~ lot line and the ~~exterior flankage~~ lot line in an exterior side flankage yard; and,
 - iii) In a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a visual barrier.

6.7 Bicycle Parking

6.7.1 Number of Required Bicycle Parking Spaces

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

Table 6.7.1: Minimum Required Bicycle Parking Spaces

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

6.7.2 General Provisions for Bicycle Parking Spaces

- a) Where the minimum number of bicycle parking spaces calculated in accordance with Table 6.7.1 results in a fraction, the minimum number of bicycle parking spaces shall be rounded up to the next whole number.
- b) Bicycle parking shall be located on the same lot as the use or building for which it is provided.
- c) Bicycle parking may be located within any yard, but not within a **visibility 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) The required parking spaces shall be located a minimum distance of 5.5 metres from the street line;~~
- ~~b)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;~~
- ~~c)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. The width of a driveway may not exceed the exterior width of an attached garage;~~
- ~~d) Notwithstanding Subsection 6.9.1 c), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;~~
- ~~e)c) Where the driveway is provided in the front yard, all other portions of the front yard shall be a landscaped area;~~
- ~~f)d) A maximum of one driveway shall be permitted for any lot each dwelling unit, except in the case of a corner lot where a maximum of one driveway may be permitted from each street frontage; and~~
- ~~g)e) On a corner lot, no access driveways shall be permitted through a daylighting sight triangle;~~
- ~~h)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(75%)~~ of the lot width or 6.0 metres, whichever is the lesser.

6.9.3 Multiple Dwellings and Apartments

On a lot containing a multiple dwelling or apartment dwelling:

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

6.10 **Other Vehicles in Residential Zones — Parking Provisions**

This Section applies to the parking of the applicable vehicles on any lands used for a single-detached dwelling, 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 – Outdoorside

No person shall, on a developed lot:

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

6.12.3 Trailer Sales, etc.

Notwithstanding any other provision of this By-law, where the principal use of the lands, building, structure, or lot is that of retail or wholesale, repair or reconditioning, seasonal storage for sales purposes as in businesses referred to

as recreational vehicles sales and service, parking, or storage of said vehicles shall be permitted in accordance with the following:

- a) No trailer shall obstruct any public street, sidewalk, or public walkway.
- b) No part of trailer storage or parking area, other than a driveway or access lane, shall be located closer than 3.0 metres to any lot line, or the required building setback from the street line, whichever is lesser.
- c) Planting strip(s) shall be provided for boat or trailer storage or parking areas in accordance with Subsection 5.2~~89~~.

6.12.4 Trailers, Recreational Vehicles and Boat Storage as Principal Use

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

6.13 Parking Structures

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

6.14 Vehicles Prohibited in Residential and Mixed Use Zones

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

- a) More than one unlicensed motor vehicle and vehicles in a wrecked; dismantled, or inoperative condition;
- b) Motor vehicles equipped with more than three (3) axles, excluding space wheels designed to support the vehicle when parked or stored;
- c) Buses;
- d) Vehicles designed to run only on rails;
- e) Farm tractors;

- f) Construction vehicles, except for those needed for construction uses permitted under Subsection 5.7 of this By-law; and

6.15 Drive-Through Facilities and Queuing/Stacking Spaces

6.15.1 Minimum Number of Queuing Spaces

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

Table 6.15.1: Minimum Number of Queuing Spaces Required

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

6.16 Tandem Parking

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

6.17 Landscaping Provisions for Parking ~~Areas~~ Lots

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

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

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

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

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

6.18 Elevation of Garage Entrance in Certain Types of Residential Buildings

A single-detached dwelling, 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
Accessory Dwelling Unit	✓(1)	✓(1)	✓(1)	
Accessory Uses, Buildings and Structures	✓(2)	✓(2)	✓(2)	✓(2)
Apartment Dwelling			✓	✓
Bed and Breakfast	✓(3)	✓(3)		
<u>Block Townhouse</u>		✓	✓	
Boarding and Lodging House			✓	✓

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

Footnotes:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) Refer to SubSection 5.2 –
Accessory Dwelling Units</p> <p>(2) Refer to Subsection 5.3 -
Accessory Uses, Buildings
and Structures</p> <p>(3) Refer to Subsection 5.5 –Bed
and Breakfast Establishments</p> <p>(4) Refer to Subsection 5.15 -
Garden Suites</p> | <p>(5) Refer to Subsection 5.18 –
Home Occupations</p> <p>(6) With a maximum gross floor
area of 100.0 m²</p> <p>(7) Refer to Subsection 5.3737A –
Short-Term Rentals</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
RL1									
<u>Semi-Detached Dwelling</u>	<u>600.0 m² for each dwelling and 300.0 m² for each unit</u>	<u>15.0 m for each dwelling and 7.5 m for each unit</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.2 m (2)</u>	<u>3.0 m</u>	<u>7.5 m</u>	<u>11.0 m (3)</u>	<u>45%</u>	<u>20%</u>
Single-Detached	400.0 m ²	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
Two-Unit Dwelling	400.0 m ²	12.0 m	4.5 m and 6.0 m (1)	1.2 m	3.0 m	7.5 m	11.0 m (3)	45%	20%
<u>Semi-Detached Dwelling</u>	<u>600.0 m² for each dwelling</u>	<u>15.0 m for each dwelling</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.2 m (2)</u>	<u>3.0 m</u>	<u>7.5 m</u>	<u>11.0 m (3)</u>	<u>45%</u>	<u>20%</u>

Column 1	Column- 2	Column- 3	Column- 4	Column- 5	Column- 6	Column- 7	Column- 8	Column- 9	Column- 10+
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
	and 300.0 m ² for each unit	and 7.5 m for each unit							
RL2									
<u>Block Townhouse</u>	<u>NA</u>	<u>30.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.0 m (6) and 0 m (2)</u>	<u>1.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>55%</u>	<u>20%</u>
<u>Multiple Dwelling</u>	<u>540.0 m²</u>	<u>18.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>2.0 m</u>	<u>2.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>50%</u>	<u>20%</u>
<u>Semi-Detached Dwelling</u>	<u>400.0 m² for each dwelling and 200.0 m² for each unit</u>	<u>12.0 m for each dwelling and 6.0 m for each unit</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.0 m (2)</u>	<u>1.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>50%</u>	<u>20%</u>
Single-Detached	270.0 m ²	9.0 m	4.5 m and 6.0 m (1)	1.0 m	1.0 m	6.0 m	11.0 m (3)	50%	20%
<u>Two-Unit Dwelling</u>	<u>300.0 m²</u>	<u>12.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.0 m (2)</u>	<u>1.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>50%</u>	<u>20%</u>

Column 1	Column- 2	Column- 3	Column- 4	Column- 5	Column- 6	Column- 7	Column- 8	Column- 9	Column- 10+
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
Semi-Detached Dwelling	400.0 m ² for each dwelling and 200.0 m ² for each unit	12.0 m for each dwelling and 6.0 m for each unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Street Townhouse with Garage Facing Front Lot Line	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
Street Townhouses with Garage Access from Lane	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	50%	20%
<u>Two-Unit Dwelling</u>	<u>300.0 m²</u>	<u>12.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.0 m (2)</u>	<u>1.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>50%</u>	<u>20%</u>
Block Townhouse	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%

Column 1	Column- 2	Column- 3	Column- 4	Column- 5	Column- 6	Column- 7	Column- 8	Column- 9	Column- 10+
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
Multiple Dwelling	540.0 m ²	18.0 m	4.5 m and 6.0 m (1)	2.0 m	2.0 m	6.0 m	11.0 m (3)	50%	20%
RM									
<u>Apartment</u>	<u>780.0 m²</u>	<u>45.0 m</u>	<u>0 m</u>	<u>3.0 m</u>	<u>4.0 m</u>	<u>7.5 m</u>	<u>20.0 m (4)</u>	<u>55%</u>	<u>20%</u>
<u>Block Townhouse</u>	<u>NA</u>	<u>30.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>1.0 m (6) and 0 m (2)</u>	<u>1.0 m</u>	<u>6.0 m</u>	<u>11.0 m (3)</u>	<u>55%</u>	<u>20%</u>
<u>Boarding and Lodging</u> <u>Group Home</u> <u>Day Care Centre</u>	<u>540m²</u>	<u>15.0 m</u>	<u>4.5 m and 6.0 m (1)</u>	<u>3.0 m</u>	<u>4.0 m</u>	<u>7.5 m</u>	<u>20.0 m (4)</u>	<u>55%</u>	<u>20%</u>
<u>Multiple Dwelling</u>	<u>NA</u>	<u>15.0 m</u>	<u>4.5 m</u>	<u>3.0 m (2)</u>	<u>4.0 m</u>	<u>7.5 m</u>	<u>20.0 m (4)</u>	<u>55%</u>	<u>20%</u>
<u>Retirement Home</u>	<u>NA</u>	<u>15.0 m</u>	<u>4.5 m</u>	<u>3.0 m (2)</u>	<u>6.0 m</u>	<u>7.5 m</u>	<u>20.0 m (4)</u>	<u>55%</u>	<u>20%</u>
Street Townhouse with Garage Facing Front Lot Line	NA	6.0 m/unit	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%

Column 1	Column- 2	Column- 3	Column- 4	Column- 5	Column- 6	Column- 7	Column- 8	Column- 9	Column- 10+
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
Street Townhouses with Garage Access from Lane	NA	5.0 m/unit	3.0 m	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Street Town-house Unit	162.0 m ² /unit	5.5 m	4.5 m and 6.0 m (1)	1.0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Block Townhouse	NA	30.0 m	4.5 m and 6.0 m (1)	1.0 m (6) and 0 m (2)	1.0 m	6.0 m	11.0 m (3)	55%	20%
Apartment	780.0 m ²	45.0 m	0 m	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%
Boarding and Lodging Group Home Day Care Centre	540m ²	15.0 m	4.5 m and 6.0 m (1)	3.0 m	4.0 m	7.5 m	20.0 m (4)	55%	20%
Multiple Dwelling	NA	15.0 m	4.5 m	3.0 m (2)	4.0 m	7.5 m	20.0 m (4)	55%	20%
Retirement Home	NA	15.0 m	4.5 m	3.0 m (2)	6.0 m	7.5 m	20.0 m (4)	55%	20%
RH									
Apartment Dwelling	1000.0 m ²	40.0 m	3.0 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%

Column 1	Column- 2	Column- 3	Column- 4	Column- 5	Column- 6	Column- 7	Column- 8	Column- 9	Column- 10+
Zone/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscape Area (min)
Boarding and Lodging Group Home	540.0 m ²	10.0 m	4.5 m and 6.0 m (1)	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%
Day Care Centre	NA	10.0 m	4.5 m	3.0 m	3.5 m	7.0 m	32.0 m (5)	50%	15%

Footnotes:

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

7.4 Additional Regulations

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

SECTION 8 COMMERCIAL ZONES

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

8.1 Applicable Zones

The Commercial Zones apply to lands Zoned:

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

8.2 Permitted Uses

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

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

Table 8.2.1: Permitted Uses in Commercial Zones

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

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

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

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Permitted Uses	DMC	RS	CC1	CC2	NC
<u>Private Club</u>		✓	✓	✓	
Repair Shop	✓	✓		✓	
Research and Development Establishment	✓	✓	✓		
Restaurant	✓(2)	✓	✓	✓	✓
Retail Centre	✓	✓	✓		
Retail Establishment	✓	✓	✓	✓	✓
Sample or Showroom	✓	✓	✓	✓	
School, Commercial	✓	✓	✓	✓	✓
Seasonal Outdoor Use	✓	✓	✓	✓	✓
Service Commercial Establishment	✓	✓	✓	✓	✓
Supermarket	✓	✓	✓		
Veterinary Clinic	✓	✓	✓	✓	✓
Hospitality					
Hotel	✓	✓		✓	
Motel	✓	✓		✓	
Community					
<u>Art Gallery</u>	✗	✗			✗
Community Centre	✓	✓	✓	✓	✓
Community Garden	✓		✓	✓	✓
Day Care Centre	✓	✓	✓	✓	✓(3)
Day Care, Home	✓				

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

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

Footnotes:

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

8.3 Regulations for Commercial Zones

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

Table 8.3.1: Regulations for Commercial Zones

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

Footnotes:

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

8.4 Additional Regulations

8.4.1 Motor Vehicle Service Stations

a) Regulations

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

Table 8.4.1: Regulations for Motor Vehicle Service Station

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

b) Access

Each means of access shall maintain the following requirements:

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

8.4.2 Motor Vehicle Washing Establishments

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

- a) Front yard and exterior side yard 6.0 metres; except 20.0 metres where car wash bay doors face a street
- b) Where a car wash abuts a Residential Zone, the yard abutting the Residential Zone shall be as required by the Zone of the property or 12.0 metres, whichever is greater.
- c) Queuing Lane:
 - i) For a self-serve (manual) car wash sufficient space shall be provided on-site to accommodate three vehicles in a line commencing at the entrance of each wash bay and one vehicle at the bay exit;
 - ii) For an automatic (mechanical) car wash sufficient space shall be provided on-site to accommodate ~~ten (10)~~ 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
Accessory Uses, Buildings and Structures	✓(1)	✓(1)	✓(1)
Arena		✓	✓
Band Stand		✓	✓
Botanical Garden		✓	✓
Cemetery		✓	✓
Community Centre		✓	✓
Community Garden		✓	✓

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

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

Footnotes:

- (1) Refer to Section 5.2—~~Accessory Dwelling Units~~
- (2) Refer to Section 5.2~~67—Patios, Outdoor~~
- (3) The provisions of the RM Zone shall apply to medium density development, ~~and~~ the provisions of the RH Zone shall apply to high density development, 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
Required Yards			The provisions of the RM Zone shall apply to medium density development and the provisions of the RH Zone shall apply to high density development <u>the provisions of the RL2 Zone shall apply to all other residential development.</u>
Front Yard Setback (minimum)	6.0 m	7.5 m	
Side Yard Setback (minimum)	6.0 m	7.5 m	
<u>Exterior Flankage</u> Yard (minimum)	6.0 m	7.5 m	
Rear Yard Setback (minimum)	6.0 m	7.5 m	
Building Height (maximum)	5.0 m	11.0 m	
Maximum Building Gross Floor Area	100.0 m ² (1)		
Maximum Size for Ancillary Commercial Uses	NA	100.0 m ² (2)	
Landscaped Area (minimum)	25%	25%	
Setback from Water's Edge	15.0 m	15.0 m	

Footnotes:

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

9.4 Additional Regulations

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

SECTION 10 ENVIRONMENTAL OVERLAY ZONES

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

10.1 Applicable Zones

The Environmental Overlay regulations apply to lands Zoned:

