

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 Elm Street.

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 “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from R4-CH and R2 to R4-70.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-70

Notwithstanding the provisions of Zoning By-law 6575/30/18, the following special regulations delete and replace the following sections as applicable:

2.9 – Accessory Uses to a Dwelling

2.9.1 – Accessory Dwelling Unit

iii) The maximum floor area for the accessory dwelling unit shall not exceed 65 m².

2.9.1.2 – Dwelling Unit, Detached Accessory

iii) Exceed a building height of 7.5 metres.

2.9.2 – Home Based Business

2.9.2.1 – General Provisions

i) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unless such dwelling is wholly located within 30 metres of a *street line*.

iii) The use occupies a maximum floor area of 25% of the total dwelling unit *floor area* to a maximum of 23 m², whichever is less. However, dwellings that are wholly located within 30 metres of a *street line*, may occupy a maximum *floor area* of 35% of the total dwelling unit *floor area* to a maximum of 65 m², whichever is less.

ix) Not more than 2 clients or customers of the home-based business shall be present at any time on the lot occupied by the dwelling unit. There shall be no limit to the number of clients or customers at a home-based business located within 30 metres of the *street line*.

2.9.2.3 – Signage

a) Save for dwellings within 30 metres of the *street line*, there shall be no exterior indication of the home-based business including window display, open storage or display of advertising goods, materials or equipment associated with the home-based business other than one legal sign per property which complies with the City of Port Colborne Sign Bylaw and the following regulations:

- i) The sign shall not be illuminated unless it is associated with a dwelling unit within 30 metres of the *street line*.
- ii) The sign shall not exceed 0.37 m² in area or 2 m² for dwellings located within 30 m of the *street line*.
- iv) The sign shall not be located closer than 0.3 metres to a *street line* or common element within a registered Condominium Plan.
- v) Notwithstanding subsection a) above, home-based businesses located within 30 metres of a *street line* shall also be bound by the following provisions:
 - 1. Opaque or translucent window signage or film shall only be permitted on the ground floor level windows or doors. The window-based signage or film shall not exceed a height of 1/3rd the window or 0.5 metres, whichever is less.

2.12 – Buildings on One Lot

Deleted.

2.19 – Permitted Encroachments

2.19.1 – General Structures

	Height of Deck or Platform		
	Height above the Ground Floor Level to 0.61 m	Height above the Ground Floor Level more than 0.61 m but less than 1.2 m	Height above the Ground Floor Level 1.2 m or greater
Minimum Setback from Corner Side Lot Line	1 m	1 m	Corner Side Yard Setback of principal building
Minimum Setback from Front Lot Line	0.5 m	0.5 m	Front Yard Setback of principal building

3.2 – Parking Space Dimensions

	Min. Width	Min. Depth	Conditions
Standard Parking Space obstructed on one side	2.7 m	5.2 m	Abutting any wall, column, or structure on both sides
Standard Parking Space obstructed on two sides	3.5 m	5.2 m	Abutting any wall, column, or structure on both sides

3.5 – Parking Area

b) Deleted.

3.7 – Ingress and Egress Standards

b) Drive aisles shall have a minimum unobstructed width of 5.5 metres where two-way traffic is permitted and 3 metres where only one-way traffic is permitted or for rear laneways, pending an intermittent minimum 6 m width not less than every 7.5 m along the laneway, and except that the minimum width of a driveway accessory to a detached, semi-detached or townhouse dwelling shall be 2.6 metres.

Section 8: Fourth Density Residential Zone (R4-70)

8.2 – Permitted Uses

- a) Dwelling, Detached;
- b) Dwelling, Semi-Detached;
- c) Dwelling, Triplex;

- d) Dwelling, Fourplex;
- e) Dwelling, Townhouse Block;
- f) Dwelling, Townhouse Street;
- g) Apartment Buildings;
- h) Apartment Buildings, Public; and
- i) Uses, structures and buildings accessory thereto.

8.3 – Regulations for Dwellings; Detached

- a) Minimum Lot Frontage 10.5 metres, except 5.3 metres for Unit 20
- b) Minimum Lot Area 260 m²
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 15 metres
- d) Maximum Front Yard
 - i. Dwelling 4 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 2.5 metres
- g) Minimum Rear Yard 7 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 4 metres or 50% of lot width, whichever is less

8.4 – Regulations for Dwellings; Semi-Detached

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 7 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 6 metres
- d) Maximum Front Yard 4.5 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard 7 metres, except 3.9 m for Unit 16
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 3.5 metres or 40% of lot width, whichever is less, if fronting Lane B.

8.5 – Regulations for Dwellings; Triplex, Fourplex

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2 metres
 - ii. Garage 15 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 2.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 %

8.6 – Regulations for Dwellings; Townhouse Block & Townhouse Street

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 6 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 m or 2 m for dwellings within 30 m of Elm Street
 - ii. Garage 19 metres
- d) Maximum Front Yard
 - i. Dwelling 5 m or 4 m for dwellings Within 30m of Elm Street

- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard
 - i. Dwelling 11 metres
 - ii. Garage (attached & detached) 0.5 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %

8.7 – Regulations for Apartment Buildings & Apartment Buildings, Public

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard 1 metre
- d) Minimum Interior Side Yard 10 metres
- e) Minimum Corner Side Yard 1 metre
- f) Minimum Rear Yard 13 metres
- g) Maximum Height 20 metres

h) Notwithstanding the R4 zoning provisions, the ground floor of an apartment building may be used for any of the following Neighbourhood Commercial uses, provided the use meets the provisions set out in Section 8.7 above, and parking requirements in Section 3 of the Zoning By-law:

- a) Animal Care Establishment / Veterinary Clinic;
- b) Convenience Store;
- c) Day Care;
- d) Personal Service Business;
- e) Restaurant, Take-Out;
- f) Restaurant, Full Service;
- g) Service Commercial;
- h) Social Services Facility;
- i) Studio;
- j) Brew Pub; and
- m) Retail Store.

