

**City of Port Colborne  
Special Council Meeting 06-18 – Public Hearing  
Monday, March 26, 2018 – 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

- 1. Call to Order:** Mayor John Maloney
- 2. National Anthem:** Joel Longfellow
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Public Hearing Under the Planning Act:**

Proposed New Second Draft City of Port Colborne Comprehensive Zoning By-law  
Planning and Development, Planning Division, Report No. 2018-37, Subject: Second Public  
Meeting – Proposed New Comprehensive Zoning By-law

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Proposed New Second Draft Comprehensive Zoning By-law
- (v) Questions of Clarification to Planning Staff:
- (vi) Oral Presentations and/or Questions from the Public:
- (vii) Announcement Respecting Written Notice of Passage of Proposed New Second  
Draft Comprehensive Zoning By-law
- (viii) Explanation of Future Meetings:

- 6. Adjournment:**

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Planning and Development Department  
Planning Division

Report Number: 2018-37

Date: March 26, 2018

**SUBJECT: Second Public Meeting – Proposed New Comprehensive Zoning By-law**

**1) PURPOSE**

The purpose of this report is to provide Council with information regarding a second draft of the new Comprehensive Zoning By-law for the City.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

The City's current Zoning By-law (ZBL) was approved on February 25, 1982. *The Planning Act* requires the municipality's Zoning By-law to be brought into conformity with the approved 2013 Official Plan (OP). The ZBL has had approximately 400 amendments since 1982 and as such, staff have been internally drafting a new ZBL since 2014 to bring it into conformity with the new OP.

The City hosted a public open house on March 30, 2017 where draft mapping and text of the new draft ZBL was made available, the materials were also available online.

On June 12, 2017, a public meeting under the *Planning Act* occurred at City Council for the new draft ZBL where Planning and Development Report 2017-94 was presented. The public submitted no written comments prior to the public meeting. The following members of the public spoke at the public meeting:

- Doug Darbyson on behalf of William Gordon of 970 Empire Road.
- Harry Wells of 548 Highway 3 East.
- Ron Saxon of 640 Second Concession Road.

On February 12, 2018, Council received Planning and Development Report 2018-14 with respect to a recommended zoning by-law however; the by-law was not approved at that meeting. On February 26, Council directed that a second public meeting take place with respect to the draft zoning by-law to allow for further input prior to consideration.

To view February 12, 2018, Planning and Development Report 2018-14 and its attachments including the draft of the comprehensive zoning by-laws, visit the City's website under Agendas and Minutes [http://portcolborne.ca/page/minutes\\_and\\_agendas](http://portcolborne.ca/page/minutes_and_agendas).

**3) STAFF COMMENTS AND DISCUSSIONS:**

Notice of the March 26, 2018 meeting was advertised in the Welland Tribune on March 6, 2018 and was placed on the City's website. There were no public comments received between the provision of notice and the submission date of this report (March 9, 2018).

The attached second draft of the new zoning by-law includes a “tracked changes” version of the changes previously presented in Planning and Development Report 2018-14. The draft also includes a table of contents, further changes to permit single detached dwellings in the R3, R4, RD & HD Residential Zones, a semi-detached dwelling in the R4 zone as well as changes to Schedule A6 (R4 to R2) and A7 (RT to R4).

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

N/A

**b) Other Options**

N/A

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

N/A

**6) ATTACHMENTS:**

- Second Draft of the new Comprehensive Zoning By-law (with tracked changes).

**7) RECOMMENDATION:**

That Planning and Development Report, Planning Division Report No. 2018-37 with respect to the Second Public Meeting – Proposed New Comprehensive Zoning By-law be received for information.