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

10.2 Permitted Uses

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

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

Table 10.2.1: Permitted Uses in Environmental Overlay Zones

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

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

Footnote:

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

10.3 Regulations for Environmental Overlay Zones

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

10.4 Regulations for Hazard Overlay Zones

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

10.5 Regulations for Environmental Protection Overlay Zones

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

10.6 Regulations for Environmental Conservation Overlay Zones

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

10.7 Additional Regulations

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

SECTION 11 INSTITUTIONAL ZONES

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

11.1 Applicable Zones

The Institutional Zones apply to lands Zoned:

- INS1 Institutional
- INSH Health and Wellness

11.2 Permitted Uses

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

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

Table 11.2.1: Permitted Uses in Institutional Zones

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

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

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

Footnotes:

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

11.3 Regulations for Institutional Zones

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

Table 11.3.1: Regulations for Institutional Zones

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

11.4 Additional Regulations

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

SECTION 12 INDUSTRIAL ZONES

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

12.1 Applicable Zones

The Industrial Zones apply to lands Zoned:

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

12.2 Permitted Uses

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

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

Table 12.2.1: Permitted Uses in Industrial Zones

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

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

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

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

Footnotes:

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

12.3 Regulations for Industrial Zones

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

Table 12.3.1: Regulations for Industrial Zones

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

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

Footnotes:

(1) 30 metres for aggregate extraction stockpiles

12.4 Additional Regulations

12.4.1 Motor Vehicle Service Stations

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

Table 12.4.1: Regulations for Motor Vehicle Service Station

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

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

12.4.2 Motor Vehicle Washing Establishments

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

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

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

12.4.3 Outdoor Storage

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

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

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

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

12.4.5 Cannabis Production Facility

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

12.4.6 Other Applicable Regulations and Sections

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

SECTION 13 AGRICULTURAL AND RURAL ZONES

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

13.1 Applicable Zones

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

- A1 Agricultural
- RR Rural Residential
- RE Rural Employment

13.2 Permitted Uses

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

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

Table 13.2.1: Permitted Uses in Agricultural and Rural Zones

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

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

Footnotes:

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

13.3 Regulations for Agricultural and Rural Zones

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

Table 13.3.1: Regulations for Agricultural Rural Zones

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

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

Footnotes:

(1) Three storeys

(2) Along the front lot line

(3) Refer to Subsection 13.4 ~~Additional Regulations~~

- (4) Adjacent to lot lines abutting residential dwellings or Zones.
- (5) Secondary to agricultural uses only
- (6) Maximum gross floor area of all buildings/structures devoted to use

13.4 Additional Regulations

13.4.1 Outdoor Storage

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

13.4.2 Small Scale Retailing of Agricultural Products

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

13.4.3 Minimum Distance Separation

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

13.4.4 Farm Labour Residence

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

13.4.5 Cannabis Production Facility

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

13.4.6 Other Applicable Regulations and Sections

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

SECTION 14 RAILWAY TRANSPORTATION ZONES

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

14.1 Applicable Zones

The Railway Transportation Zones apply to lands Zoned:

- RT Railway Transportation

14.2 Permitted Uses

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

14.3 Regulations for Railway Transportation Zones

- a) Setback for new buildings adjacent to a Rail Transportation RT Zone:
Refer to **SECTION 5: GENERAL PROVISIONS** - Subsection 5.3~~68~~ -
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~~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.

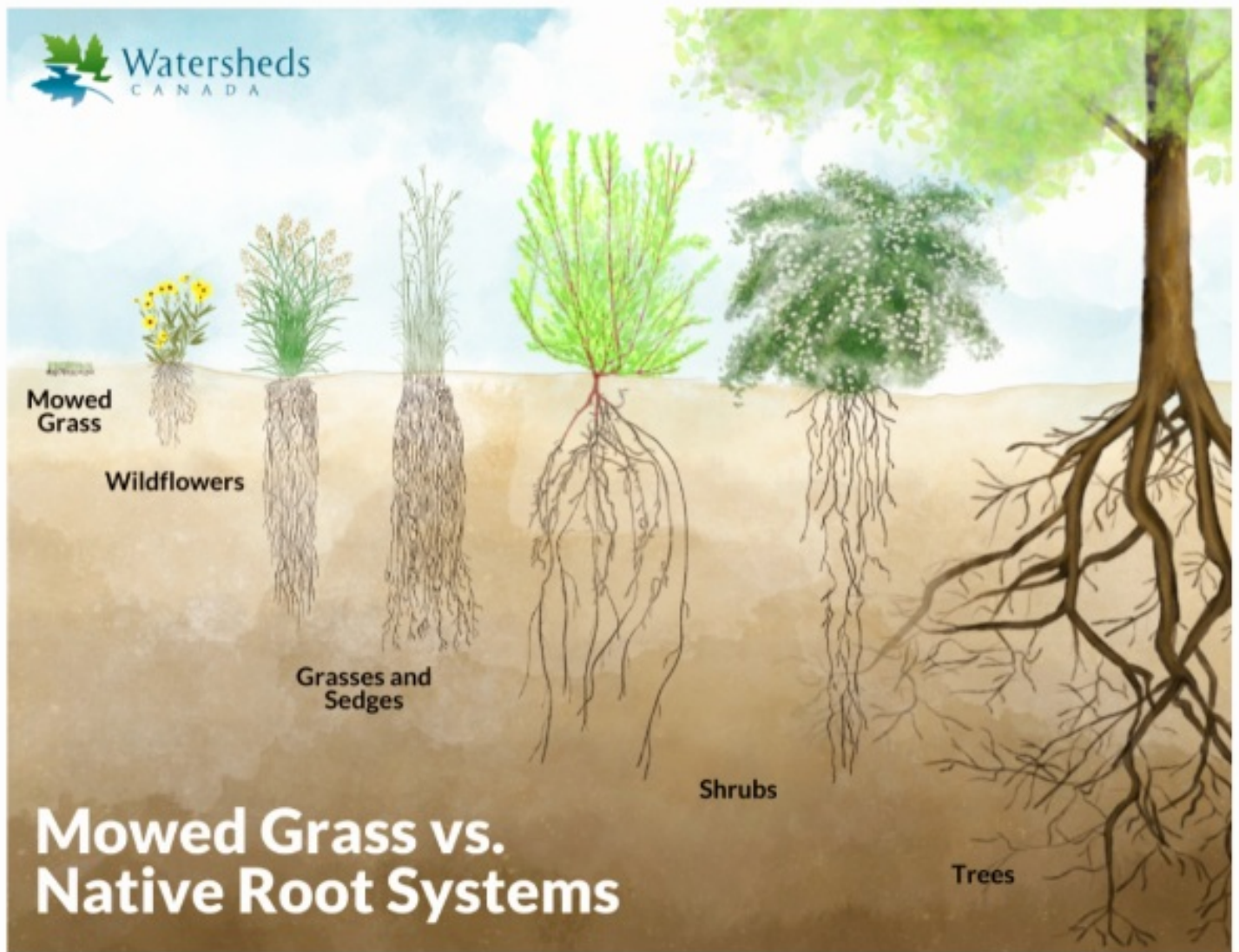
READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 17TH DAY OF OCTOBER, 2017.

_____MAYOR

_____CLERK

SCHEDULE "A" ZONE MAPS

SCHEDULE "B" SPECIAL EXCEPTIONS







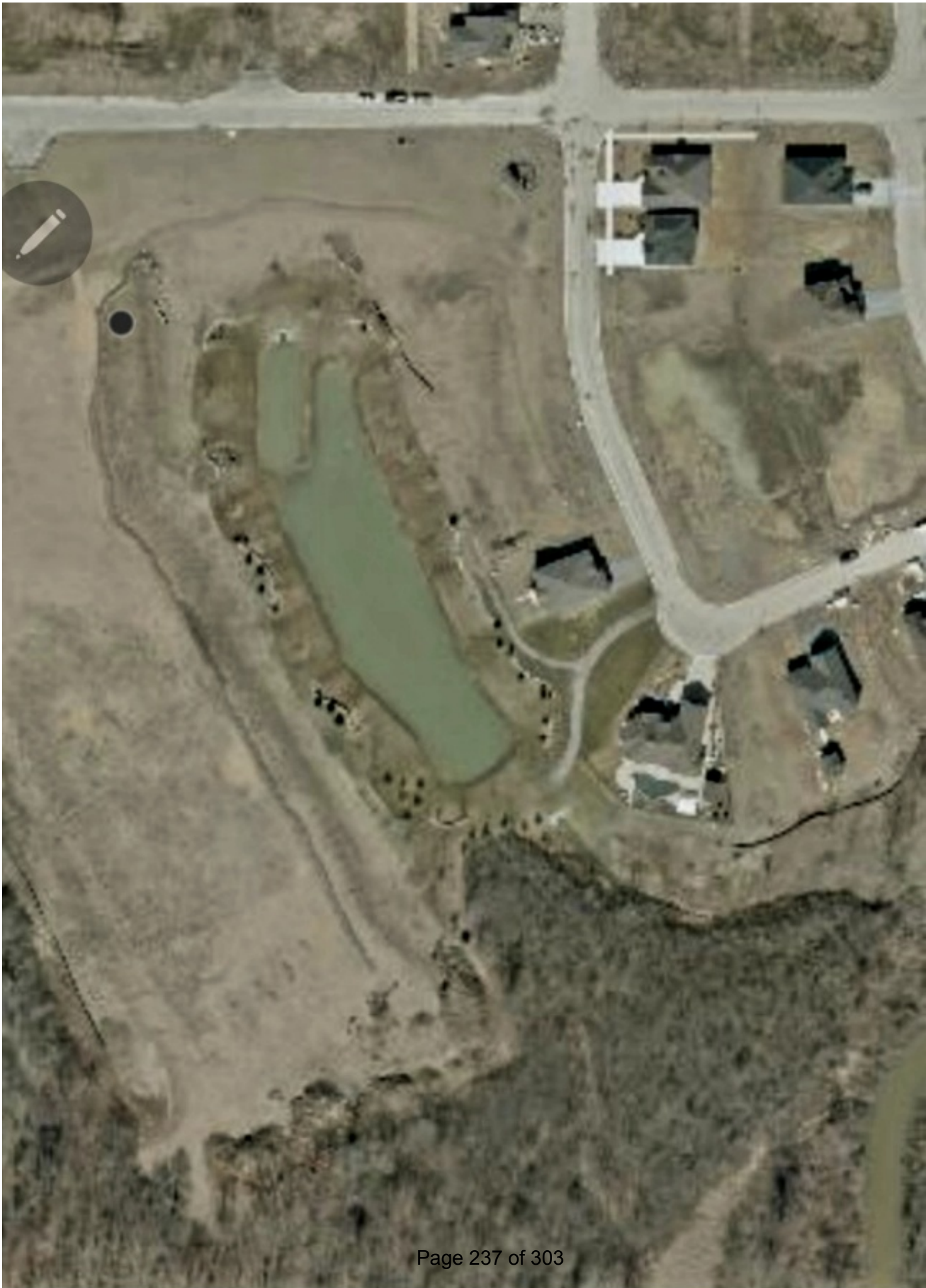






















COUNCIL MEETING
FINANCE DIVISION

REPORT FIN-2024-18
July 30, 2024

SUBJECT: Purchasing Policy Update

AUTHOR: Adam Beres, Manager of Purchasing

APPROVING: Elizabeth Pankoff, CPA, MBA
City Treasurer

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Purchasing Policy as provided in attached Appendix 'A'; and further

THAT Welland City Council directs the City Clerk to amend the Purchasing Policy By-Law.

RELATIONSHIP TO STRATEGIC PLAN – ECONOMIC GROWTH

This recommendation is aligned to Council's strategic priority of ensuring "**Economic Growth**" for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

EXECUTIVE SUMMARY:

This report requests approval of updates to the Purchasing Policy as provided in attached Appendix A and amending the Purchasing Policy. Modernizing the Purchasing Policy will streamline processes, bolster accountability, and promote good governance. These updates will position the City to effectively navigate legal complexities, enhance operational efficiencies, and align procurement practices with contemporary standards.

BACKGROUND:

The City's Purchasing Policy has not been updated since 2017. Updating the policy will help promote best practices, good governance, and support the integrity of the City's procurement protocols. Mitigating risk while ensuring responsible expenditure of funds authorized during the budgetary process are also cornerstones for the need of a modern policy.

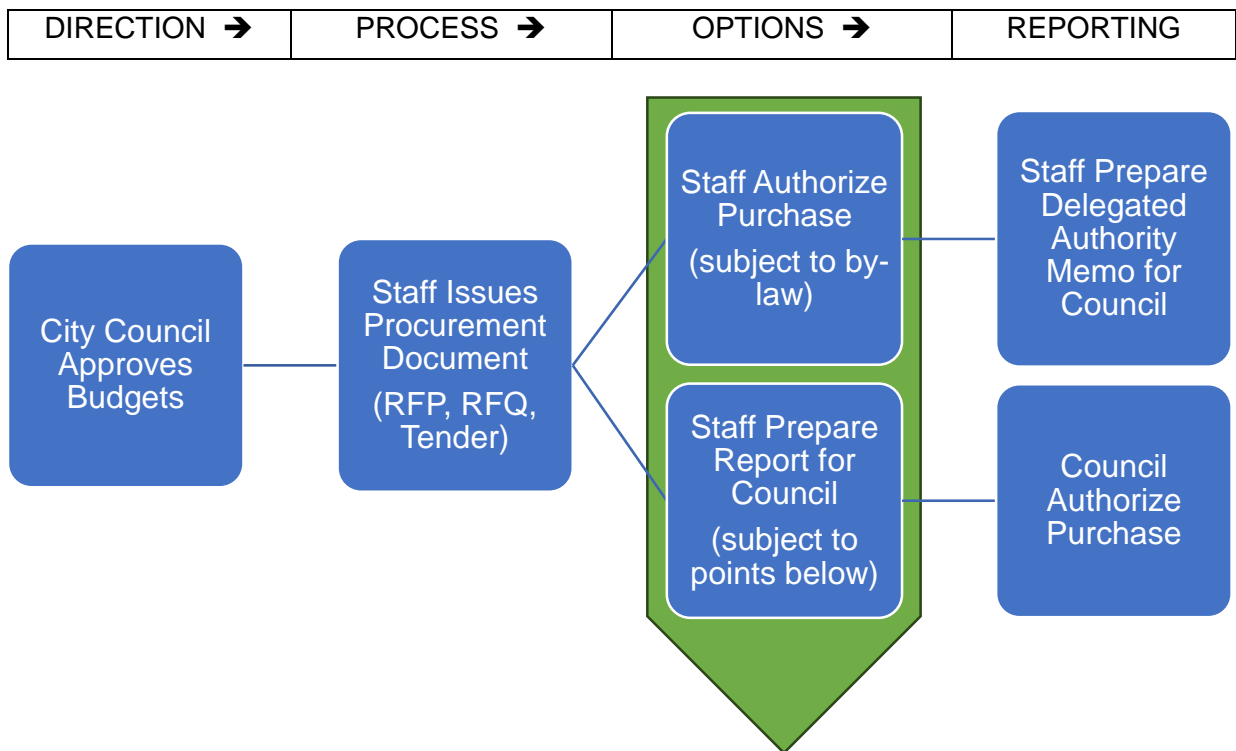
Recently members of Council attended a workshop that featured a presentation, “Municipal Procurement in Ontario” hosted by Ajay Gajaria, Partner of Aird & Berlis LLP. The presentation and lively discussion expressed the importance of regularly updating the City’s Purchasing Policy and By-Law to:

- Reduce legal risks
- Improve operational and financial performance
- Modernize the approach in keeping with benchmarks and best practices

DISCUSSION:

Fundamentally, the procurement will remain the same with added efficiencies, checks and balances, and reporting requirements.

