

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the land legally known as Part of Lots 23 and 24 Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street East and vacant land to the south.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) and First Density Residential – Conversion Holding (R1-CH) to:
 - R4-83 (Site-Specific Fourth Density Residential Zone)
 - R4-84-H (Site-Specific Fourth Density Residential Zone with Holding)
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-83 (Site-Specific Fourth Density Residential Zone)

Notwithstanding the provisions of Residential Fourth Density Zone (R4), the following regulations shall apply:

Dwelling, Townhouse, Block

- | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| a. | Minimum Interior Side Yard | 2.64 metres |
| b. | Minimum Corner Side Yard | 2.9 metres |
| c. | Maximum Height | 12 metres |
| d. | Notwithstanding the R4 zoning provisions, the first townhouse unit of the first townhouse dwelling block adjacent to Killaly Street East may be used for the following Neighbourhood Commercial Uses, provided the use meets the provisions set out in the R4-83 zone, and parking requirements in Section 3 of the Zoning By-law: <ul style="list-style-type: none">i. Convenience Store;ii. Personal Service Business; andiii. Restaurant, Take-outiv. Uses, structures and buildings accessory thereto | |

Dwelling, Townhouse, Street

- | | | |
|----|----------------------------|-------------------|
| a. | Minimum Lot Area | 195 square metres |
| b. | Minimum Corner Side Yard | 1.9 metres |
| c. | Minimum Interior Side Yard | 1.4 metres |

- d. Maximum Height 12 metres

Apartment Buildings

- a. Minimum Lot Area, per unit 85 square metres
b. Minimum Front Yard 3.9 metres
c. Minimum Corner Side Yard 3.3 metres
d. Minimum Rear Yard 4.9 metres
e. Maximum Porch and Steps Encroachment 3.45 metres
f. Minimum Parking 1 space per unit

Dwelling, Semi-detached

- a. Minimum Lot Frontage 16 metres
b. Minimum Lot Area 470 square metres

Definitions

For the purposes of development within the R4-38 zone, the following definitions shall prevail over the regular definitions in Section 38:

Lot Frontage: means the horizontal distance between the interior side lot lines.

Lot Line (applicable to block townhouse dwellings only): means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registrable plan pursuant to the Condominium Act, and includes:

a) Front Lot Line: which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;

b) Rear Lot Line: which means the lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line; and

c) Interior Side Lot Line: which means the lot line other than a front lot line, a corner lot line or a rear lot line; or

d) Corner Side Lot Line: which means the longest line along a public road where a lot has two or more lot lines along a public road.

Yard Setback: means the distance required by this By-law between a lot line, not including a corner lot line, and a building, or in the case of a multi-unit development under one ownership such as condominium tenure pursuant to the Condominium Act, any devising property line between a common element feature or another unit and includes:

a) **Front Yard Setback:** which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.

i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common

element feature shall be deemed to be the front lot line;
or

- ii. The front lot line abutting a public street supersedes an internal front lot line.
- b) **Rear Yard Setback:** which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line opposite the common element feature shall be deemed to be the rear lot line; or
 - ii. Where a building has vehicle access from private road or laneway and has front entry onto a common element sidewalk, the private road or laneway devising lot line providing vehicle access shall be deemed to be the rear lot line.
- c) **Corner Side Yard Setback:** which means the shortest distance between the corner side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 2.20.
- i. Where a building fronts both a public street and a private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.

R4-84-H (Site-Specific Fourth Density Residential Zone - Holding)

Notwithstanding the provisions of Residential Fourth Density Zone (R4), the following regulations shall apply:

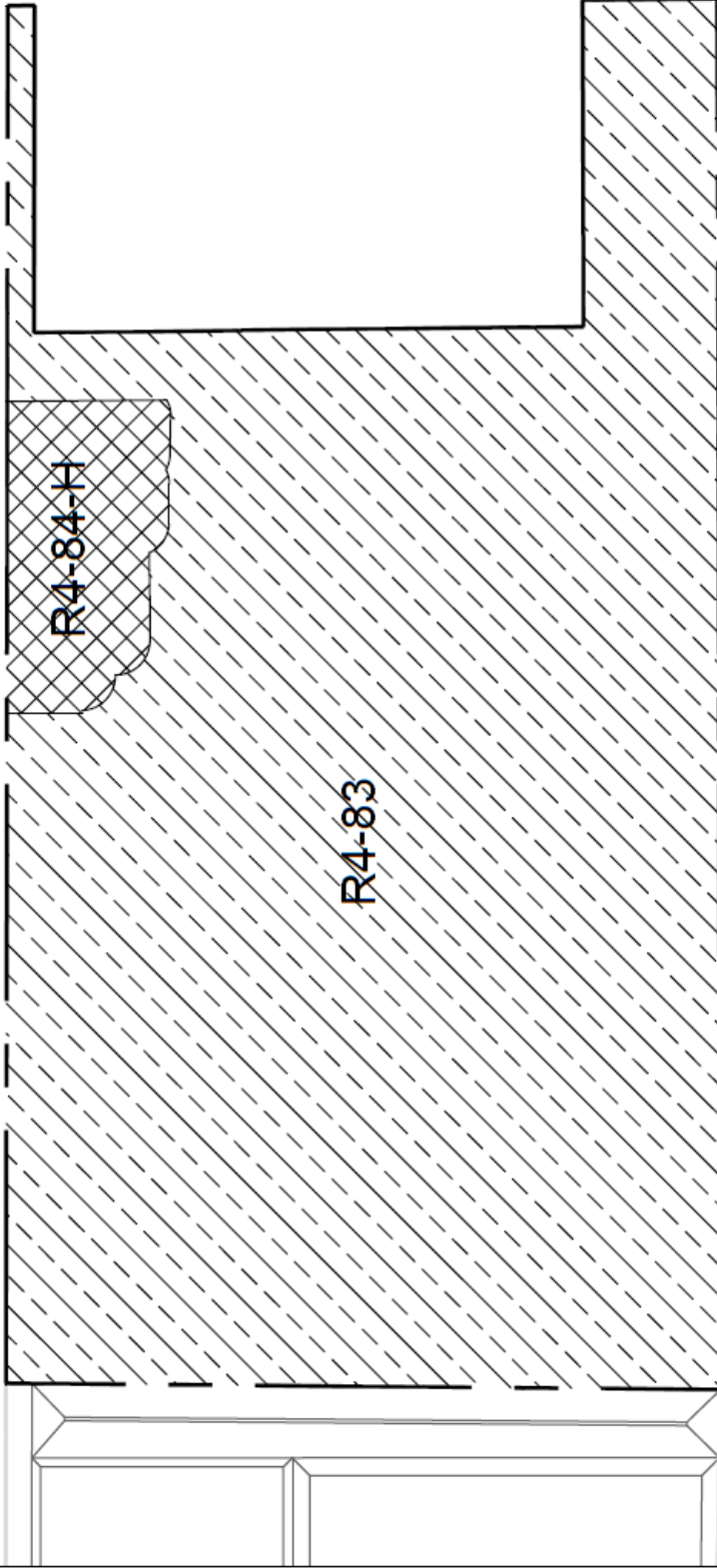
- a. The uses permitted in the Residential Fourth Density Zone (R4) shall not occur until the Holding (H) symbol on the R4-84-H zone is removed. The removal of the Holding (H) symbol is subject to the following condition:
 - i) Completion of a Stage 4 Archaeological Assessment and acknowledgement of the report by the Ministry of Tourism, Culture and Recreation.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
 5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 27th day of August 2024.

William C Steele
Mayor

Carol Schofield
Acting City Clerk

KILLALY STREET EAST



SCHEDULE "A"

To By-law No. _____

Legend



R4-83



R4-84-H

THIS IS SCHEDULE "A" TO BY-LAW No _____

PASSED THE _____ DAY OF _____

Mayor _____

Clerk _____

City of

Port Colborne

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