**8) SIGNATURES:**

Prepared on March 9, 2018:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

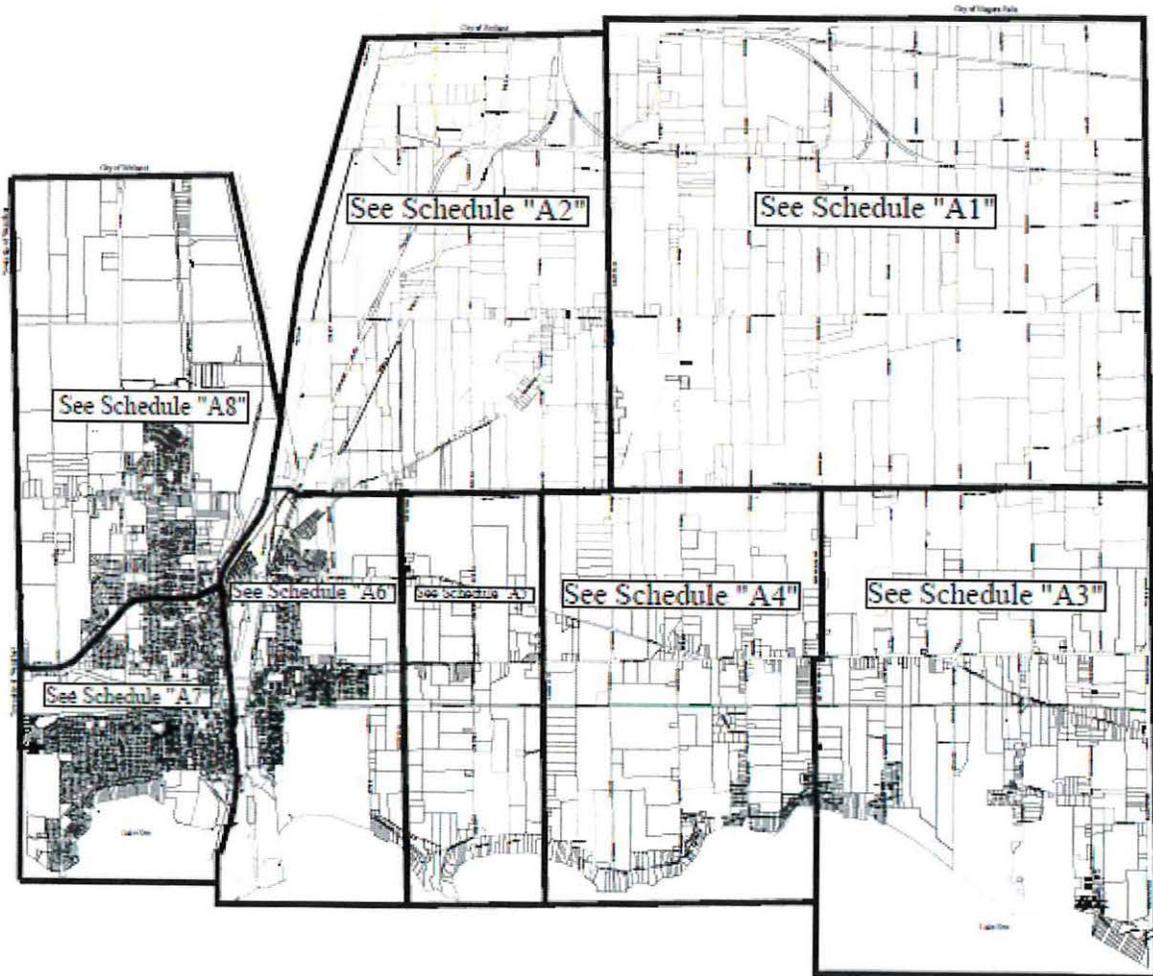


PORT COLBORNE

# City of Port Colborne

## Comprehensive Zoning By-law \_\_/\_\_/18

April 9 ~~February 12~~, 2018



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## Preamble

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### Introduction

This preamble explains the purpose of this Zoning By-law and how it should be used. While this preamble does not form part of the Zoning By-law passed by Council it is intended to make the Zoning By-law more understandable and easier to reference.

### Purpose of this Zoning By-law

The purpose of this Zoning By-law is to implement the policies of the City of Port Colborne Official Plan. The Official Plan contains general policies that affect the use of land throughout the municipality. These policies specify where certain land uses are permitted and, in some instances, what regulations should apply to the development of certain lots. This Zoning By-law replaces the City's existing Zoning By-law 1150/97/81.

The City of Port Colborne Official Plan is a general document that is not intended to regulate every aspect of the built form on a lot. This is generally the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to it. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature such as a Provincially Significant Wetland are to remain in their natural state, the Zoning By-law would prohibit the construction of buildings or structures on those lands.

The statutory authority to zone land is granted by the *Planning Act* R.S.O. 1990, c.p. 13 as amended (the "*Planning Act*"). The *Planning Act* specifies what a By-law can regulate. A Zoning By-law can:

- Prohibit the use of a lot or buildings for any use that is not specifically permitted by the By-law;
- Prohibit the construction of siting of buildings and structures on a lot except in locations permitted by the By-law;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing and use of buildings or structures;
- Regulate the minimum frontage and depth of a lot;
- Regulate the proportion of a lot that any building or structure may occupy;
- Regulate the minimum elevation of doors, windows or other openings in buildings or structures;
- Require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and
- Prohibit the use of lands and the construction of buildings or structures on land that has environmental or archeological constraints.

### Description of By-law Components

This By-law contains 39 sections which taken together provide the standards applicable to all lots within the municipality.

The purpose of each of these sections is described below.

### **Section 1: Administration and Interpretation**

This section of the By-law specifies:

- What lots are governed by the By-law;
- That every lot in the area covered by this By-law shall conform and comply with this By-law; and
- What penalties can be levied against a person or corporation if this By-law is contravened.