As shown in the process below, the process will begin with direction being set up by Council during the budget process. During the budget process, Council will decide and subsequently approve projects that have a well-defined scope, budget amount, and funding sources.



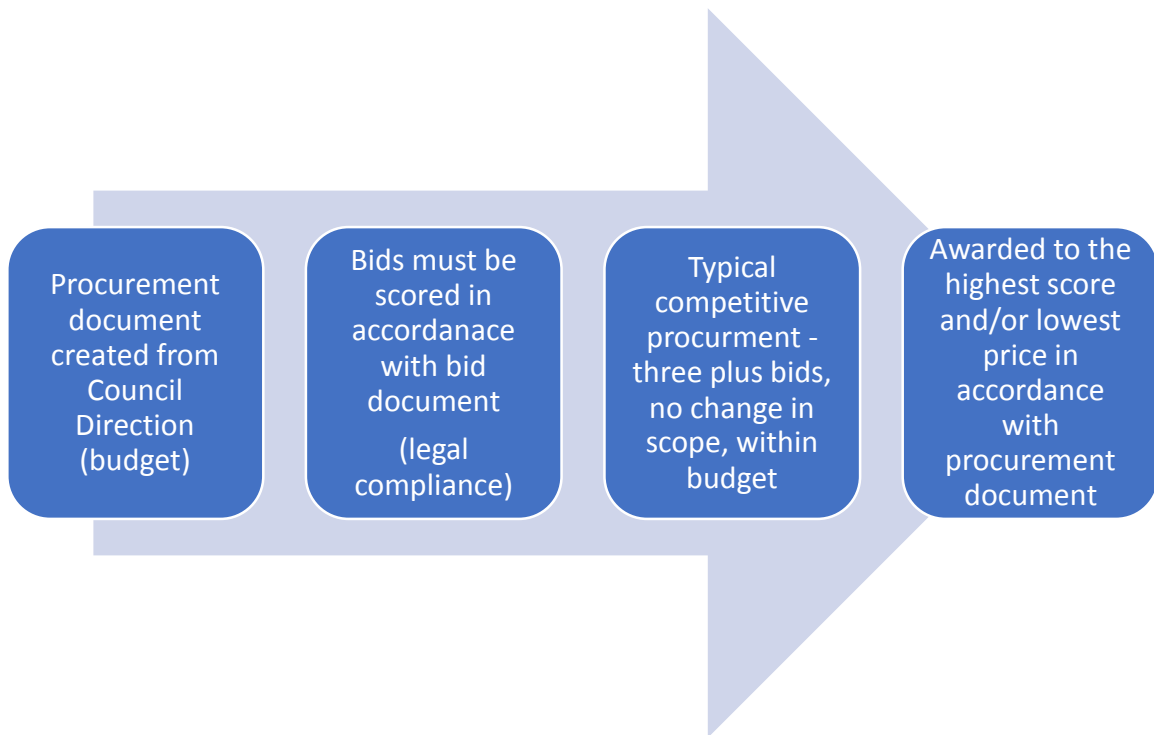
- Requirements when process must come forward to City Council:
- ✓ Single or Sole-sourced – required number of bids not received
 - ✓ Scope of Work changed or updated since budget approval
 - ✓ Pricing is above approved budgetary funding
 - ✓ Recommending a bidder that is not the lowest-priced or highest-scored
 - ✓ Any additional reasons at the discretion of the CAO

DIRECTION: Scope of Work Enhancement (Budget Process):

Discussion during the workshop included budgetary approval by City Council and how that begins the purchasing process and subsequent award. The discussion revealed how updating the approval process will maintain responsible decision-making for project awards while introducing greater efficiency. To do this, a major step in achieving this is by enhancing the scope within the capital budget support sheets with sufficient information to understand what the project entails. This will help ensure the project outcomes are clear to the public (Appendices B&C).

As illustrated above, the wheels are set in motion once the budget receives final approval. Budget deliberation is the optimum time for Council to consider the project, ask questions, and make recommendations. If the proposed deliverables should be amended, this is the opportunity to do so prior to bid document creation. The detailed capital project support sheets which include key objectives, project deliverables, and expected outcomes along with budgetary and funding sources to be used as a reference for discussion to ensure the public, staff, and Council have a clear picture of the project outcomes.

PROCESS: A review of legal compliance and process flow:



OPTIONS:

As noted in the diagram above, the option to be processed by City or return to Council for approval requires adherence to the specific criteria established.

For staff to process, approvals must be performed by the Director, CFO, and CAO and ensure:

- ✓ Scope of Work has not changed since budget approval
- ✓ Three or more bids received
- ✓ Within approved budgetary funding
- ✓ Awarding to the lowest-priced or highest-scored bidder

Provided the above criteria are met, it may be approved for award as indicated in Schedule 'B' of the updated Purchasing Policy that accompanies this report. If any of the criteria above are not met, a report shall come before Council outlining the circumstances which will include a recommendation from Staff for consideration.

REPORTING:

Council will receive quarterly summaries of the project award outcomes awarded by Staff as a memo. These reports shall include the Project Title, Type of RFX, Project Number, Number of Bidders, Awarded Bidder, and Bid Amounts (Scores and awarded bid amount for RFP). A sample of this quarterly report is shown below for reference.

Quarterly Summary Report, Awarded Bids							
Type of Bid	Project No.	Project Title	Bids Received	Bidder Info	Bid Amount	Awarded	Score
RFP	RFP24-02	Sidewalk Review	3	King Sidewalk	\$55,000	Yes	82
				Queen Sidewalk			2nd
				Prince Sidewalk			3rd

RFT	RFT24-03	Sidewalk Installation	3	123 Company	\$78,000	No	N/A
				XYZ Concrete	\$105,000	No	N/A
				EIO Precast	\$67,000	Yes	N/A

Should Council have questions or concerns regarding a project shown within the capital projects delegated authority memo, a direct connection with the department head could be initiated to help answer the question. Capital progress reports also come to Council during the year which provide status updates to in-progress projects.

To Note:

Additional topics discussed during the workshop included Social Procurement initiatives where bid documents may be written to ask questions such as investment in apprentices in skilled trades. Staff recommend a separate policy for matters pertaining to social issues, paying fair wages, and making sure

purchases are ethical and sustainable. This is noted within the updated Appendix A.

CONCLUSION:

The updated purchasing policy and use of best practices will promote an expedient procurement approach that will assist in modernizing the process while being fiscally responsible with the procurement process and subsequent approval by appropriate staff. The delegation of approvals to staff will help to make the process more efficient and can lead to better pricing. The budget process provides a thorough discussion of proposed projects, and the new policy will ensure the best decisions are made.

Approving this modernized Purchasing Policy and companion By-Law sets the stage for efficiency, accountability, and good governance.

ATTACHMENTS:

Appendix A- City of Welland Purchasing Policy, July 2024
Appendix B- 2023 Capital Support Sheet Pre
Appendix C-2023 Capital Support Sheet Post

Appendix 'A'



PURCHASING POLICY

THE GOVERNING POSTULATE FOR THIS POLICY:

TO ENSURE THE INTEGRITY OF THE PROCUREMENT PROCESS

JUNE 2024

CORE VALUES AND GUIDING PRINCIPLES:

To be honest and sincere, while following the highest ethical standards, the City will promote fair competition and ensure all bidders are treated equally.

To think big and plan for the future, balancing city-wide and neighborhood needs, and doing more with limited resources.

To commit to Welland's vision and goals by working as a team, cooperating fully, and collaborating with staff, council, residents, businesses, and external partners.

To meet operational needs while obtaining the best value through an open and transparent procurement process.

To not share confidential information with any potential vendor, ensuring no vendor gains an unfair advantage or suffers a disadvantage in the competitive process.

To promote sustainability, contributing to a balanced community, economy, and environment while minimizing our footprint and causing no harm.

INTEGRITY: If there are any concerns that the actions requested by the client division might compromise the process's integrity, pause the procurement process until the issue is resolved. If it cannot be resolved, refer the issue to a higher authority.

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PURCHASING POLICY FOR THE CORPORATION OF THE CITY OF WELLAND

PART I - PURPOSES, GOALS AND OBJECTIVES:

To meet the current and future needs of the Corporation by acquiring goods and services and completing projects that enhance access, competition, and fairness. Our goal is to achieve the best value or the optimal balance of overall benefits for the City of Welland and its residents while maintaining organizational and financial accountability.

To establish a policy that ensures effective and efficient delivery while maintaining process integrity through accountability, fairness, objectivity, and transparency.

This policy's purpose, goal, and objective for all methods of procurement are:

- To seek a balance between cost savings and best value while protecting the interests of the City.
- To consider, promote and incorporate accessibility for persons with the requirements of the *Ontarians with Disabilities Act*, as amended.
- To maintain timely and relevant policies and procedures and to this end, it is intended that this by-law be reviewed at least every five years or earlier to evaluate its effectiveness.
- To make sure spending is authorized and policies are regularly reviewed to ensure they meet our goals and objectives, ensuring accountability and integrity. To always try to use environmentally friendly options whenever possible and feasible.

PART II - SCHEDULES:

The following Schedules form part of this policy:

Schedule "A": "Goods and Services Exempt from this Purchasing Policy."

Schedule "B": "Requisition and Purchasing Methods with Approval Authority."

Schedule "C": "List of Bid Irregularities with Applicable Consequences"

Schedule "D": "Glossary of Purchasing Definitions and Terms"

PART III - AUTHORITY - EXPENDITURE CONTROL - SCHEDULE B:

All purchases of goods and services and construction shall be authorized as follows:

This policy allows specific individuals listed in Schedule 'B' to make purchases as authorized agents for the City of Welland. They can buy goods and services listed in Schedule 'A' if enough money is available in the Council-approved budgets.

All purchase requisitions, orders, agreements, leases, or contracts for goods, services, and construction must have legally required signatures.

The Purchasing Services Division shall operate under the direction of the General Manager of Corporate and Enterprise Services/CFO, and City Treasurer and shall have the authority to sign, Purchase Orders, Blanket Orders and Purchase Commitment agreements (contracts) that are in accordance with this policy.

A Contractual Agreement or Purchase Order can be issued upon authorization by the appropriate Approval and Signing Authority indicated within SCHEDULE 'B' after having called a Tender, Request for Quotation or Request for Proposal as appropriate provided that:

- There are no ongoing legal disputes between the bidder and the City.
- The bid received responses as indicated.
- The procurement process was open and transparent.
- The scope of work remains unchanged since budget approval.
- The financial outcome is within the approved budget.
- The contract is awarded to the lowest-priced or highest-scoring bidder.

If there are any irregularities or informalities in a tender or proposal submission process, the Purchasing Services Division will analyze the bid opening and note these issues. They will then forward a report to the end user division. The end user division will prepare a staff report for Council approval and award of the tender or proposal for these instances.

The requirement to issue a tender, request for proposal, or request for quotation may be waived with approval from the designated authority listed in SCHEDULE 'B'. This applies when procuring goods or services under the following circumstances.

- The extension or reinstatement of an existing contract would prove more cost effective or beneficial to the City in the opinion of the Purchasing Services Division in conjunction with the appropriate Manager and/or Director.
- Goods and services are only available from one source.

- Where for reasons of time or due to the nature of the goods and services to be supplied, the interests of the City would be best served by a direct purchase, or an “Invitation to Quotation or Tender” to three or more selected Bidders, instead of the calling of a public bid process. Please also refer also to Purchase by Negotiation.

The Procurement process shall be carried out in accordance with the City’s Procurement Policies and Procedures as amended.

PART IV – RESPONSIBILITIES OF THE DIVISIONS:

Those named in SCHEDULE ‘B’ shall also be required to:

- Make sure everyone follows this policy and its procedures.
- Maintain good relationships with vendors and handle negotiations, following policy rules.
- Ensure all contract terms and conditions match the bid solicitation.
- Create and approve specifications and terms of reference.
- Ensure vendors follow contract terms and conditions.
- Track contract spending to meet financial limits and pay bills on time as per the contract.
- Check how well suppliers perform to ensure deliveries are on time.
- Use standardized goods and services when it helps this policy's goals.
- Confirm all goods and services ordered are received.

The Purchasing Services Division will oversee the sale or disposal of all supplies that are unusable, obsolete, worn out, disused, or scrapped. These sales will be managed with appropriate approvals and in accordance with the provisions of this policy.

The City of Welland divisions will stay informed about vendor data related to a potential contractor's performance history, financial status, and practices before recommending awarding a contract. They will also monitor contractor performance, document evidence of performance, and notify the Purchasing Services Division in writing if a contractor fails to meet contract requirements. The Purchasing Services Division can then prohibit or interview a contractor with unsatisfactory performance from bidding on future contracts, following policies approved by the Council. Everyone listed in Schedule "B" and the Purchasing Services team must keep up-to-date digital records. These records are essential for maintaining a history of transactions, providing an accurate audit trail for financial reviews, and handling any legal actions or official complaints. Keeping current files is also crucial for anyone who may need to review or take over these records in the future.

To help City Departments develop creative and flexible procurement strategies, the Purchasing Services Division will aim to be involved early and work closely with the Client Division. This may include helping identify needs, assisting with completing the Purchasing Requisition to define requirements, developing procurement strategies, and drafting solicitation documents.

The Purchasing Services Division will proactively consult and be readily available to guide and assist any Division or colleagues seeking to better understand this policy. Through this process, Purchasing Services ensure the objectivity and integrity of the procurement process by clearly defining when each procurement method should be used.

The Purchasing Services Division will report any violations to the General Manager of Corporate and Enterprise Services/CFO, the City Treasurer, and the relevant Department Director for appropriate action.

