

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive

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 “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza (CP) to R4-72-H, being a special provision of the Fourth Density Residential (R4) zone with a Holding (H) provision.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-72-H

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

- | | |
|---|---|
| a) Permitted uses | Stacked townhouse dwellings;
and Uses permitted in the R4 zone |
| b) Minimum lot area per dwelling unit | 114 square metres (where 125 square metres is typical) |
| c) Minimum setback of balconies from the corner side lot line | 6.4 metres (where 7.5 metres is typical) |
| d) Minimum setback of lower-level terraces from the corner side lot line | 4.5 metres (where 7.5 metres is typical) |
| e) The balance of the regulations under section 8.7 | |
| f) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the R4-72-H (Fourth Density Residential-Special-Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding provision removal will only be permitted when: | |
| i) The owner/applicant provides a Traffic Impact Study prepared by a qualified professional to the satisfaction of the City and applicable approval authorities. | |

4. That Section 38 entitled "Definitions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

Dwelling, Townhouse, Stacked: means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

5. 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*.
6. 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 26th day of September, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk

Schedule “A”