### **Section 2: General Provisions**

This section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the municipality or in what zone they are located. For example, this section contains provisions dealing with the construction of accessory buildings and provisions that regulate the operation of home based business.

### **Section 3: Parking Provisions**

This section provides regulations dealing with the number of parking spaces required for uses, accessible parking spaces, minimum parking space size, bicycle parking facilities, and the location of parking facilities on a lot.

### **Section 4: Establishment of Zones**

This section sets out the zones and a list of the uses permitted in each zone. If a use is not specifically listed as a permitted use in a zone then it is not permitted. In some zones, certain uses are only permitted under specific circumstances or only together with other uses.

### **Section 5 to 36: Zone Provisions**

These sections list the uses that are permitted in each zone and layer and contain a number of regulations that control the location and character of buildings and structures, and includes, among other things, regulations governing lot size, lot frontage and building height.

### **Section 37: Special Provisions**

This section provides a consolidated list of lots with special zoning provisions that are exceptions to the normal zone requirements of this By-law. Lots subject to special provisions are identified on the map schedules in Section 39.

### **Section 38: Definitions**

Definitions in this section provide clarity and consistency in the implementation of this By-law.

**Section 39: Zone Schedules**

This section contains maps of the City showing the zoning of each lot and site specific lot information where applicable.

## Section 1: Administration and Interpretation

---

### 1.1 Title

This By-law may be cited as “the Zoning By-law”.

### 1.2 Administration

This By-law shall be administered and enforced by the City of Port Colborne (“City”) and applies to all lots within the City.

#### 1.2.1 *Conformity and Compliance with By-law*

No person shall change the use of any building, structure or lot; erect or use any building or structure; or occupy any building, structure or lot except in accordance with the provisions of this By-law. Where any building, structure or lot is used for more than one purpose, all provisions of this By-law relating to each separate use shall be applied. All applicable provisions of this By-law apply to an individual lot unless stated otherwise.

Any use (primary or accessory) not specifically permitted by this By-law is not permitted. A use defined in Section 39 but not identified as a permitted use in any zone or by special provision is not permitted.

#### 1.2.2 *Legal Non-Conforming Uses Continued*

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose permitted by this By-law if such lot, building or structure was lawfully used for such purpose prior to the passing of this By-law provided that:

- a) Such use, building or structure which was lawfully established prior to the date of passing of this By-law and continues to be used for that purpose.

#### 1.2.3 *Building Permit Issued*

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law provided that:

- a) When the building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued.

### **1.3 Interpretation**

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City, or any other regulation, requirement or standard of upper tier governments and agencies, including but not limited to the Regional Municipality of Niagara, the Province of Ontario, the Government of Canada, the Canadian National Railway, the Niagara Peninsula Conservation Authority, the Ministry of Transportation, The Ministry of Agriculture, Food and Rural Affairs, the Ministry of the Environment and other Provincial and Federal Ministries, departments and agencies.

Nothing in this By-law shall be construed to exempt any person from complying with the requirements of the Ontario Building Code or Ontario Fire Code.

#### **1.3.1 Definitions**

Unless otherwise defined in Section 38, the words and phrases used in this By-law have their common, dictionary meaning.

#### **1.3.2 Singular and Plural Words and Genders**

In this By-law, unless the context requires otherwise:

- a) Words used in the singular numbers include the plural;
- b) Words used in the plural include the singular number; and
- c) Words used in the masculine gender include the feminine.

#### **1.3.3 Public Utilities**

Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of public works providing public utilities by a regulated company or government agency.

#### **1.3.4 Schedules**

The Schedules attached to this By-law form part of the By-law. Schedule A shows the Zones and Zone Boundaries. Schedules A1 through A9 show detailed lot specific information.

#### **1.3.5 Interpretation of Zone Boundaries**

When determining the boundary of any zone as shown on the Schedules forming part of this By-law the following shall apply:

- a) A boundary indicated as following a highway, road (improved or unimproved), lane, railway right-of-way or utility corridor shall be construed to be the centreline of such highway, street, lane, railway right-of-way, utility corridor.

- b) A boundary indicated as following a shoreline or a top of bank shall follow such shoreline or top of bank as located through survey or other similar means. In the event of a change in the shoreline or top of bank the boundary shall move with the actual shoreline or top of bank.
- c) A boundary indicated as following lot lines or the municipal boundaries of the City of Port Colborne shall follow such lot lines or municipal boundary.
- d) Where none of the above applies, the zone boundary shall be scaled from the Schedule(s).

### **1.3.6 More Than One Zone on a Lot**

Where a lot has more than one zone applied thereon, all provisions in the pertinent zone shall be satisfied on each such portion of the lot so zoned.