PART V – PURCHASING GUIDELINES:

GENERAL

To ensure consistent purchasing and acquisition practices, the Purchasing Services Division will develop and establish purchasing procedures aligned with the purposes, goals, and objectives outlined in this policy. These procedures will be approved by the Corporate Leadership Team and all departments must adhere to them.

The Purchasing Services Division will administer this Policy and respond to any questions regarding its interpretation or application.

Individual departments must initiate purchases only for their specific needs to prevent duplication and to leverage corporate purchasing power. When the Corporate Leadership Team determines that goods and services involve multiple departments, the Purchasing Department will gather spending data and issue the necessary cooperative bid documents on behalf of each department.

Despite the provisions of this policy, every bid document issued by the City will include a provision stating that the City of Welland reserves the right to reject the lowest or any bid at its absolute discretion. Additionally, the City reserves the right to reissue the bid documents in their original form or with revised specifications as needed.

No contract or purchase order shall be divided to circumvent the requirements outlined in this policy. The practice of splitting purchases to evade any of the purchasing processes specified in this policy is strictly prohibited.

A director or their designate is authorized to solicit bids before the City Council adopts the capital budget. Bids must include a clause stating that accepting a bid and placing an order is contingent upon budget approval. The specified items are also subject to potential changes in quantity or removal.

In accordance with Schedule 'B' of this policy, dollar amounts specified for the purchasing process shall generally refer to the total cost before taxes, duties, and freight, unless otherwise indicated.

Unless otherwise specified, all purchases of goods, services, and construction must be conducted competitively, following accepted public purchasing practices and complying with relevant federal, provincial, and municipal laws and treaties. The City does not seek in-house bids that compete with external firms.

No contract for services shall be awarded if the services would establish an employer-employee relationship.

No employee shall purchase any goods, services, or construction on behalf of the City except in accordance with this policy.

Council members shall conduct themselves in accordance with the Municipal Conflict of Interest Act, as amended.

Unless otherwise specified, no work may begin or commitment to purchase goods may be made until an official Purchase Order has been issued or a contract signed, and all required documents, including but not limited to the Workplace Safety and Insurance Board (WSIB) and appropriate insurance, and approvals have been received.

TELECOMMUNICATIONS, COMPUTER EQUIPMENT AND SERVICES

All telecommunications, computer, video security, and electronic building access systems, software, and related products and services must be budgeted and requested through Information Services. If these purchases are part of a larger, separately funded project, Information Services must be involved in the specification and approval process to ensure security, corporate standards, and compatibility.

No payment of any commodity shall be processed by the City of Welland without first receiving authorization from Information Services.

CONTRACT WITHOUT BUDGETARY APPROPRIATION

The authority to award a contract is subject to the identification and availability of sufficient funds in the appropriate accounts within the City Council approved budget. If goods, services, or construction are needed but funds are not available in the Council approved budget to cover the proposed expenditure, the Director must submit a report to Council before starting the purchasing process. The report should include:

- information surrounding the requirement to contract.
- the terms of reference to be provided in the contract.
- Information on the availability of funds within existing estimates that were originally approved by Council for other purposes, or on the need for additional funds.

LEGAL CLAIMS AND DAMAGES

- The City can reject a quotation, tender, or proposal from a bidder if the bidder, or any of its officers or directors, is or has been involved in a legal action or claim against the City, its officers, or employees regarding: Any other contract or services.
- Any matter arising from the City's exercise of its powers, duties, or functions.

When deciding whether to reject a quotation, tender, or proposal, the City will consider if the legal action or claim might affect the bidder's ability to work with the City and its team. The City will also consider if past dealings with the bidder suggest that awarding the contract might lead to higher staff and legal costs.

NO LOCAL PREFERENCE

The City of Welland aims to get the best value in its purchases. This means the City is not required to buy goods or supplies based on Canadian content or prefer local suppliers. This policy follows agreements such as the Comprehensive Economic and Trade Agreement (CETA) and the Canadian Free Trade Agreement (CFTA).

LOBBYING

Bidders are not allowed to contact any member of Council or City of Welland employees to influence contract awards. Any attempt to influence decisions, like through meetings, social events, or meals related to the selection process, will disqualify the bidder from the project. However, this rule doesn't apply to meetings set up by the City for presentations or negotiations, or for asking City staff questions to clarify requirements. Once a bidder is awarded the contract, they cannot try to influence any member of Council or City of Welland employee to buy additional enhancements, options, or modules. However, they can communicate with Purchasing Services for contract administration matters during the contract term. The City's Purchasing Services has the sole discretion, acting reasonably, to determine what qualifies as influential activity, and this decision is not open to appeal.

ENVIRONMENTAL CONSIDERATIONS

The City of Welland and Purchasing Services is committed to reducing waste and promoting environmentally friendly procurement practices. They aim to adjust specifications for purchasing goods and services to favor products that are durable, energy-efficient, reusable, and have high recyclable content, while still meeting their intended purposes effectively.

It is understood that careful cost analysis will ensure that environmentally friendly products are competitively priced, promoting the adoption and awareness of sustainable practices.

When possible, the City of Welland may give preference to bids that minimize environmental impact or vendors who offer goods made with recycled materials. Recycled materials, in this context, are those that have a reduced impact on human health and the environment compared to similar products.

The City of Welland mandates that all products, services, including their components and associated preparatory work delivered to and performed on its premises, must comply with the Canadian Environmental Protection Act and its related regulations, codes of practice, and guidelines.

COUNCIL APPROVAL REQUIRED

Despite other provisions in this policy, the following contracts require Council approval:

- Contracts where the minimum required number of bids are not received.
- Contracts where the scope of work has changed since budget approval.
- Contracts exceeding the Council Approved Budget or resulting in insufficient remaining funds in the project budget.
- Contracts where an irregularity prevents awarding the lowest bid or highest scoring proposal.
- Contracts required under the City's Financing Lease Policy.
- Contracts related to property acquisition and disposal.
- Purchase by negotiation exceeding the threshold specified in Schedule 'B'.

ACCESSIBILITY WHEN ACQUIRING GOODS AND/OR SERVICES

Following the Human Rights Code, Ontarians with Disabilities Act, and Accessibility for Ontarians with Disabilities Act, along with its regulations and integrated Accessibility Standards (Ontario Regulation 191/11, Part 1, section 5), we will include accessibility design criteria in our procurement specifications, unless it's impractical to do so. During RFP competitions, we will also prioritize accessibility as an evaluation criterion wherever possible.

PART VI – PURCHASING:

PURCHASING CARD

The Finance office oversees policies and procedures for corporate Purchasing Cards. When Purchasing Cards are used for payments, users authorized to use these cards must follow all procedures outlined in the Purchasing By-law and the associated Purchasing Card policy.

BLANKET PURCHASE ORDERS:

A blanket purchase order may be used where:

- One or more divisions frequently order the same goods or services without knowing the exact demand in advance.
- Anticipated needs for a variety of goods or services for specific purposes where convenience and location are critical factors, but the exact demand is initially uncertain.

The Purchasing Services Division shall create and maintain blanket purchase orders upon request.

To set prices and choose suppliers, the Purchasing Services Division will use the guidelines outlined in this policy for acquiring goods or services.

Multiple suppliers may be chosen when it benefits the City's interests and the bid solicitation permits, such as in the case of vendors of record.

PURCHASING PROCESSES

The procedures for purchasing goods, services, or construction are specified in Schedule "B". These procedures may be used, subject to the guidelines outlined in this policy, for procuring goods, services, and construction.

DIRECT PURCHASES - LOW DOLLAR PURCHASES: ≤ \$10,000

Purchases in this section do not require formal quotes but should be obtained from competitive sources at fair market prices whenever possible. Any authorized employee, with approval from a manager, can make these purchases using an approved receipt, Purchase Order, or Purchasing Card (In accordance with associated Purchasing Card policy).

Non-sealed (Informal) RFx: > \$10,000 but ≤ \$100,000

For goods and services valued between \$10,000 and \$100,000, managers and directors have authorization to approve purchases from suppliers under terms that best suit the corporation. Staff must obtain a minimum of three informal written quotations, which should be attached to the purchase requisition and voucher for audit purposes. These quotations may be provided on vendor letterhead. Workers' Safety Insurance Board (WSIB) and insurance may be necessary if work is to be conducted on City-owned property.

An Informal RFX will be called and awarded when the purchase conditions are met if the item's estimated value is between \$10,000 and \$100,000, funds are available within approved budgets, the requirement is fully defined, and the lowest compliant bid meeting specifications offers the best value.

FORMAL SEALED RFX: > \$100,000 but ≤ \$300,000

For goods or services valued between \$100,000 and \$300,000, the Chief Administrative Officer (CAO) and Chief Financial Officer (CFO) are authorized to approve purchases if a formal RFX process requirements are met. This includes ensuring a fair and transparent process with at least three bid responses, staying within the approved budget, maintaining the original scope of work, and awarding the contract to the lowest priced or highest scoring bidder. The manager must submit a detailed report outlining the procurement process and needs background for approval to the CAO and CFO. This signed report, along with bid documents, responses, addenda, and purchase requisition, will be filed by Purchasing Services.

City Purchasing will advertise formal sealed RFX responses on an online bidding platform and notify the Clerk's Division of bid openings. Financial details for request for proposal bids will remain confidential until after non-financial technical evaluations are completed. Once scoring is finished, the financial information will be shared with the Clerk's Division and documented accordingly.

Upon approval from the CAO and CFO, the Purchasing Services Division will either issue a Purchase Order or draft a contract with the successful bidder.

If fewer than three bid responses are received for goods and services within this threshold, the manager and director will report to the CAO and CFO, explaining why there are fewer responses. In such cases, the CAO and CFO may recommend submitting a report to Council to seek approval for the award (refer to purchase by negotiation).

FORMAL SEALED TENDERS / PROPOSALS / QUOTATIONS > \$300,000

Purchasing Services will advertise electronic formal tenders, quotations, and proposals on the online bidding platform. They will ensure all required forms are submitted, bids are signed correctly, addenda are acknowledged, and the specified bid security is provided. Bid amounts will be recorded and sent to the City Clerk. Initial tender results will be promptly posted on the online platform. Responses will then undergo a review for accuracy, with any errors communicated to the bidder and corrections made online as needed.

Once at least three formal bid responses are received, a report will be prepared for the Director, CAO, and CFO. This report will seek approval to finalize a contract with the successful bidder, chosen

based on being either the lowest priced or highest scoring, depending on the evaluation criteria.

If fewer than three bid responses are received for goods and services within this threshold, a report outlining the reasons for the limited responses will be submitted to City Council. The report will include a recommendation on whether to proceed with the award.

REQUEST FOR PROPOSALS

A request for proposal will be utilized when one or more of the criteria for issuing a request for tender cannot be fulfilled:

- The requirement is best described in a general performance specification, inviting suppliers to propose innovative solutions. The selection is based on the effectiveness of the proposed solution using a weighted scoring matrix, rather than solely on price.
- Negotiations with one or more bidders may be necessary concerning any aspect of the requirement.

The manager, director, or purchasing services division, on their behalf, may award contracts resulting from a request for proposal provided that:

- The award is made to the supplier meeting all mandatory requirements and determined, by reference to an evaluation grid, as providing best value;
- A proper agreement is prepared as appropriate for the given project;
- Sufficient funds are available and identified in appropriate accounts within Council Approved Budgets.

REQUEST FOR EXPRESSIONS OF INTEREST (REFI or RFI)

A manager, director, or purchasing services may initiate a request for expression of interest to determine the availability of suppliers for goods, services, or construction and to maintain a supplier list. However, an award cannot be made through this process; a formal bidding process must be conducted to finalize any awards.

PURCHASE BY NEGOTIATION

The director or purchasing services division may negotiate with one or more bidders under any of the following conditions, where the requirement for inviting tenders or quotations is waived:

- When goods are judged to be in short supply due to market conditions, as determined by the Director;
- Where there is only one source of supply (sole source) for the goods or services, or where only one source of supply would be acceptable and cost-effective;

- Where exclusive rights are held by a supplier, or there is a need for compatibility with previously acquired goods and services;
- In cases of emergency where goods and services are urgently required and direct negotiation is necessary, as outlined in Emergency Purchases guidelines;
- When the required goods and services necessitate special knowledge, skills, expertise, or experience from a particular vendor or supplier;
- When two or more lowest compliant bids are identical;
- When the lowest tender or quotation substantially exceeds the estimated cost, making it impractical to recall the tender or quotation;
- When all bids received fail to meet specifications or tender terms and conditions, and recalling tenders or quotations is impractical;
- When no bids are received in a tender or quotation call;
- When only one bid is received in a tender or quotation call.

When a purchase by negotiation is necessary, refer to SCHEDULE 'B' for approval authority.

The negotiation methods must adhere to standard practices outlined in the [Ontario Public Buyers Association \(OPBA\) Code of Ethics](#).

EMERGENCY PURCHASES:

In case of an emergency requiring immediate procurement of goods and/or services, the Director, CFO, and CAO will instruct the Purchasing Services Division in writing to make the purchase swiftly and on the best possible terms, overriding normal purchasing procedures.

For emergency purchases that exceed the standard purchasing methods and approval limits, the CFO and Director must promptly notify the necessary approval authorities (refer to SCHEDULE 'B') with a detailed written report explaining the emergency circumstances. This report will follow the approval process outlined in the Purchasing Policy, similar to non-emergency purchases.

CO-OPERATIVE PURCHASES

The Purchasing Services Division is authorized to collaborate on purchasing with other municipalities, regions, local boards, and public agencies. Currently, they are active members of the Niagara Public Purchasing Committee (NPPC) and participate in several group purchasing organizations and buying groups like Canoe, Kinetic GPO, LAS, OECM, and MGS. They are open to joining other collaborative buying groups as well.

- Any purchase order, contract, or any other award resulting from the cooperative tendering process shall be subject to all conditions and limitations of this policy and the [City's purchase order terms and conditions](#).

ACQUISITION OF GOODS AND SERVICES FROM OTHER GOVERNMENT BODIES AND IN HOUSE BIDS

The purchasing services division can buy goods and services from federal, provincial, or municipal bodies when they can't find them elsewhere. They can also use provincial and federal standing agreements or competitive procurement processes if it benefits Welland. Service relocations must be handled by designated authorities like Welland Hydro or Enbridge Gas.

SPECIFICATIONS

Divisions shall be responsible for preparing and providing specifications to the purchasing services division by way of a written requisition when required. The purchasing services division, when applicable, shall review all specifications, terms, and conditions and have the authority to recommend updates.

Vendors or potential vendors should not be asked to spend extra time, money, or effort on design or developing specifications beyond what is typically expected. If such services are needed:

- Notify the Purchasing Services Division.
- The contracted vendor will be treated as a consultant and may be restricted from bidding on the supply of goods and/or services.
- Agree on a fee with the vendor before starting the service.
- The detailed specifications will belong to the City of Welland and can be used for obtaining competitive bids.

