

## **APPENDIX C: ZONING BY-LAW AMENDMENT**

By-law No. \_\_\_\_\_

The Corporation of the City of Port Colborne  
By-law no.

Being a by-law to amend Zoning By-law 6575/30/18, as amended, respecting lands legally described as Lots 36 to 40, Registered Plan 826 and known as 242 to 246 West Side Road, City of Port Colborne, Regional Municipality of Niagara.

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,

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 "A8" forming part of By-law 6575/30/18, as amended, is hereby further amended by rezoning the subject lands from Residential Third Density (R3) Zone to Residential Fourth Density Zone (R4-89-H) - Holding and from Residential First Density (R1) Zone to Residential Fourth Density Zone (R4-89-H) - Holding.
3. That Section 37.2 entitled "List of Special Provisions" of Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:
  - a) Special Provision R4-89-H
    - i. Notwithstanding the provisions of Section 8.7 b), e), f) and h) of the Residential Fourth Density Zone (R4), the following Zone Requirements for Apartment Building shall apply:
      1. Minimum Lot Area Per Unit: 50 square metres per unit
      2. Minimum Corner Side Yard (Franklin Avenue): 6.0 metres
      3. Minimum Rear Yard: 3.8 metres
      4. Maximum Height: 31 metres (8 storeys)
    - ii. Notwithstanding the provisions of Section 3.1.1, 3.2, 3.7 b), 3.10 d) and 3.11.1 a), the following provisions for parking and loading shall apply:
      1. Minimum Parking Spaces for an Apartment Building: 116
      2. Standard Parking Space Obstructed on Two Sides: 3.0 metres by 5.2 metres
      3. Two Accessible Spaces Side by Side: 2.5 metres by 5.2 metres
      4. Minimum Width of a Two-way Driveway to a Parking Area: 6.3 m
      5. Minimum Loading Space: None required
      6. Minimum landscape buffer between a lot line abutting a public road for a

- parking area of greater than 100 spaces: 3 metres
7. Minimum landscape buffer between a lot line abutting a residential zone, for a parking area of greater than 100 spaces: 3 metres
- iii. Notwithstanding the provisions of the R4-89 Zone, the use of the property for an apartment building shall not occur until the Holding symbol (H) on the "R4-89-H" zone is removed. Removal of the Holding Symbol (H) may only occur when the following conditions have been met to the satisfaction of the City:
1. The owner enters into a Site Plan Agreement with the City that addresses access, pedestrian connections and circulation, noise mitigation, grading, stormwater management, daylighting triangle requirements, road widenings, snow storage, waste management, landscaping, screening of parking, fencing, entrance locations, lighting, easements and other functional design requirements.
  2. The owner enters into a Site Plan Agreement and/or Development Agreement for the construction of Franklin Avenue through to West Side Road subject to the Ministry of Transportation's review of a Traffic Impact Study, and the provision of required intersection improvements and/or signalization as well as water, wastewater and storm water services within the extended right-of-way, ensuring all are constructed or installed to municipal standards with proper securities in place.
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 notice of the passing of this By-law, in accordance with the *Planning Act*.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor

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Clerk

Schedule A