### **1.3.7 Establishment of Holding Zones**

Pursuant to Section 36 of the Planning Act, Holding Zones are hereby established by the use of the symbol "H" as a suffix to the zone symbol. For lands subject to a Holding symbol, only those uses, buildings and structures in existence at the time of the passing of the By-law applying the Holding symbol will be permitted and no building or structure shall be altered or erected until the Holding symbol is removed by amendment to the By-law. The requirements for lifting each Holding symbol are set out in Section 4.4 and Section 37 of this Zoning By-law.

## **1.4 Enforcement**

Any person or corporation that contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the penalties as provided for in the *Planning Act*.

## **1.5 Inspection of Premises**

The Director of Planning and Development or any official or employee of the Municipality acting under his or her direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this By-law are not being complied with, and for the purpose of carrying out his or her duties under this By-law.

## **1.6 Severability**

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

## **1.7 Effective Date**

This By-law shall come into force the day it is passed.

## **1.8 Technical Changes**

Provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected, and as determined by the Director of Planning and Development, or any official or employee of the Municipality acting under his or her direction, the following technical revisions to this By-law are permitted without a Zoning By-law amendment:

- a) Changes to the numbering, cross-referencing, format and arrangement of the text, tables and maps;
- b) Additions to and revisions of technical information on maps including but not limited to: infrastructure, topographic information, notes, legends, shading and title blocks;
- c) Alterations of punctuation; and
- d) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.

**BY-LAW XXXX/XX/18**

A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of Port Colborne.

**WHEREAS** the City of Port Colborne Official Plan was adopted in September 2012 by City Council and approved in December 2012 by Regional Council and approved by the Ontario Municipal Board in November 2013;

**AND WHEREAS** it is deemed advisable to pass a By-law pursuant to s. 34 of the Planning Act, R.S.O., 1990, c. P. 13, as amended.

The Council of the Corporation of the City of Port Colborne enacts as follows:

## Section 2: General Provisions

---

### 2.1 Requirement for a Lot

- a) Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for a permitted use unless it comprises a lot; but this provision shall not prevent the use of any parcel or tract of land for lawfully existing agricultural purposes excluding the erection or enlargement of any building or structure except a fence.
- b) Notwithstanding anything contained in this By-law, a parcel which is situated in any zone, and which lacks either the required lot frontage or lot area, or both the lot frontage and lot area for the lot in the respective zone, is and shall be deemed to be a lot provided that:
  - i) The description of such parcel is the same as in a deed registered on or prior to the date of passing of this By-law;
  - ii) Such parcel could have been conveyed legally on the date of the passing of this By-law by way of deed, transfer, mortgage, charge or agreement of purchase and sale without consent under Section 50 of the Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time.
  - iii) All relevant regulations made under the Public Health Act and all relevant regulations required of the Regional Municipality of Niagara or any other authority having jurisdiction are complied with including septic requirements;
  - iv) All other requirements of the applicable zone are complied with, and where said parcel qualified under this section as a deemed lot, said deemed lot may be used for the purposes as permitted in the zone in which it is located, notwithstanding that it does not comply with the area and frontage requirements of that zone; and

#### 2.1.1 Reduction of Lot Area

- a) No person shall reduce the lot area or make any changes in the dimensions of a lot as required by this By-law by the conveyance or alienation of any portion thereof or otherwise, except at the discretion of the Committee of Adjustment or except by a conveyance in accordance with Section 2.1.1 (b), so that any building or structure on such lot shall have a lot coverage that exceeds or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or lot depth that is less than that permitted by this By-law but does not include a registered use.

- b) Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place provided that:
  - i) No change is made in the dimensions or area of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-conformity; and
  - ii) No building, structure or addition is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all of the provisions hereof for the zone in which such lot is located.

## 2.2 Uses Permitted in All Zones

- a) Nothing in this By-law shall prevent the use of any land as a public use provided by or on behalf of the City, Regional Municipality of Niagara or Province of Ontario for the erection of buildings or structures, or the installation of other facilities essential to the operation of water works, street lighting, cable and telephone lines, railways and works for the transmission of gas, oil, water or electrical power or energy, or wayside pits and quarries, provided that any such use, building or structure provided that:
  - i) Any buildings or structures shall be in compliance with the relevant provisions of this By-law;
  - ii) Any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located.
- b) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department of authority.