PART VII - DESIGN AND DEVELOPMENT SERVICES

If suppliers, potential suppliers, or consulting firms are asked to do more than their standard services—like designing specifications or defining requirements—the director and purchasing services division must be notified. In these cases, the company should receive compensation at an agreed-upon fee. The specifications created through this process will belong to the Corporation and can be used to solicit competitive bids.

Suppliers or consultants hired to provide design services or specifications for work that will be tendered or quoted may be restricted from submitting a bid for that work, unless specified otherwise.

PART VIII - IDENTICAL BIDS

If two or more bidders submit identical lowest compliant bids in terms of total acquisition cost or unit price, the Division Manager or the Purchasing Services Division, with approval from the Division Director overseeing the bid solicitation, can negotiate with these bidders to try to obtain a lower price. Records of these negotiations will be maintained, and a "Best and Final Offer" (BAFO) process may be used to reach an award decision.

The Director or Purchasing Services Division must not disclose details of these negotiations or how the final price was determined to any of the bidders involved. A report on the negotiation outcomes will be included in the record.

If negotiations do not succeed in breaking the tie between identical tenders, the successful bidder will be determined by drawing lots or flipping a coin in the presence of the Division Director and CFO as witnesses to the result.

PART IX - BIDS IN EXCESS OF PROJECT ESTIMATES:

When bids come in higher than expected for a project, the division director and purchasing services division can negotiate with the lowest compliant bidder to bring the bid within the project's budgeted amount. If the negotiated bid still exceeds the initial budget, they must seek City Council approval with a written report.

PART X - BID IRREGULARITIES:

The procedure for handling irregularities in the formal bids process for all contracts is detailed in Schedule 'C'.

PART XI – VENDOR NOTIFICATION OF BID OPPORTUNITIES:

Invitations for quotations, tenders, and proposals may be distributed to potential bidders to maximize the response to the call. Every effort will be made to notify qualified firms, but it remains the responsibility of interested firms to monitor the City's online bidding platform and cooperative bidding websites for competition notifications relevant to them.

PART XII - NOTWITHSTANDING REPORTS/PURCHASES OUTSIDE OF POLICY

For proposed purchases that fall outside the scope of this policy, the requesting division must obtain Council approval as necessary.

PART XIII - GUARANTEE OF CONTRACT EXECUTION AND PERFORMANCE

BID SECURITY

The division director can request that bids include bid security to ensure contract fulfillment. Together with the purchasing services division, they'll choose the method for guaranteeing contract execution. Options include Canadian currency, certified cheque, bank draft, money order, surety bond from a federally approved company, or the city's standard irrevocable standby letter of credit. The bid documents will specify the required amount of bid security.

The director can require bids to include:

- **Performance of Contract Security:** Ensures the bidder fulfills the contract.
- **Labour and/or Material Payment Security:** Ensures payment for labour and materials.

The director, with the purchasing services division, will choose the means to ensure these securities. Options include Canadian currency, certified cheque, bank draft, money order, the city's irrevocable standby letter of credit, or an agreement to bond. This agreement guarantees the bidder can obtain required performance and labour/material payment bonds from an approved, Ontario-licensed guarantee company, using bond forms accepted by the city.

Before starting work, the City requires satisfactory evidence of insurance coverage. This insurance must indemnify the City against claims, losses, costs, or damages arising from the bidder's obligations under the contract and any other risks identified by the City as needing coverage.

Before making payment to a supplier, the City requires a Certificate of Clearance from the Workplace Safety and Insurance Board. This certificate ensures that all premiums or levies owed to the Workplace Safety and Insurance Board have been paid up to the date of payment.

When consultants, contractors, and subcontractors work on site or for the City of Welland, they must adhere to the Workplace Safety and Insurance Act, S.O. 1997, c. 16, as amended. This ensures that all their employees, including subcontractors' staff working under City contracts, are covered by WSIB. Before starting any work, vendors must provide the City with a WSIB certificate that meets the City's specified format and content. Work cannot commence until this requirement is met.

PART XIV - CONTRACTUAL AGREEMENT

- Contracts for all purchases must be awarded through either a formal agreement or a purchase order. The only exceptions permitted are for purchases made through approved invoices or purchasing card, as outlined in the sections specified in SCHEDULE 'A' attached, unless expressly requested otherwise by the requisitioner.
- A purchase order is used when the resulting contract requires only the City's standard terms

and conditions.

- A formal agreement is used when the resulting contract is complex and includes terms and conditions beyond the City's standard contractual terms.
- It is the responsibility of the division director overseeing the bid solicitation, in collaboration with the purchasing services division and/or the city solicitor or their designate(s), to decide whether it is advantageous for the City to enter into a formal agreement with the supplier.
- If it is decided that a formal agreement is necessary, the agreement must be reviewed and authorized for execution by the city solicitor or their designate.
- When a formal agreement is necessary, the director has the authority to execute the agreement on behalf of the City.
- When a formal agreement is issued, the purchasing services division may issue a purchase order that incorporates the terms of the formal agreement.
- If a formal agreement is unnecessary, Purchasing Services will issue and finalize a Purchase Order with the applicable terms and conditions.

PART XV - CONFLICT OF INTEREST

A conflict of interest exists in a contract in which the City is concerned, if,

- 1) the employee or their spouse:
 - Is a shareholder, director, or senior officer of a non-publicly traded corporation with a pecuniary interest in the contract,
 - Holds a controlling interest or is a director or senior officer of a publicly traded corporation with a pecuniary interest in the contract
 - Is a member of an incorporated association or partnership with a pecuniary interest in the matter,
- 2) If an employee, directly or through their spouse, is employed by an entity or partnership that stands to gain financially from a contract, the employee must promptly disclose their interest and its nature to the Director responsible for the contract award. They are prohibited from participating in any decisions related to awarding the contract and must refrain from attempting to influence the contract award process in any way, and:
 - immediately disclose their interest to the director responsible for awarding the contract and describe its general nature and not take part in the award of the contract.
 - not attempt to influence the award of the contract
 - A manager, director, or the purchasing services division cannot open, consider any bid, or acquire goods or services from a city elected official, officer, or employee without prior approval from the council before the bid closes or the goods or services are acquired.

Council members or city employees cannot purchase goods or services for personal use through the corporation unless the items are sold through an open competitive auction.

Elected officials of the city cannot contact individuals, officers, employees, or agents of entities that have submitted bids to the city unless the bid has already been awarded or the contact pertains to addressing a complaint.

- No city employee, except for the employee overseeing the bid solicitation process, may contact any individual, officer, employee, or agent of an entity that has submitted a bid to the city unless the bid has been awarded or the contact is related to addressing a complaint.
- All bidders must disclose any actual or potential conflicts of interest to the City before submitting a bid or accepting a contract. If the purchasing services division identifies a conflict of interest, the City reserves the right to decide not to consider the bid, decline to award the contract, consider alternative bids, or terminate an existing contract, as deemed appropriate.

If a City employee has a personal or family interest in a business dealing with the City, they must notify their supervisor in writing. The supervisor will then work to find a solution that allows the matter to be handled impartially. The director will inform the purchasing services division of any serious issues, and they will decide if the conflict is significant enough to restrict the employee's involvement in the matter.

PART XVI - DISPOSAL OF SURPLUS

The purchasing services division, under the direction of appropriate approvals, has the authority to sell, exchange, or otherwise dispose of goods declared as surplus to the City's needs. This process will be carried out when it is deemed cost-effective and beneficial for the City.

- (a) Offer them for sale to other City divisions, affiliates, government agencies, or public authorities.
- (b) Sell them through external advertisement, formal request, auction, or public sale (with the option to set a reserve price if deemed necessary).
- (c) Sell or trade them back to the original supplier or others in the industry if it results in a higher net return than other methods.
- (d) Donate them to non-profit agencies.
- (e) Recycle them.
- (f) If all attempts to sell or donate fail, goods may be scrapped or destroyed if recycling isn't feasible.

No surplus goods shall be disposed of to employees, elected officials, or their family members unless they are sold through external advertisement, formal request, auction, or public sale, and no conflict of interest exists. Before any such disposal, the employee must declare their interest in writing to their director or, for elected officials, to the CAO, who will verify the absence of any conflict of interest. Family members are defined according to the City's Conflict of Interest Policy or any other relevant policy in effect.

PART XVII - PAYMENT

Finance must ensure that all goods and services covered by a purchase order, contract, progress certificate on construction, or other authorized purchasing processes are paid for in accordance with the requirements of the *Municipal Act*.

No advance payment for goods, services, or equipment shall be made unless specifically provided for in the purchasing agreement, as documented by a tender, purchase order, or another form of purchasing contract.

PART XVIII - INVENTORY CONTROL

A system for managing materials and controlling inventory is utilized to ensure there are sufficient commodities to meet the needs of all City divisions. The storeroom is located at 99 Federal Road, Welland.

PART XIX ACCESS TO INFORMATION

Information received regarding bid solicitations or the award of contracts resulting from bid solicitations will be protected according to the *Municipal Freedom of Information and Protection of Privacy Act*, as amended.

All records and information related to tenders, proposals, and other sealed bids that contain trade secrets, scientific, technical, commercial, financial, or other confidential labor relations information provided implicitly or explicitly in confidence shall remain confidential if their disclosure could reasonably be expected to cause:

- a) significant prejudice to the competitive position or substantial interference with the contractual or other negotiations of any person, group, or organization;
- b) cessation of the supply of similar information to the City where it is in the public interest to continue receiving such information;

c) undue financial loss or gain to any person, group, committee, financial institution, or agency; or

d) disclosure of information that could reasonably be expected to harm the financial interests of the City.

PART XX - ETHICS IN PURCHASING

The rules of conduct set by the Ontario Public Buyers Association (OPBA) must be followed by all staff involved in purchasing for the City.

The [purchasing ethics guidelines from the Ontario Public Buyers Association \(OPBA\)](#) require all City staff involved in procurement to adhere to the following principles:

- **Open and Honest Dealings:** Treat everyone involved in the purchasing process with transparency and integrity, including businesses, City staff, and the public using Purchasing Services.
- **Fair and Impartial Award Recommendations:** Ensure all contract and tender awards are based on fairness and impartiality, without giving preferential treatment to any vendor, including local businesses. This ensures open competition and maximizes value for taxpayer dollars.
- **Personal Integrity:** Maintain a high standard of personal integrity among all designated purchasing representatives. City staff must not accept gifts or favors in exchange for business, nor publicly endorse one company to unfairly advantage it over others.
- **Cooperation with Other Agencies:** Collaborate with other public agencies to leverage collective expertise and resources through cooperative purchasing groups. This approach allows for better value analysis and cost savings when purchasing goods and services in bulk.

PART XXI - RESOLUTION OF QUESTIONS OF POLICY

Any question involving the meaning or application of this policy should be directed to the General Manager of Corporate and Enterprise Services/CFO and manager of purchasing.

PART XXII– PROVIDING ASSISTANCE TO OTHER AGENCIES

The division director or the purchasing services division, with authorization from the CAO and ensuring it does not disrupt city operations, may loan, lease, rent, or otherwise provide City-owned vehicles, equipment, or other goods to federal, provincial, or municipal bodies, ministries, agencies, boards, corporations, or authorities in cases of unforeseen needs.

PART XXIII- ADMINISTRATION

This policy is subject to complete review on a regular basis.

In this policy, unless stated otherwise, singular words also mean their plural forms when needed.

City Council can approve or guide additional rules and policies that complement how the City conducts procurement. These might include social issues, paying fair wages, and making sure purchases are ethical and sustainable.

SCHEDULE "A" - GOODS AND SERVICES EXEMPT FROM THIS PURCHASING POLICY

Purchasing processes are not needed for certain items unless the requisitioning division or the Agent asks for them. The Agent can sign any necessary contracts listed in this schedule. If the Agent decides it's best for the City of Welland, they can pass this authority to someone else.

TRAINING AND EDUCATION: Registration and tuition fees for conferences, conventions, courses and seminars; memberships; staff development, workshops and training.

REFUNDABLE EMPLOYEE/COUNCILLOR EXPENSES: advances, meal allowances, travel and entertainment and miscellaneous - non-travel.

EMPLOYER'S GENERAL EXPENSES: Payroll and payroll deductions, medical, licenses including hardware and software, debenture payments, insurance premium payments, grants or charges to or from other government agencies, damage claims, tax remittances, petty cash replenishments, claim settlements and adjuster services, property tax refunds, Workplace Safety and Insurance Board (WSIB) remittance, building permit refunds, employer compensation.

PROFESSIONAL AND SPECIAL SERVICES: committee fees, counseling services, legal fees and other professional services related to litigation or legal matters. These include fees for filing, hearings and other administrative fees and costs of courts, boards, arbitration and other legal proceedings, funeral and burial expenses, witness fees, contracts related to the provision of "controlled acts" by persons "governed by a health profession Act", as those expressions are used in the *Regulated Health Professions Act*, S.O. 1991, c.18, as amended, Professional and skilled services provided to individuals as part of approved programs within the corporate or community services including but not limited to medical services, home care services, counseling services and childcare.

OTHER PROFESSIONAL AND SPECIAL SERVICES INCLUDING: Additional non-recurring accounting and auditing services, actuarial services, legal services if made in accordance with the delegation of authority to the city solicitor and the CAO, banking services and charges where covered by agreements, public debenture sales, group benefits, realty services regarding the lease, acquisition, demolition, sale of land and appraisal of land, performance/artists fees, honoraria, arbitrators, providers of artistic or recreations services (such as instructors in dance, yoga, gymnastics), historical experts, artistic designers, health and appearance therapists, skate sharpening services, expert witnesses.

UTILITIES: To include servicing and requested planted modifications, relocations related to construction, postage, water and sewage, hydro, gas, basic telephone service, cable television charges and other regulated authorities operating within and across municipal right of ways. (E.g. CN Rail, Via Rail, Enbridge).

ADVERTISING SERVICES: Required by the City on or in but not limited to radio, television, newspaper & magazines.

