

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 Lots 23 and 24, Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street and adjacent vacant lot.

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 zone with Conversion Holding (R1-CH) to:
 - Site-specific Fourth Density Residential Zone (R4-XX); and
 - Site-specific Fourth Density Residential Zone with Holding (R4-XX-H)
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-XX

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

Dwelling, Townhouse, Block

- | | |
|-------------------------------|-------------------|
| a. Minimum Lot Area | 160 square metres |
| b. Minimum Interior Side Yard | 2.64 metres |
| c. Minimum Corner Side Yard | 2.91 metres |
| d. Maximum Height | 12 metres |
- e. 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 above, and parking requirements as per Section 3 of the Zoning By-law:
- i. Convenience Store;
 - ii. Personal Service Business;
 - iii. Restaurant, Take-out; and
 - iv. Uses, structures and buildings accessory thereto.

Dwelling, Townhouse, Street

- | | |
|-------------------------------|------------|
| a. Minimum Corner Side Yard | 2.9 metres |
| b. Minimum Interior Side Yard | 1.4 metres |
| c. Maximum Height | 12 metres |

Apartment Buildings

- | | |
|---|------------------|
| a. Minimum Lot Area Per Unit | 85 square metres |
| b. Minimum Front Yard | 1.73 metres |
| c. Minimum Corner Side Yard | 3.31 metres |
| d. Minimum Rear Yard | 2.62 metres |
| e. Maximum Porch and Steps Encroachment | 3.45 metres |
| f. Number of Park Spaces Per Unit | 1 space |

Dwelling, Semi-detached

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

R4-XX-H

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

- a. The uses permitted in the Fourth Density Residential (R4) Zone shall not occur until the Holding (H) symbol on the R4-XX-H 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 Citizenship and Multiculturalism, or successor.
- 4. That Section 38 entitled “Definitions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

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

Lot Line (applicable to block townhouse dwellings): means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registerable 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, corner side lot line, or a rear lot line; and

- 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:

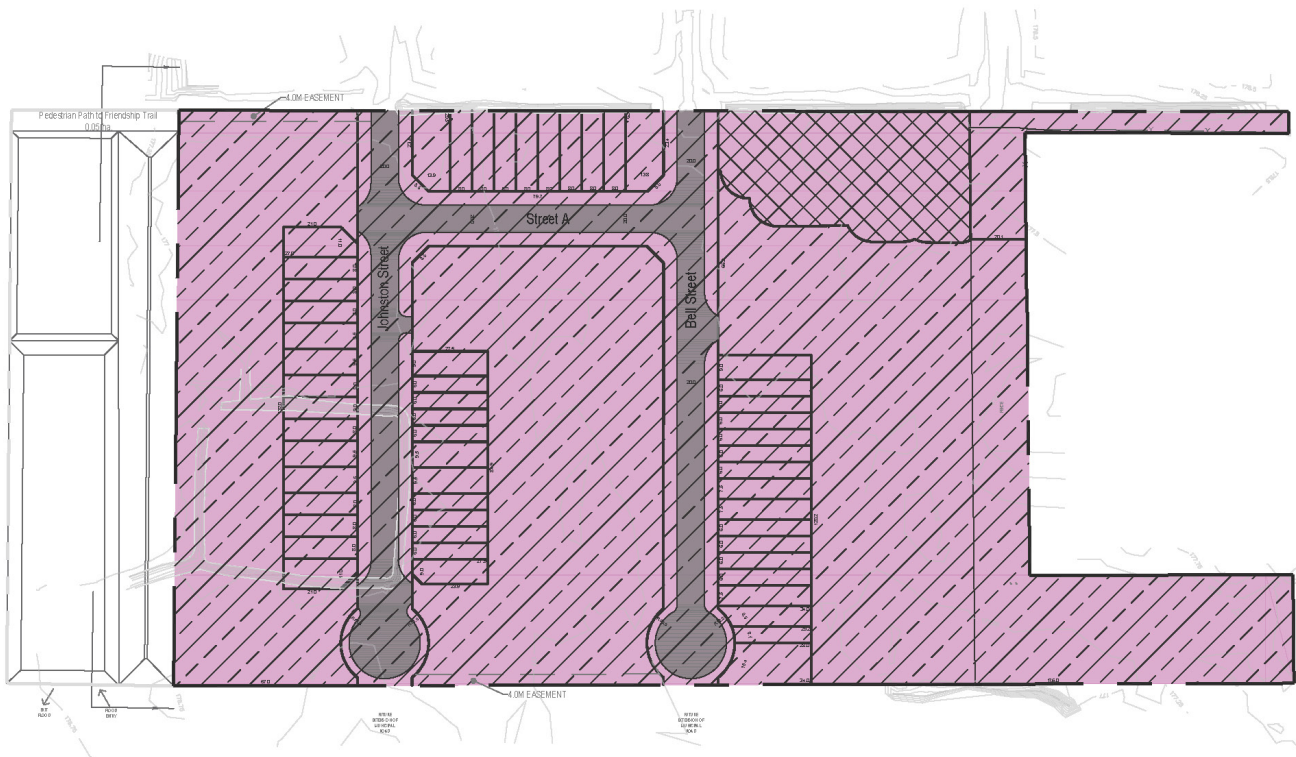
- a) **Front Yard Setback:** which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.
- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common element feature 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 a 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 private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.

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 day of , 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk



SCHEDULE "A"
To By-law No. _____

Legend
 R4-X
 R4-X (H)

THIS IS SCHEDULE "A" TO BY-LAW No _____
 PASSED THE _____ DAY OF _____

Mayor _____

Clerk _____



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City of
Port Colborne

Draft Schedule A - Zoning By-law Amendment

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NTS scale	July 27/2023 Date	21211-SC3 Drawing No	Drawn	RW Design
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