## 2.3 Uses Prohibited in All Zones

- a) Abattoir;
- ~~b) Asphalt and Cement Manufacturing;~~
- c) Mobile Home Park;
- d) Salvage Yard;
- e) Solid Waste Disposal Facility;

- f) Trailer Park;
  - g) Sites for the treatment and disposal of liquid waste, hazardous waste, or any other waste which requires special treatment;
  - h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West); and
  - i) Any use where its nature or the material used therein is considered a noxious use as defined in Section 39.
- a) Nothing in this By-law shall prevent the use of any land as a public use provided by or on behalf of the City, Regional Municipality of Niagara or Province of Ontario for the erection of buildings or structures, or the installation of other facilities essential to the operation of water works, street lighting, cable and telephone lines, railways and works for the transmission of gas, oil, water or electrical power or energy, or wayside pits and quarries, provided that any such use, building or structure provided that:
    - i) Any buildings or structures shall be in compliance with the relevant provisions of this By-law;
    - ii) Any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located.
  - b) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department of authority.
  - f) Sites for the treatment and disposal of liquid waste, hazardous waste, or any other waste which requires special treatment;
  - g) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West); and
  - h) Any use where its nature or the material used therein is considered a noxious use as defined in Section 39.

**2.3.1 Source Water Protection**

- a) Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within the Intake Protection Zone 1 (IPZ-1) shown as IPZ-1 on Schedules A6 and A7 in Section 39 of this By-law:
  - i) Waste Disposal Site;
  - ii) Pesticide storage greater than 2,500 kg;
  - iii) Open Storage of road salt greater than 5,000 tonnes;
  - iv) Storage of snow greater than 1 hectare;
  - v) Stormwater Management Facility, or the expansion of a Stormwater Management Facility existing prior to August 28, 2017;
  - vi) Combined Sewer;
  - vii) Wastewater Treatment Facility;
  - viii) Industrial Effluent System; and
  - ix) Agricultural Use, including the storage or application of agricultural source material.
  
- b) Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within Intake Protection Zone 2 (IPZ-2) shown as IPZ-2 on Schedules A6 and A7 in Section 39 of this By-law:
  - i) Waste Disposal Site;
  - ii) Stormwater management facility, or the expansion of a storm water management facility existing prior to August 28, 2017; and
  - iii) Agricultural Use, including the storage or application of agricultural source material.
  
- c) In instances where the Risk Management Official deems a new or expanding Commercial/Industrial development may pose a significant threat to municipal drinking water within the IPZ-1 or IPZ-2, a stormwater management plan that demonstrates and implements best management practices related to managing stormwater runoff shall be required to the satisfaction of the Risk Management Official and the City.

## 2.4 Temporary Uses

- a) Nothing in this By-law shall prevent the use of any land, or the erection or use of any temporary building or structure for a construction camp, work camp, tool shed, scaffold or other temporary building or structure incidental to an necessary for construction work on the premises for which a building permit has been issued and not expired, but only for so long as

such use, building or structure is necessary for such construction work which has not been finished or abandoned.

- b) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation of the residents of a lot in the case of a complete or partial destruction of a dwelling by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by the order of the City of Port Colborne, the Regional Municipality of Niagara or other authority, for safety, health or sanitation requirements in any Zone for a period not to exceed 18 months provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer.
- c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer during the construction of a new dwelling.
- d) Nothing in this By-law shall prevent the use of any land, other than a sight triangle, in any zone for a special event held by a charitable organization provided any temporary building or structure incidental to, and necessary for, the event meets the minimum requirements of the applicable zone and remains on the land only during the duration of the special event.
- e) Where this By-law provides that land may be used for a dwelling unit, the permitted accessory use shall include a garage/yard sale provided that:
  - i) No person shall conduct more than 2 garage/yard sales per calendar year at 1 location; and
  - ii) No garage/yard sale shall exceed 2 days in duration.

## **2.5 Human Habitation**

Notwithstanding anything contained in this By-law, no truck, bus, coach, street car body or structure of any kind, whether or not the same is mounted on wheels, a foundation or other form of mounting, shall be used for human habitation other than a dwelling unit, a mobile home, or a trailer or motor home used in accordance with this By-law.

## **2.6 Multiple Uses on a Lot**

Notwithstanding anything contained in this By-law:

- a) Where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with;

- b) In no case shall a dwelling be located within 3 metres of any other building on the lot, except a building accessory to such dwelling; and
- c) Where standards or provisions pertaining to 2 or more uses on lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

## **2.7 Non-Conforming Buildings and Structures**

- a) Nothing in this By-law shall prevent the rebuilding, replacement or repair of an existing building or structure even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law, provided that such repair or restoration does not increase the height, size, volume or extent of non-conformity or non-compliance of the use, building or structure, except as required in order to comply with the requirements of the Ontario Building Code.
- b) Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such building, structure or lot does not conform to one or more of the requirements of this By-law, provided that:
  - i) Such extension or addition does not further reduce any existing legal non-conforming yards but in no instance shall any extension or addition be permitted close than 1.0 metres to any lot line;
  - ii) All other provisions of this By-law are satisfied; and
  - iii) No extensions or additions shall be permitted in an Environmental Protection Zone.