BAILIFF OR COLLECTION AGENCIES

OTHER: Antiques and artifacts (shops, sales and repairs but not including restoration), Acquisition of Art (but not including commissioned works of art), publications (including newspapers, periodicals, magazines or books), maintenance and licensing software purchases for systems previously acquired, purchases of goods for the purposes of retail sales (re-sale) by the City (not including items bearing the City of Welland logo or insignia)

SCHEDULE 'B' – REQUISITION AND PURCHASING METHODS, APPROVAL AND SIGNING AUTHORITY

It shall be noted that all City of Welland staff is authorized to complete and submit a requisition form to their Manager or Director for approval

Dollar Value	Minimum Purchasing Method / Requirements	Page Number	Approval & Signing Authority
Non-Sealed (Informal) RFx			
≤ \$10,000	Direct Purchase /Payment Card Purchase	12	Any Employee authorized by a Manager
>\$10,000 to < \$100,000	Minimum 3 Informal Written Responses for Quotation, Tender OR Request for Proposal	12	Manager and Director
Sealed (Formal) RFx (Total Dollar value of Contract)			
> \$100,000 to <\$300,000	Minimum 3 Formal Written Responses for Quotation, Tender OR Request for Proposal	13	C.A.O. and C.F.O. (or Designate(s))
> \$300,000	Minimum 3 Written Responses for Quotation, Tender OR Request for Proposal	13 - 14	Director, C.A.O. and C.F.O. (or Designate(s))
Purchase By Negotiation			
≤ \$25,000	"Purchase by Negotiation" , Refer to Section 65 for a detailed description whereby inviting tenders or quotations may be waived.	14 - 15	C.F.O. and Director (or Designate(s))
>\$25,000 to ≤ \$100,000			C.A.O. and C.F.O. (or Designate(s))
> \$100,000			City Council
Emergency Purchases			
<\$100,000	"Emergency Purchase", means purchases made during an event in the City, which in the opinion of the C.A.O. or C.F.O. or Director and their authorized designate(s), requires an immediate purchase in order to prevent a serious delay in acquiring needed Goods and/or Services, which delay reasonably could result in a danger to life, excessive damage to property and/or the environment, or the suspension of the provision of an essential service. This may also be in accordance with the Emergency Management Plan as described by visiting: https://www.niagararegion.ca/emergency/emergency-plan.aspx and / or the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 and appropriate revisions.	15	C.F.O. and Director, Report to C.A.O (or Designate(s))
>\$100,000 to <\$300,000			C.A.O. and C.F.O. (or Designate(s))
> \$300,000			Director, C.A.O. and C.F.O. (or Designate(s))

SCHEDULE "C" - BID IRREGULARITIES WITH APPLICABLE CONSEQUENCES

The City of Welland acknowledges that bids submitted in response to solicitations may occasionally contain errors, not all of which will necessarily disqualify the submission. **Bid Irregularity** is defined as a difference between the requirements (terms, conditions, specifications, special instructions) outlined in a bid request and the information provided in a bid response. The following list of irregularities is not exhaustive. purchasing services, in consultation with the requisitioning division, may reject a bid due to an irregularity not listed if it is deemed major. Alternatively, they may accept the bid or request that the bidder correct the deviation.

Bid irregularities are further classified as either “major irregularities” or “minor irregularities”, and defined as follows:

Major Irregularity is a deviation from the bid request that impacts the price, quality, quantity, or delivery terms and is significant to the award decision. Allowing such a deviation could unfairly advantage the bidder over others. Therefore, the City of Welland is required to reject any bid containing a major irregularity without further consideration.

Minor Irregularity is a deviation from the bid request which affects form, rather than substance (non-monetary).

Major Irregularity

Irregularity	Consequence
• Late Bid	Major Irregularity
• Bid Security not provided, in form or submitted at less than the amount specified	Major Irregularity
• Bid Security not signed by the Bidder or Bonding Company	Major Irregularity
• Failure to execute or submit Agreement to Bond, if required	Major Irregularity
• Bid documents not properly signed or witnessed	Major Irregularity
• Qualified Bid (Bid is restricted by a statement added to the Bid Document or covering letter or alterations to a form)	Major Irregularity
• Bids received on documents other than those provided in the request	Major Irregularity
• Incomplete Bids or all required sections of the bid document not completed	Major Irregularity
• The City of Welland will not accept bids containing changes, erasures, overweighting, whiteouts, cross outs, or strikeouts, which are not initialed by the bidder.	Major Irregularity
• Addenda not acknowledged	Major Irregularity

Minor Irregularity

Irregularity	Consequence
<ul style="list-style-type: none">• Bids which suggest that the Bidder has made a major mistake in calculations or the Bid	Minor Irregularity Decision will be made on a case-by-case basis in consult with Purchasing Services and the City Solicitor
<ul style="list-style-type: none">• Minor clerical errors	Minor Irregularity
<ul style="list-style-type: none">• Mathematical Errors, Bids containing errors in extensions, additions or computations	Minor Irregularity The City has the right to correct mathematical errors

SCHEDULE "D" – GLOSSARY OF PURCHASING DEFINITIONS AND TERMS

"Agent" means the City of Welland Purchasing Agent or Manager of Purchasing.

"Agreement" means a formal written legal agreement or contract for the supply of goods, services, equipment or construction.

"Approved Receipt" means an original supplier's invoice/receipt issued at the time of purchase, of low dollar Goods or Services **not exceeding \$10,000**, and which bears both the signature of an appropriately authorized employee and appropriate account number(s) for approval purposes.

"Authority" or **"Authorized"** means the legal right to conduct the tasks outlined in this policy as directed by Council and delegated to the CAO, Department and Directors. Authorized purchases are those that have prior approval of Council either through resolution or through the departmental budget.

"Award", "Awarded" and **"Awarding"** mean authorization to proceed with the purchase of Goods, Services or Construction from a chosen supplier.

"Best and Final Offer" (BAFO) is the last offer provided by an offeror in response to a Request for Proposal and all further negotiation ceases. When the provision for receiving best and final offers is included in an RFP, offerors are given the opportunity to submit a best and final offer after negotiations have been held. After the best and final offers are submitted, no further negotiations shall be conducted with any of the offerors and the decision to award is based on rescoring of the best and final offers.

"Bid" means an offer or submission from a supplier in response to a bid solicitation which is subject to acceptance or rejection by the Corporation.

"Bid Bond" is an insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a selected bidder fails to accept the contract as bid.

"Bidder" is a legal entity who submits a competitively priced offer in response to an invitation for bid.

"Bid Dispute" is a written complaint provided received by the Corporation from a Bidder; detailing specific reasons of a complaint against the methods employed or decisions made by the City in the process leading to the Award of a contract.

"Bid Irregularities" is defined in Schedule "C" and includes the appropriate consequence to those irregularities.

“Bid Security” is a refundable security which provides financial assurance to the City and that the bid has been submitted in good faith and that the contractor intends to enter into a contract at the price bid and in accordance with the terms of the bid documents; it may come in the form of Canadian currency, certified cheque, money order, bank draft or the City’s standard irrevocable standby letter of credit.

“Bid Solicitation” means a formal request for Bids including an Informal Quotation, Request for Quotation, Request for Pre-Qualification, Request for Tender, Request for Proposal or Request for Expression of Interest.

“Blackout Period” is the period of time that starts once a bid solicitation has been issued. The “Blackout Period” ends at the Award.

“Blanket Purchase Order” A purchase order under which a purchaser contracts with a vendor to provide for a purchaser’s frequent, repetitive, small-order requirements for an item(s or a service, on an as-required basis. Properly prepared, such an arrangement sets limit on the period of time it is valid and the maximum amount of money which may be spent at one time, or within a specified period, and specifically identifies those persons authorized to order and accept goods. The purchase order may also contain other terms and conditions, such as the discount of the specific price list that applies to purchases made under the agreement and what items and services are included (or excluded) under the agreement.

“Budget” means the budget or portion of the budget approved by Council.

“CAO” Is the Chief Administrative Officer.

“CFO” Is the General Manager of Corporate and Enterprise Services/CFO.

“Certificate of Clearance” from the Workplace Safety and Insurance Board means a certificate issued by an authorized official of the Workplace Safety and Insurance Board certifying that the Board waives its rights under subsection 9(3) of the *Workers’ Compensation Act*, R.S.O. 1990, Chapter W.11.

“CETA” means the Canada-European Union Comprehensive Economic and Trade Agreement, a bilateral agreement between Canada and the EU. The agreement covers virtually all sectors and aspects of Canada-EU trade in order to eliminate or reduce barriers. Also referred to as the Comprehensive Economic and Trade Agreement.

“CFTA” mean the Canadian Free Trade Agreement which enhances the flow of goods and services, investment and labour mobility, eliminates technical barriers to trade, greatly expands procurement coverage, and promotes regulatory cooperation within Canada.

“City” means the Corporation of the City of Welland.

“City Engineer” means Director, Infrastructure Services.

“City Treasurer” means the Treasurer of the Corporation or his or her designate.

“Clerk” means the Clerk of the Corporation or his or her designate.

“Client Department” is the City Department who has budgeted for the Good and/or Service required.

“Collusion” is a secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful purpose.

“Collusive Bidding” is an unethical and illegal practice in which suppliers act in a collusion to “fix” their bids in a collectively advantageous manner.

“Competitive” is a process where more than one (1) bidder participates in the solicitation or offer in the opportunity to submit a bid.

“Compliant Bid” means the response to a Bid Solicitation conforms to the mandatory requirements contained in a Bid Solicitation.

“Conflict of Interest”

- a) is defined as a situation or circumstance, real or perceived that could give a Bidder or potential Bidder an unfair advantage during a competitive procurement process or compromise the ability of a Contractor to perform its obligations under their contract.
- b) is a situation when a City employee or a member of their family has a direct financial interest in a Contract or proposed contract with the City, and where the City employee could directly influence the decision made in the course of performing their job duties, and also where the could indirectly influence the decision through exerting personal influence over the decision-makers.

“Construction” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.

“Consulting Service” are services of an advisory nature required to support policy development, decision-making, administration, or management of a business or public entity or organizations who possess specific knowledge, technical skills or unique abilities not usually available in-house or from within the City.

“Consultant” means a person or firm, who by virtue of a particular expertise, is hired by the Corporation to undertake a specific task or assignment that may include designing specifications and preparing plans or programs.

“Contract” means any formal legal agreement for supply of goods, services, equipment or construction.

“Contractor” is any legal entity to which a Contract is awarded.

“Corporation” means the Corporation of the City of Welland.

“Council” is the City Council of the Corporation of the City of Welland.

“Delegation of Authority” is when a person in authority appoints some or all of their authority to other City employee(s).

“Department” means any department within the Corporation of the City of Welland.

“Designate” means a person authorized by the CAO, or Director to act on his/her behalf, for the purposes of this policy.

“Disposal” means the selling, trading, assignment and/or scrapping of Surplus Assets.

“Director” is any Director / Executive Director or designate of a Department within the City of Welland who oversees multiple Divisions.

“Division” means a division within a department.

“Emergency Purchase” means purchases made during an event in the City, which in the opinion of the CAO, Director or their authorized designate, requires an immediate purchase in order to prevent a serious delay in acquiring needed Goods and/or Services, which delay reasonably could result in a danger to life, excessive damage to property and/or the environment, or the suspension of the provision of an essential service.

“Fair Market Value” means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arms-length where fully informed and not under any compulsion to transact.

"Family Member" is a spouse (including common law spouse), parent, grandparent, sibling, child, grandchild, niece, nephew, uncle, aunt or cousin of the City employee.

"Financing Lease Policy" means policy #FIN-004-0001, By-law 2003-29 passed by Council under the authority of the *Municipal Act, 2001*, S.O. c.25, as amended by Ontario Regulation 46/94 amended to Ontario Regulation 401/02.

"Formal Bid Process" and RFX process whereby the bid is opened and recorded results are shared with the office of the City Clerk or designate and at least one employee from the Requesting Division.

"Goods" means moveable property including,

- a) the cost of installing, operating, maintaining or manufacturing such moveable property.
- b) raw materials, products, equipment and other physical objects of every kind and description.

"Informal Quotations" are reserved for purchases of a value less than \$75,000. Informal quotations are used to reduce the paperwork and time formal quotations normally require.

"In House Bid" means a Bid made by one or more employees of the Corporation, which process has been authorized by Council, submitted in response to a Bid Solicitation, where the provision of the Goods and/or Services will be provided by the employees of the Corporation.

"Irrevocable Standby Letter of Credit" means an irrevocable letter on the City's standard form containing a request that the party to whom it is addressed pay the bearer or a person named therein money as a result of failure to perform or fulfill all the covenants, undertakings, terms, conditions and agreements contained in a contract.

"Labour and Material Payment Security" is a security which guarantees that the contractor will pay certain subcontractors, labour and material bills associated with the contracted project; it may come in the form of Canadian currency, certified cheque, money order, bank draft, the City's standard irrevocable standby letter of credit or a labour and material payment bond.

"Labour Payment Bond" means a bond issued on behalf of the supplier, by a surety company, to ensure that the contractor will pay his or her employees and thereby protects the Corporation against items which might be granted to employees should the contractor not make proper payments.

"Lease" and agreement by which one party (Lessee) leases from a second party (Lessor) equipment or space for a specified period of time at a predetermined cost.

“Litigation (Pending)” is whereby a potential claimant has demonstrated or manifested an intention to assert a possible claim.

“Lobbying” means the advocacy of an interest that is affected, actually or potentially by the Bid Solicitation process or individuals involved in the Bid Solicitation process including seeking to influence the outcome of the Bid Solicitation process or subsequent Award.

“Lowest Compliant Bid” means the Bid that would provide the City with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications and contains no irregularities requiring automatic rejection.

“Manager” means an employee of the Corporation holding the position of Manager.

“Material Payment Bond” means a bond issued on behalf of the supplier, by a surety company, to ensure that the contractor will pay his or her suppliers and thereby protects the Corporation against items which might be granted to suppliers should the contractor not make proper payments.

“Mayor” means the elected Mayor of the Corporation, or the person duly appointed to act in place of the Mayor.

“Negotiation” means a purchasing method whereby the Corporation may negotiate directly with one or more Suppliers with the intent to award a Contract or Extend an existing Contract.

“Non-Compliant” means the response to a Bid Solicitation which does not conform to the mandatory requirements in the Bid Solicitation.

“Payment Card / P-Card” is a credit card used by authorized employees to pay for goods and or services in accordance with the City’s payment card policy.

“Performance Bond” means a bond issued on behalf of the supplier, by a surety company, executed in connection with a contract and which secures the performance and fulfillment of the undertakings, covenants, terms, conditions and agreements contained in the contracts.

“Performance of Contract Security” is a security which protects the City from financial loss should a contractor fail to perform the contract in accordance with the terms and conditions of the contract documents; it may come in the form of Canadian currency, certified cheque, money order, bank draft, the City’s standard irrevocable standby letter of credit or a performance bond.

“Procedures” means internal instructions or guidelines to departments or divisions, approved by the CAO.

“Procurement” means:

- a) purchasing, renting, leasing, or otherwise acquiring any goods and or services or construction; includes all functions that pertain to the acquisition, including the description of requirements, preparation, solicitation, selection and Award of the Contract and all phases of Contract Administration.
- b) the combined functions of purchasing, inventory control, transportation, receiving, inspection, storekeeping, salvage and disposal operations.

“Procurement Services / Purchasing Services” means the section of the Finance Department that is responsible for the Procurement of Goods and/or Services on behalf of the City.