Section 38: Definitions

Dwelling, Townhouse, Block: means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common (party) wall, the said dwelling being located on a single lot, with or without dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act. R.S.O. 1990, as amended from time to time or any successors thereto.

Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home-based business unless provided otherwise in this By-law.

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

Lot Line: 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. Where a building has rear-loaded vehicle access from a private road or laneway and has front entry onto a common element sidewalk, the sidewalk flank devising lot line shall be deemed to be the front lot line; and
 - iii. 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 rear-loaded 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.
- d) **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.

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*.

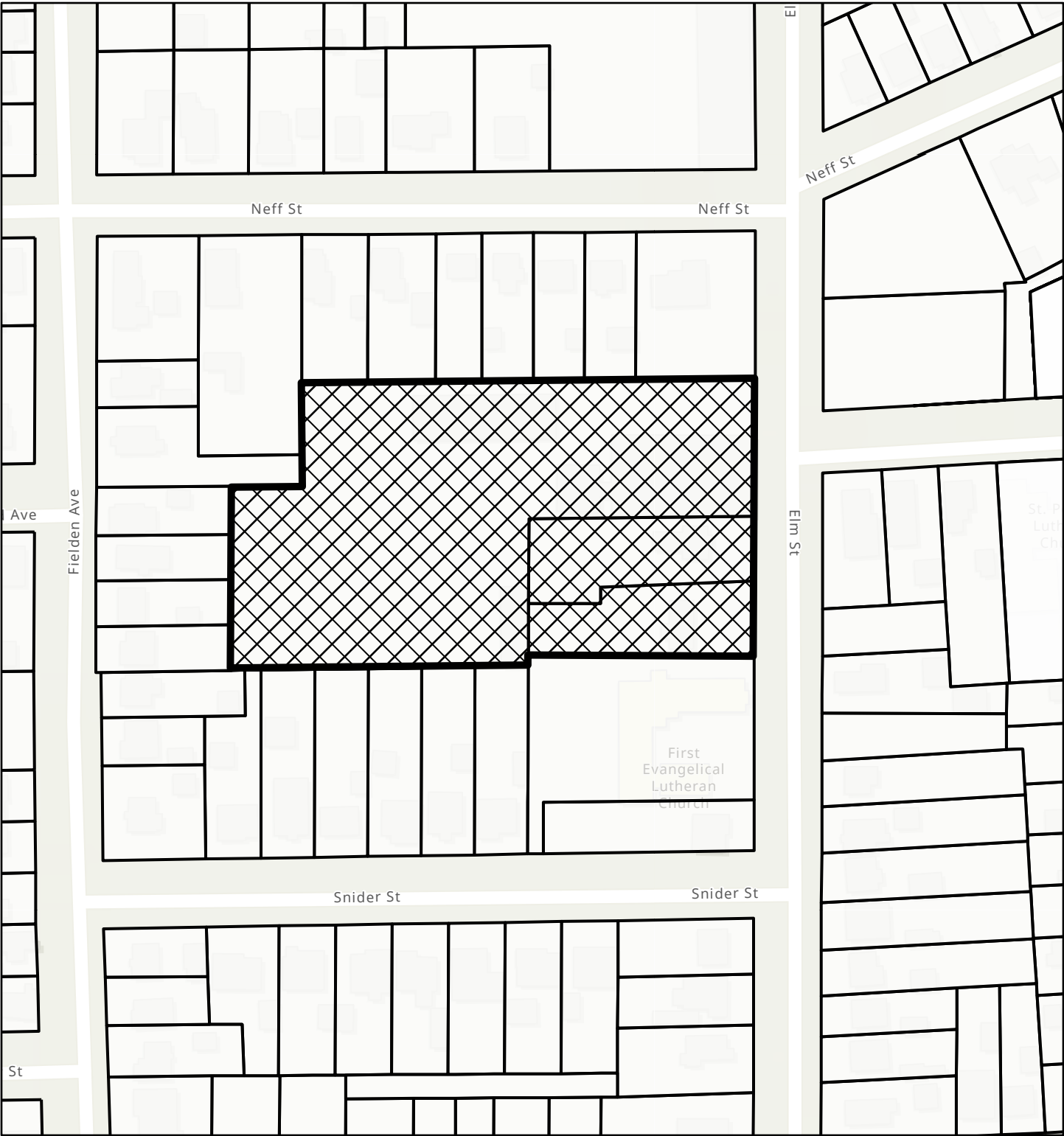
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this day of , 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

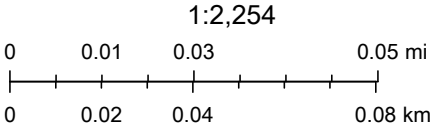
Schedule A: 690-700 Elm Street



7/21/2022



Lands Subject to Applications



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