## **2.8 Accessory Buildings**

### **2.8.1 General Provisions**

- a) Accessory buildings shall be permitted in any zone in accordance with the applicable zone regulations and with the following:<sup>3</sup>
  - i) No accessory building shall be erected prior to the erection of the permitted dwelling or principal building on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling or building and no accessory building shall be used prior to the erection of such dwelling or building for any purpose other than such storage for a period not to exceed 18 months provided that the property owner has first entered into a Development Agreement with the City in a

form authorized generally or specifically by City Council from time to time to allow the temporary use.

- ii) No accessory building shall exceed a height of 4.6 metres, except as otherwise permitted in Section 2.16.
- iii) No accessory building shall be located in a front yard or corner side yard.
- iv) No accessory building shall be located closer than 1.5 metres to a main building.
- v) Unless specifically stated, no accessory structure shall be located less than 1 metre from an interior side or rear lot line.
- vi) The regulations governing the location of any accessory building in relation to a lot line, shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage provided that such garage is not located in a required front yard or close than 1.0 metre to any other lot line.
- vii) Notwithstanding subsections (i) through (vii) inclusive, where the accessory building is located within an Environmental Protection Zone, the Niagara Peninsula Conservation Authority regulations shall apply.

### **2.8.2 Lot Coverage**

- a) For a lot with municipal sanitary sewers and municipal water services the total accessory lot coverage shall not exceed 10% of the lot area of the said lot, excluding swimming pools.
- b) For a lot with no municipal services the total accessory lot coverage shall not exceed ~~53~~5% of the lot area of said lot, excluding swimming pools.
- c) For a lot zoned Agriculture (A) or Rural (RU) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.
- d) Where total coverage of all buildings on a lot is specified in a specific zone, the coverage for the accessory building must also conform to the overall coverage requirement.

## **2.9 Accessory Uses to a Dwelling**

### **2.9.1 Accessory Dwelling Unit**

- a) Notwithstanding any other provisions of this By-law, any single detached, semi-detached and townhouse dwelling units permitted in any zone may be internally converted or by way of an addition to the existing dwelling or

creation of a standalone structure or building, provide an accessory dwelling unit, subject to the specific zone requirements and the following:

- i) Only one accessory dwelling unit is permitted per dwelling unit.
- ii) Where the parcel proposed for an accessory dwelling unit is not serviced by municipal sewer and/or municipal water services, the minimum lot size shall be 0.4 hectares and all relevant requirements of the Region of Niagara are complied with.
- iii) The maximum floor area for the accessory dwelling unit shall not exceed 40% of the gross floor area of the dwelling.
- iv) One additional on-site parking space shall be provided for the accessory dwelling unit, and parking spaces may be stacked.
- v) All relevant requirements of the Ontario Building Code and Ontario Fire Code are complied with.

#### 2.9.1.1 *Dwelling Unit, Interior Accessory*

- a) Notwithstanding any other provisions of this By-law, one interior accessory dwelling unit is permitted in any detached dwelling, semi-detached dwelling unit or townhouse dwelling unit provided it complies with Section 2.9.1 (i) to (v) and:
  - i) The interior accessory dwelling unit is entirely within the exterior walls of the principal dwelling unit.
  - ii) The external appearance and character of the single detached dwelling, landscaped area and outdoor amenity areas are to be preserved.
  - iii) Additions shall be architecturally similar to the existing dwelling unit and use similar exterior building materials.
  - iv) The entrance to the accessory dwelling unit shall be located only in the interior side or rear yard and no exterior stairway to the second floor of the dwelling or accessory dwelling unit shall be permitted in the front or corner side yard.

#### 2.9.1.2 *Dwelling Unit, Detached Accessory*

- a) Notwithstanding any other provisions of this By-law, one detached accessory dwelling unit is permitted in any residential zone provided it complies with Section 2.9.1 (i) to (v) and shall not:
  - i) Be located in a required front yard or corner side yard.
  - ii) Be located within any sight triangle.

- iii) Exceed a building height of 4.6 metres.
- iv) Be located less than 1 metres from an interior side or rear lot line.
- v) Be located closer than 1.5 metres to a main building.