“Professional Services” means those services requiring the skills of professionals for a defined service requirement including but not limited to,

- (i) Architects, engineers, designers, surveyors, geoscientists, project managers, financial consultants, auditors, accountants, and medical professionals such as doctors, dentists and lawyers;
- (ii) Firms or individuals having specialized competence in environmental, planning or similar disciplines; and,
- (iii) Software consultants and any other persons providing similar services.

“Proponent” is a legal entity that submits a Proposal.

“Proposal” is a submission received in response to a Request for Proposal, acceptance of which may be subject to further negotiations.

“Purchase Order” means the legal document that is the Corporation’s commitment to the supplier for the value of the goods or services ordered. It is also the supplier’s authority to ship and charge for the goods specified on the order.

“Purchase Requisition” means an electronically transmitted request on a requisition form, which is sent to the Department Director or designate to procure goods or services.

“Purchasing Agent” means purchasing staff that assists in selecting and purchasing goods in accordance with this policy.

“Purchasing Services Division” means the Corporation of the City of Welland Purchasing Department

“Relationship” means a parent, spouse, child, brother or sister.

“Request for Expression of Interest (RFEI)” is a focused market research tool used to determine vendor interest in a proposed procurement. It may be issued simultaneously with a Request for Qualifications when the proposed procurement is well defined and the purchaser has clear expectations for the procurement.

“Request for Information (RFI)” is used prior to issuing a tender call as a general market research tool to determine what products and services are available, scope out business requirements, and/or estimate project costs.

“Request for Pre-Qualification (RFPQ)” is a request for the submission of information from potential Bidders, that may include, but not limited to, experience, education, financial strength, and capabilities. Typically a RFPQ is a pre-cursor to a Tender and multiple bidders are pre-qualified.

“Request for Proposal (RFP)” means an offer to supply goods or services on which end results are outlined but no detailed specifications given to the bidders as to the goods or how the work is to be performed; the goal is to obtain a unique proposal designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution.

“Request for Quotation (RFQ)” means a request for prices on specific goods or services obtained formally through a Call for Quotations or informally from selected sources, which are submitted orally, in writing, by email or transmitted by facsimile as determined by the Director, Manager or the Purchasing Services Division; the goal is the same as for the Request for Tender except bid solicitation is done primarily on an invitational basis from a pre-determined bidder’s list but may be supplemented with public advertising of the procurement opportunity.

“Request for Tender (RFT)” means an offer in writing by way of a Call for Tender to execute certain specified work or to supply certain specified goods or services at a specific rate in response to the information contained in the Call for Tender; the goal is to obtain competitive bids based on precisely defined requirements for which a clear or single solution exists and to accept the lowest bid meeting the requirements specified in the competition; all competitions require public advertisement.

“Scope of Work” is the work that has been described in a bid solicitation that must be done to deliver the Goods and/or Services with the specified features and functions within the time, quality and price specified.

“Services” includes all professional and consulting services, all services in relation to real property or personal property including without limiting the foregoing the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of personal property and real property and all other services of any nature and kind save and except only services to be delivered by an officer or employee of the City in accordance with terms of employment.

“Single Source” is the procurement of a good or service from a particular vendor rather than through solicitation of bids from other vendors who can also provide the same item.

“Sole Source” is the procurement of a good or service that is unique to a particular vendor and cannot be obtained from another source.

“Sustainability” means the ability to be maintained at a certain rate or level, and avoidance of the depletion of natural resources in order to maintain an ecological balance.

“Tender” is a submission received in response to a Request for Tender.

“Total Acquisition Cost” means an evaluation of quality and service in the assessment of a Bid and the sum of all costs including purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the Lowest Compliant Bid.

“Value for Money / Best Value” A value-for-money approach aims to deliver Goods and / or Services with a lower total life-cycle cost while maintaining a high standard.

“Vendor” is a supplier / seller of goods and / or services.

2023 CAPITAL BUDGET PROJECT SUBMISSIONS

PROJECT NAME: Fire Training Tower- Station #1

ACCOUNT NUMBER: 10-210-23062

NEED:

- Health and Safety**
- Mandated Programs**
- Growth Related**
- Department Initiative**
- Council Initiative**

Project Description: Building a new training building, that simulates various fire training scenarios in a safe and repeatable environment. This supports the Firefighters, supports the recently legislative opportunities to collaborate with neighboring departments and interdepartmental collaboration during the budget process for the completion of the project.

- New**
- Enhancement**
- Replacement**

Capital Levy Funding:
LAND SALES
DEVELOPMENT CHARGES
TOTAL Capital Levy Funding

Costs:
OUTSIDE CONTRACTS
TOTAL Costs

DEPARTMENT: 210 - FIRE

IMPACT ON CURRENT BUDGET FOR FULL YEAR BASED ON CURRENT YEAR COSTS

Comments:

STARTING DATE(MM/YYYY): 1/1/2023 12:00:00 AM
COMPLETION DATE (MM/YYYY): 12/31/2023 12:00:00 AM
PREPARED BY: Stephanie Testa
APPROVED BY: Adam Eckhart

2023 CAPITAL BUDGET PROJECT SUBMISSIONS

PROJECT NAME: Fire Training Tower- Station #1

ACCOUNT NUMBER: 10-210-23062

NEED:

- Health and Safety**
- Mandated Programs**
- Growth Related**
- Department Initiative**
- Council Initiative**

- New**
- Enhancement**
- Replacement**

Project Description: Building a new training tower at Station #1 (HQ), provide for a modern training building to enhance firefighter training and emergency response capabilities, aligning with strategic goals of Health and well-being. The project's primary activities include a detailed design phase ensuring compliance with NFPA 1402, Health and Safety Regulations, and Ontario Building Code standards. Construction will involve a minimum three-story tower with interior and exterior stairwells, utilizing galvanized steel components and potentially modular units or shipping containers, it will also simulate various fire situations that could occur across the community. The building will offer training scenarios in a variety of building configurations and do so in a safe and repeatable environment. Anticipated challenges include integrating modular units effectively and managing the logistical complexities of site preparation and stormwater drainage. The tower's strategic orientation, with its front facing the visitor parking lot at a 45-degree offset from the firehall, underscores its thoughtful placement within the training grounds. This supports the on-going training and safety of Welland Firefighters, supports the recently legislated Firefighter Certification, and opens up new opportunities to collaborate with neighbouring fire departments to find efficiencies in program delivery and interdepartmental collaboration. Council approved motion to refer to the 2023 budget process for the completion of the Training Tower as per F&ES 2022-04 -July 19,2022.

Capital Levy Funding:

LAND SALES	(\$1,229,717.00)
DEVELOPMENT CHARGES	(\$370,283.00)
TOTAL Capital Levy Funding	(\$1,600,000.00)

Costs:

OUTSIDE CONTRACTS	\$1,600,000.00
TOTAL Costs	\$1,600,000.00

DEPARTMENT: 210 - FIRE

IMPACT ON CURRENT BUDGET FOR FULL YEAR BASED ON CURRENT YR COSTS:

Comments:

STARTING DATE(MM/YYYY): 1/1/2023 12:00:00 AM
COMPLETION DATE (MM/YYYYY): 12/31/2023 12:00:00 AM
PREPARED BY: Stephanie Testa
APPROVED BY: Adam Eckhart

COUNCIL MEETING
COMMUNITY SERVICES

REPORT CS-2024-08
July 30, 2024

SUBJECT: **Accessibility for Ontarians with Disabilities Act (AODA)
Compliance Update**

CO-AUTHOR: **Grant Munday, Director of Planning & Development
Services**

CO-AUTHOR: **Jessica Ruddell, Director of Community Services**

APPROVING: **Rob Axiak, CAO**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report CS-2024-08 – Accessibility for Ontarians with Disabilities Act (AODA) Compliance Update.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council’s strategic priority of ensuring “**Health and Wellbeing**” to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

EXECUTIVE SUMMARY:

The City is committed to compliance with Accessibility for Ontarians with Disabilities Act (AODA). The purpose of this report is to provide an update on the City’s compliance with AODA and provide information regarding accessibility requirements and progress to date.

In recent years, messaging from the Province of Ontario regarding the deadline for AODA compliance has shifted. The current message from the Province is that the January 1, 2025 date is not a hard deadline for compliance, as they realize that compliance activities go beyond this date, require multi-year accessibility plans, will require compliance reports to the province, etc.

The City of Welland is fully compliant with AODA legislation.

BACKGROUND:

The Accessibility for Ontarians with Disabilities Act (AODA) is a statute enacted in 2005 by the Legislative Assembly of Ontario to develop, implement, and enforce standards for accessibility related to goods, services, facilities, employment, accommodation, and buildings. When the standards were passed into law in 2005, the target date for reaching legislative compliance with this standard was on or before January 1, 2025. This act and targets were set by a minority liberal provincial government at the time.

The AODA applies to every person or organization in the public and private sectors in the Province of Ontario. Public sector organizations, like the City of Welland, with more than 20 employees, must complete and submit the Accessibility Standards Checklist every two years. To achieve compliance, there are a series of requirements including general requirements, information and communication requirements, customer service requirements, employment requirements, design of public space requirements and finally requirements around accessibility advisory committees. The City of Welland's 2023 Accessibility Compliance Checklist, as submitted to Ministry for Seniors and Accessibility on October 27, 2023 is attached as Appendix 1. The Accessibility Compliance Checklist can be audited by the province anytime.

DISCUSSION:

The City of Welland is fully compliant with AODA legislation.

General requirements as outlined in legislation for reports and policies are publicly available on the City's website on the [Accessibility Advisory Committee page](#) in an accessible format including:

- [Accessibility Policy, SER-015-009](#)
- [Multi-year Accessibility Plan \(2018- 2023\)](#)
- [2023 Accessibility Compliance Report](#)

Staff are working to develop an updated Multi-year Accessibility Plan. The previous plan concluded in 2023. The Accessibility Advisory Committee (AAC) will be engaged on this updated plan.

Information and communication

Information and communications requirements as outlined in legislation are also publicly available on the City's website on the [Accessibility page](#). Users of our website are encouraged to provide feedback and submit any requests for how we can improve access to City services. Additionally, the website conforms to World Wide Web Consortium Web Content Accessibility Guidelines 2.0 Level AA.

Customer Service

Customer Service requirements as outlined in legislation are met through mandatory staff and volunteer training and the provision of information in an

accessible information, including large print or braille, in a timely way at no cost. Additionally, communication formats, assistive devices, service animal, support persons, temporary disruption notices are provided throughout our facilities, programs and services.

Employment

Employment requirements as outlined in legislation are met through an Employment Standard policy that supports all persons, including those with disabilities, by identifying, removing, and preventing accessibility barriers that may prevent the full participation of persons with disabilities in the workplace. This includes providing individualized workplace emergency response, individual accommodation plans, accessible formats and communication support for employees, recruitment, assessment, and selection accommodations for applicants with disabilities, support in returning to work, including individual accommodation plans, and support for career development, advancement and redeployment.

Design of Public Spaces

Design of Public Spaces requirements as outlined in legislation are met as this standard only applies to new construction and renovated existing public spaces. Staff ensure that any new construction or redeveloped outdoor public use eating areas, outdoor play spaces, off-street parking, service counters, fixed queuing guides and waiting areas are compliant with the Design of Public Space Standards. Renovation is defined in section 11.3.3.1 of the Ontario Building Code. The City's commitment to the design of public space compliance can be demonstrated through multiple recent projects including Memorial Park Pool, Empire Sportsplex and the Rotary Splash as well as renovation at Maple Park Pool and the Welland Stadium.

On December 12, 2023, Council approved report CS-2023-33 to award a contract to The Herrington Group to perform an assessment of City of Welland facilities and provide a report for the state of their compliance with AODA legislation. The Herrington Group completed the assessment of the City of Welland facilities and submitted their report to staff on March 19, 2024. The report has been included as Appendix 1. This AODA facility audit report provided recommendations for action where existing City facilities do not meet the minimum requirements of legislation, corrective actions, and estimated costs associated with the work. Facilities staff have reviewed the report for completeness and validated the auditor's findings.

Additionally, The Herrington Group has also provided Priority 1, 2 and 3 recommendations for Phase 1 – see Appendix 2. The intent is that staff will complete some Priority 1 recommendations for January 1, 2025. During the 2025 and 2026 budget processes, staff will request additional capital funds to complete additional Phase 1, Priority 2 and 3 recommendations.

Accessibility Advisory Committees

Accessibility Advisory Committee (AAC) requirements as outlined in legislation are met through the establishment of a dedicated committee. This committee primarily consists of members who have disabilities, ensuring that their perspectives are well-represented. The committee's responsibilities include regularly reviewing site plan drawings to provide expert advice on how to meet and implement accessibility standards. This ongoing review process helps to identify potential accessibility issues and ensures that the design and execution of projects are in line with established accessibility guidelines, promoting inclusivity and usability for all individuals.

As a municipality, we have two options as per the AODA on how we fulfill this requirement:

1. A City of Welland Accessibility Advisory Committee, or
2. A joint accessibility advisory committee with other municipal partners.

Many individual municipalities have elected to use a joint accessibility advisory committee as volunteer resources with the required expertise and insights can be difficult to find. Additionally, joint committees allow municipal participants to leverage learning and expertise from others to further benefits locally.

FINANCIAL:

The Herrington Group, as subject matter experts, have advised that the recommended improvements that impact life safety should be the focus and priority for completion, and efforts for continual improvement for the remaining Priority 1 improvements can be planned and completed through 2025 and 2026, as required.

Included in the report presented by The Herrington Group are estimated costs to complete life safety items, provided by a cost consultant. To meet the requirements of priority items in 2024 as Phase 1, an estimated cost of **\$181,400.00 + HST**, has been provided.

As we know, the City set funding aside in anticipation of these accessibility requirements. Details on the existing approved funding is below:

Funding Source	Remaining Budget Funding
Facilities Accessibility AODA Compliance: 10-430-23465	\$ 42,817.37
Facilities Accessibility Upgrades: 10-430-24454	\$150,000.00
TOTAL FUNDING AVAILABLE	\$192,817.37

The above funding to complete AODA work was approved through the 2023 and 2024 budget processes.

Additional capital funding will be requested during the budget process to complete phase 2 and 3 requirements as outlined by The Herrington Group.

CONCLUSION:

The City's commitment to accessibility is evident, with various initiatives underway or completed, as noted above. The purpose of this report is to provide an update on the City's compliance with AODA and provide information regarding accessibility requirements and progress to date.

In recent years, messaging from the Province of Ontario regarding the deadline for AODA compliance has shifted. The current message from the Province is that the January 1, 2025 date is not a hard deadline for compliance, as they realize that compliance activities go beyond this date, require multi-year accessibility plans, will require compliance reports to the province, etc.

The City of Welland is fully compliant with AODA legislation.

ATTACHMENT:

Appendix 1 – City of Welland Accessibility Report – Executive Summary
Appendix 2 – City of Welland Accessibility – Phasing Matrix



**Executive Summary
Accessibility Audit Project of
City of Welland Facilities**

March 19, 2024

Executive Summary

To further its commitment to citizens and staff with disabilities and to ensure compliance with the Accessibility for Ontarians with Disabilities Act (AODA), 2005, the City of Welland has initiated the Facility Accessibility Audit Project. Upon completion, this project will allow city staff to systematically plan for the elimination of physical and architectural barriers for those with disabilities, and to design new buildings and facilities that will meet the needs of all members of its community.

The project involved auditing 25 facilities and spaces to identify where barriers may exist in the built environment. The accessibility section of the Ontario Building Code (OBC Section 3.8) and the AODA's Design of Public Spaces Standard was used as the basis of the audit tool. The audit also referenced the Town of Oakville's Universal Design Standard (OUDS).

The project was awarded to The Herrington Group Ltd. Since 2003, The Herrington Group (THG) has conducted accessibility audits of over 1,200 buildings province-wide assessing over 50 million square feet of facility space. THG worked with A.W. Hooker and Associates. A.W. Hooker Associates Ltd. served as the project cost consultant.

1. The Audit – Project Context

1.1 The Impact of the Accessibility for Ontarians with Disabilities Act (AODA)

The AODA creates and enforces standards of accessibility and addresses barriers relating to all types of disability. This project was informed by the Design of Public Spaces Standard, GAATES Illustrated Technical Guide, (DOPSS), the Town of Oakville Universal Design Standards, as well as newly updated sections of the Ontario Building Code, Section 3.8.

This audit affords a “snapshot” of accessibility in relation to these standards. It indicates the level of non-compliance, priority of concerns and associated cost of bringing its facilities up to current codes and standards as of 2024, should the City choose to initiate these changes.

It provides the City with a quantifiable baseline and a measurable understanding as to the extent of the accessibility currently available within its facilities and venues and provides recommendations to improve accessibility in the future.

1.2 Audit Methodology and Scope

This report includes 25 facilities identified by City of Welland staff. Each facility was assessed for use according to a customized assessment tool created by the consultant. Audits provide a detailed “tour” of each facility, reflecting all external and internal elements, as well as on-site services and amenities. Audit staff begin at the parking and move to the building or public space entry and walk throughout the facility/space (e.g. entrance, access and circulation, meeting rooms, washrooms, stairwells, elevators etc.). The audit team takes specific measurements of facility areas, and elements. A “cross-disability” focus is used, ensuring facilities are assessed for barriers experienced by individuals with mobility, sensory and cognitive disabilities.

1.3 Audit Limitations and Context

The audit report provides reasonable, achievable recommendations over time. For example, in many facilities, doorways ranged from 800 mm – 860 mm wide. Although the Ontario Building Code requires doors in a public path to be a minimum 860 mm wide, the consultant made no recommendation. It is not feasible to widen every doorway within existing structures. Changes to ensure compliance with Standards should be made when there is a change in the facility use or when there is a direct need.

1.4 Report Format and Priority Rankings

This report will act as a tool that will enable the City to prioritize and plan “access improving” initiatives. The audit results are presented in a dataset form to facilitate easy review as well as providing all necessary information, in a succinct format, relating to why the barrier exists and how it can be removed. Recommendations are ranked according to priority levels.

Priority 1

High priority recommendations relate to AODA compliance, specifically compliance with the Design of Public Spaces Standard as required by 2025. Priorities in this category include parking, entrances, and service counters.

Also addressed here are issues that pose an immediate risk of creating or maintaining hazards to life or public safety. High priority items found include access to defibrillators, fire pulls, emergency call buttons in washrooms and visual fire alarms.

Priority 2

Medium priority recommendations relate to items that, when completed, will increase

accessibility of the facility, and will ensure Ontario Building Code and DOPSS Regulations compliance. Priorities in this category include automatic doors, improving colour contrast, washroom improvements and ramps.

Priority 3

Low priority items are those which would increase accessibility when needed to accommodate staff or citizens with a disability. Items in this category would ensure compliance with the Town of Oakville OUDS. For example, priorities in this category include the installation of voice announcement panels in existing elevators.

2. Audit Result Observed

Audit results vary across facilities and are largely impacted by the facility's age and the design standards that were in place at the time of construction. Older facilities have more issues than newer ones. Overall, the efforts of the City to increase accessibility, in a cross-disability way, is obvious to the auditing team. Wheelchair accessibility has been well addressed.

In terms of accessibility barriers recurring trends and themes are as follows:

Service Counters

Departmental offices and areas directly serving staff and members of the public are lacking accessible service counters. A requirement of the Design of Public Spaces Standards, the installation of accessible service counters was recommended repeatedly by the consultant.

Washroom Accessibility

Most universal gender-free washrooms do not have wall mounted, fold-down grab bars on the transfer side of the toilet. This is a new requirement of the Ontario Building Code.

Almost all washrooms have sensory deficits, specifically, a lack of visual alarms. The presence of visual alarms was the exception and not the rule for both washrooms with stalls and universal, gender-free washrooms. The availability of visual alarms in these areas is essential as users may become isolated in the event of an emergency.

While washrooms in general address wheelchair accessibility, washroom urinals are not equipped to address the needs of wheelchair users. The audit team rarely found lowered urinals, and none had grab bars installed. Urinal grab bars allow for safe and efficient usage of the fixture.

Sensory Accessibility in Path of Travel

Elevators are equipped with tactile and braille signage, but voice announcement is absent in most elevators. This is particularly important to persons with visual disabilities to be able to operate the elevator independently.

The Design of Public Spaces Standard (DOPSS) provides a prescriptive approach to the use of tactile warning surfaces. The Code clarifies what constitutes a detectable warning surface and where it is required. It assists in ensuring that accessible design goes beyond wheelchair accessibility and addresses items such as the use of guidance patterns, pedestrian crossing patterns and the installation of warning surfaces in a barrier-free path of travel. The audit presents several opportunities to address this need. For example, tactile warning plates are needed in almost all stairwells.

Exterior Access

Accessible parking is available at various lots. The Design of Public Spaces Standard (DOPSS) requires the installation of both car and van accessible parking spaces. All parking spaces meet the needs of both cars and vans but are not labelled as such which is a requirement of the Standard. Additionally, the Standard requires the installation of access aisles in all parking spaces to ensure adequate space is maintained for vehicles with ramps. Although parking spaces are wide enough, many did not have the painted required access aisle.

2.1 Understanding Cost Estimates

Final cost estimates for both campuses total \$3,493,045. Cost estimates are determined using the Elemental Format, which is the national format produced by the Canadian Institute of Quantity Surveyors. Costing is based on retrofitting as opposed to creating “new builds”. Also, all recommendations, however minor were assigned an associated cost, including maintenance related items. Items that were classified as currently “technically infeasible” were also cost.

Costs according to priority levels are as follows:

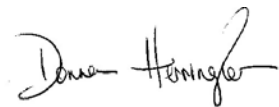
Priority 1	Priority 2	Priority 3	Total
\$575,750	\$1,738,545	\$1,178,750	\$3,493,045

The costing report does not consider discounts due to volume purchasing. If the City chooses to make updates based on a specific design element (e.g. door openers, grab bars), supplier discounts may be secured. Also, the costing report does not distinguish between work that is completed internally by city staff and that done by outside contractors. Internal work such as simple, maintenance-related projects (relocation of washroom fixtures, soap dispensers etc.) may be done at a lower price by using internal resources.

3. Conclusion

The success of this project would not have been possible without the assistance and support of city staff. We appreciate all efforts to expedite our work and the ongoing support we received in accomplishing the project deliverables. We sincerely hope that this project will assist the City in its future endeavours to create a universally accessible community.

Respectfully submitted by:



Donna L. Herrington
The Herrington Group Ltd

Additional Resources and Materials Referenced

AODA - Design of Public Spaces Standard

<https://www.ontario.ca/page/how-make-public-spaces-accessible>

Design of Public Spaces Standard - GAATES Illustrated Technical Guide

<https://gaates.org/resources/>

Oakville Universal Design Standard

Ontario Building Code

<https://www.ontario.ca/laws/regulation/r13368>

CITY OF WELLAND ACCESSIBILITY - PHASING MATRIX

FACILITY	Contrast Strip	Visual Alarms	Grab Bars	Toilet Seat Lid	Signage	Access. Parking	AED Height	Pull Station Height	Service Counters	Emerg. Call	Auto Operator	Washroom Reno	Entrance Mods.	Stairs/Ramps	
Burgar Park Changehouse														\$ 8,400.00	\$ 8,400.00
Chippawa Park Community Centre		\$ 6,600.00	\$ 1,800.00	\$ 1,200.00	\$ 500.00									\$ 3,600.00	\$ 13,700.00
Chippawa Park Lawnbowling Club						\$ 1,900.00									\$ 1,900.00
Civic Square/City Hall		\$ 2,200.00				\$ 4,100.00	\$ 800.00								\$ 7,100.00
Community Boathouse						\$ 90,000.00									\$ 90,000.00
Cooks Mills															\$ -
Courthouse		\$ 13,200.00	\$ 800.00			\$ 7,000.00	\$ 400.00		\$ 43,600.00	\$ 26,100.00	\$ 23,100.00	\$ 6,900.00			\$ 121,100.00
Glenwood Park Washroom			\$ 3,800.00							\$ 15,400.00					\$ 19,200.00
Hooker Street Tennis Club						\$ 5,100.00									\$ 5,100.00
Jack Ballentyne Arena		\$ 2,200.00				\$ 2,200.00	\$ 400.00								\$ 4,800.00
Main City Arena		\$ 15,400.00				\$ 13,300.00		\$ 1,800.00	\$ 21,800.00						\$ 52,300.00
Maple Park Pool	\$ 35,000.00								\$ 10,900.00			\$ 900.00	\$ 7,700.00		\$ 54,500.00
Municipal Service Centre		\$ 4,400.00						\$ 3,600.00	\$ 10,900.00			\$ 12,700.00			\$ 31,600.00
Plymouth Park Changehouse						\$ 1,900.00									\$ 1,900.00
Rosie Smith Pool	\$ 35,000.00								\$ 10,900.00						\$ 45,900.00
Welland Baseball Stadium						\$ 2,200.00			\$ 21,800.00						\$ 24,000.00
Welland Boat Rentals			\$ 800.00			\$ 7,400.00			\$ 10,900.00			\$ 900.00			\$ 20,000.00
Welland Market - Heritage		\$ 2,200.00				\$ 4,100.00									\$ 6,300.00
Welland Market - New		\$ 2,200.00						\$ 1,400.00							\$ 3,600.00
Welland Museum		\$ 2,200.00				\$ 4,300.00			\$ 10,900.00					\$ 5,200.00	\$ 22,600.00
Wellness Complex						\$ 1,900.00	\$ 400.00								\$ 2,300.00
WIFC Main Building		\$ 2,200.00				\$ 4,100.00									\$ 6,300.00
WIFC Timing Tower															\$ -
Woodlawn Cemetary						\$ 7,000.00									\$ 7,000.00
Youngs Sportsplex						\$ 15,250.00			\$ 10,900.00						\$ 26,150.00

\$ 70,000.00	\$ 52,800.00	\$ 7,200.00	\$ 1,200.00	\$ 500.00	\$ 171,750.00	\$ 2,000.00	\$ 6,800.00	\$ 152,600.00	\$ 26,100.00	\$ 38,500.00	\$ 6,900.00	\$ 14,500.00	\$ 24,900.00
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PHASE IDENTIFICATION		
Phase #1	Phase #2	Phase #3



CHRISTIAN MUSIC FESTIVAL

Celebrating faith and freedom since 1867

May 2024

Good day,

On behalf of the Christian Music Festival, we would like to welcome you to be a part of our campaign to have the month of December recognized across Canada as Christian Heritage Month.

Christianity is the most followed religion in our country, with more than half of the Canadian population identifying as members of the Christian faith. The *Canadian Charter of Rights and Freedoms* even mentions God in its very first sentence. However, despite days, weeks and even months being dedicated to other religions and heritages, there is no such recognition for the Christian faith in Canada. As proud citizens of this diverse and culturally rich nation, we believe it is important to recognize and celebrate the contributions of all religious and cultural groups.

We are seeking the assistance of members of municipal, provincial, and federal governments across Canada to make our dream a reality. Please provide us with information on how proclamations can be made within your jurisdiction, recognizing Christian Heritage Month in December.

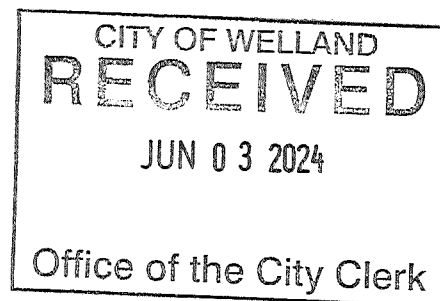
If you have any questions, please feel free to reach out to us at the email below. You can also reach us through our consultant, Jeremy Beamer of GTA Strategies, at 416-499-4588 ext. 2 or at jeremy@gtastrategies.com.

Together, we can help further the diverse cultural landscape of this great nation.

Sincerely,

Molly Banerjee

Molly Banerjee
CEO Christian Music Festival
www.ChristianMusicFestival.org
mollybanerjee@icloud.com



NOTICE OF MOTION

SUBMITTED BY: Councillor Chiocchio

SUBMISSION DATE: July 9, 2024

Notice of Motion:

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to provide a comprehensive report regarding the storm management pond at Coyle Creek. That the report detail the city's responsibility and history to the maintenance of the surrounding park like setting over the past 10 years. That any input from surrounding residents regarding this pond be included in the report and this report to be on the upcoming Council meeting.

NOTICE OF MOTION

SUBMITTED BY: Councillor DiMarco

SUBMISSION DATE: July 22, 2024

Notice of Motion:

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to install stop signs on St Lawrence Drive at Gretel Place; and further

THAT Traffic and Parking By-Law staff amend the By Law pertaining to such.

NOTICE OF MOTION

SUBMITTED BY: Councillor Setaram

SUBMISSION DATE: July 22, 2024

Notice of Motion:

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to a create a new grant program to capture municipal funding provided to organizations for services that fall within the responsibility of regional government (Niagara Region), specifically but not limited to shelters, meal programs and emergency food resources, and mental health; and further

THAT Welland City Council directs staff to prepare an annual report to be sent to Niagara Region outlining these additional funding investments to supplement their figures when budgeting for services in the City of Welland and lobbying the provincial and federal government for regional funding. Ref. No. 21-30