## **2.9.2 Home Based Business**

### *2.9.2.1 General Provisions*

- a) Notwithstanding any other provisions of this By-law, a home based business is permitted within a dwelling unit in any zone subject to the following:
  - i) The home based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling.
  - ii) The home occupation shall be conducted entirely within the dwelling unit and shall not occupy any portion of a private garage, carport or accessory building or structure except for the storage only of articles, material and supplies accessory to the home based business provided that the total combined floor area of the home based business in both the dwelling unit and accessory structure do not exceed the maximum floor area as described in 2.9.2 (iii).
  - iii) The use occupies a maximum floor area of 25% of the total dwelling unit floor area to a maximum of 23 square metres whichever is less.
  - iv) The home based business shall be conducted by a person(s) residing in the dwelling and may include one non-resident employee.
  - v) No manufacturing activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a home based business except for the fabrication of handmade goods or crafts associated with an artisan studio, home bakery, catering or home sewing establishment. The assembly of fully processed goods shall be permitted and shall only occur within the dwelling unit.
  - vi) There shall be no exterior structural alterations or separate entrances to the dwelling unit for the home based business.
  - vii) There shall be no outside storage associated with the home based business.

- viii) The home based business shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.
- ix) Unless otherwise stated, 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.
- b) Repair services shall be limited to the repair of personal effects and small household appliances such as electronic equipment, bicycles, apparel, furniture, toys and sporting goods. The repair of major household appliances, lawn care equipment and other power equipment and vehicles shall not be permitted.
- c) Retail sales shall be limited to those goods, merchandise, wares, products and articles either produced by the home based business or associated with a personal service conducted on the premises.

#### 2.9.2.2 *Parking Requirements*

- a) Where a home based business is present, and in addition to the parking provision of this By-law, the following special parking regulations are applicable:
  - i) One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required by the dwelling unit.
  - ii) Parking or storage of vehicles for the home based business shall be prohibited in any required yard except on a driveway that has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface, dustless material.
  - iii) On-site parking spaces may be stacked.

#### 2.9.2.3 *Signage*

- a) 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 By-law and the following regulations:
  - i) The sign shall not be internally illuminated.
  - ii) The sign shall not exceed 0.37 square metres in area where there is one home occupation in the dwelling unit or 0.74 square metres

in area where there are two or more home based businesses in the dwelling unit.

- iii) The sign shall not be located within a sight triangle.
- iv) The sign shall not be located closer than 1 metre to any property line.

#### **2.9.2.4 *Bed and Breakfast***

- a) A bed and breakfast is a permitted use within a detached dwelling subject to section 2.9 and the following additional regulations:
  - i) Despite section 2.9.1 (iii), a maximum of 4 guest rooms are permitted;
  - ii) The bed and breakfast establishment shall provide one off-street parking space per guest room in addition to the minimum parking area required for the dwelling unit; and
  - iii) The bed and breakfast shall provide meals to guests of the bed and breakfast only.
  - iv) The bed and breakfast establishment shall be licensed in accordance with the City's Licensing By-law.

#### **2.9.2.5 *Home Daycare***

- a) A home daycare is permitted subject to section 2.9 and the following:
  - i) Despite Section 2.9.2.1 (ix), the maximum number of non-resident persons being supervised is five; and
  - ii) Section 2.9.1 a does not apply.

## **2.10 Replacement of Buildings and Structures**

### **2.10.1 Replacement of Residential Buildings**

- a) Any building used exclusively for residential purposes may, in the case of its complete destruction, be replaced with a new building or in the case of its partial destruction, be reconstructed where the complete or partial destruction is caused by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the City of Port Colborne, The Regional Municipality of Niagara or other authority for safety, health or sanitation requirements, provided that:

- i) Such destroyed or demolished building was lawfully used at the date of its partial or complete destruction or demolition;
- ii) Such building as replaced or reconstructed shall not contain a greater number of dwelling units than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition;
- iii) Where the ground floor area of the destroyed or demolished building was less than the minimum ground floor area permitted in the applicable zone under this By-law, such building as replaced or reconstructed, shall not contain a less floor area than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition;
- iv) Where any yard existing at the date of the partial or complete destruction or demolition of such building does not comply with the minimum yard required in the applicable zone under this By-law, then such yard shall not be less than the yard existing at the date of the partial or complete destruction, or demolition of such building;
- v) The height of such building as replaced or reconstructed, shall not exceed the maximum height permitted in the applicable zone under this By-law; and
- vi) A building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied.

### ***2.10.2 Replacement of Buildings and Structures Other Than Residential Buildings***

- a) Any building other than a building used exclusively for residential purposes may, in the case of its complete destruction, be replaced with a new building where the complete destruction is caused by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the City of Port Colborne, The Regional Municipality of Niagara or other authority for safety, health or sanitation requirements, provided that:
  - i) Such destroyed or demolished building was in conformance with this By-law at the date of its complete destruction or its demolition; or
  - ii) For buildings not in conformance with this By-law, the ground floor area and gross floor area of such building as replaced does not exceed that existing at the date of its complete destruction or its demolition; and
  - iii) A building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied.

### **2.10.3 Reconstruction of Agricultural Buildings and Structures**

- a) Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming or conforming agricultural building or structure situated in the Agricultural or Rural Zones in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the City of Port Colborne, The Regional Municipality of Niagara or other authority for safety, health or sanitation requirements, provided that:
  - i) Such building or structure, as replaced or reconstructed shall not have in total a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition; and
  - ii) Where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required in the Agricultural or Rural Zones, such yard shall not be reduced in size by reason of such reconstruction of such building; or
  - iii) If such building is to be replaced or reconstructed so that it provides a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition, such building or structure shall not be replaced or reconstructed except in accordance with the provisions of the Agricultural or Rural Zone regulations and the applicable MDS requirements found in Section 2.20; and
  - iv) A building permit is obtained and reconstruction work commences within 24 months of the date upon which the building or structure became unusable or unoccupied.

### **2.11 Group Home**

- a) Only the following types of Group Homes, as approved under Provincial Statute shall be permitted in any residential zone:
  - i) Approved group homes;
  - ii) Home for special care;
  - iii) Supportive housing programs;
  - iv) Children's residence;
  - v) Accommodation for adult mental health programs;
  - vi) Accommodation services for individuals with a development disability;

- vii) Satellite residence for seniors; and
  - viii) Homes for individuals who have physical disabilities when the Provinces license, funds or approved such a group home program.
- b) Except for those group homes under Section 2.11 (a), the following group homes are not permitted in any zone except by a site specific amendment to the Zoning By-law:
- i) Halfway house for the socially disadvantaged;
  - ii) Halfway house for alcoholics;
  - iii) Halfway house for ex-offenders; and
  - iv) Community resource centre.

## **2.12 Buildings on One Lot**

Except where otherwise permitted, only one principal building of the following uses shall be permitted on one lot:

- a) A detached dwelling;
- b) A semi-detached dwelling;
- c) A duplex dwelling;
- d) A triplex dwelling;
- e) A fourplex dwelling; or

## **2.13 Sight Triangle**

- a) Unobstructed sight triangles are required on all corner lots in all zones.
- b) The area within a sight triangle shall be determined by measuring from the point of the intersection of the front and corner side lot lines on a corner lot to a point along each such lot line as set out in Section 2.13.1 (a) and 2.13.1 (b) and joining such points with a straight line.
- c) No sign or landscaping materials including but not limited to: fences, walls, berms, trees, hedges or bushes shall be greater than 0.75 metres in height above the elevation of the ground at the street line.

### **2.13.1 Sight Triangle Distance**

- |                     |            |
|---------------------|------------|
| a) Residential Zone | 6 metres   |
| b) All Other Zones  | 7.5 metres |

### **2.13.2 Sight Triangle Exemption**

- a) Sight Triangle provisions in Section 2.13 and 2.13.1 shall not apply to any corner lot located within the Downtown Commercial (DC) Zone.

## **2.14 Lot Frontage on Roads**

- a) No person shall construct a building or structure or otherwise use any lot unless the lot fronts on an improved road or lane.
- b) No lot creation shall be permitted on lanes within the urban area boundary as designated in the City's Official Plan.
- c) Section 2.14 (a) does not apply to:
  - i) A utility installation;
  - ii) A cemetery
  - iii) A conservation/natural area
- d) Lot frontage shall be measured:
  - i) 6 metres from the front lot line and parallel to the front lot line; or
  - ii) 6 metres from the chord and parallel to the chord if the front lot line is a curve

## **2.15 Height**

### ***2.15.1 How Height is Measured***

- a) From the grade to the highest point of the roof.

### ***2.15.2 Height Exceptions***

- a) The height regulations of this By-law shall not apply to antennas, barns, chimneys, communication towers, elevator enclosures, flag poles, roof top mechanical equipment, silos, skylights, solar panels, spires, water tanks, or windmills.

## **2.16 Operating Apparatus**

- a) The following provisions shall apply to all Residential zones and lots abutting a Residential Zone. Operating apparatus shall:
  - i) Be setback a minimum of 0.6 metres from any rear and side lot line; and
  - ii) Be permitted in a front yard, and setback no greater than 0.5 metres from the front building wall.

## **2.17 Swimming Pools**

- a) In addition to the provisions and setbacks contained in the City of Port Colborne "Pool By-law" the following shall apply:
  - i) Any above-ground or in-ground swimming pool shall be located in an interior side yard or rear yard only;
  - ii) The interior wall surface of any above-ground or in-ground swimming pool shall be located no closer than 1 metre to any interior side lot line or rear lot line, or closer to any street than the setback required therefrom;
  - iii) Water circulating or treatment equipment such as pumps or filters shall be located no closer than 3 metres to any interior side lot line or 1 metre to any rear lot line; and
  - iv) A building or structure containing or enclosing an above-ground or in-ground swimming pool shall not be located in any required yard and shall comply with all applicable accessory structure provisions of the zone in which such building or structure is located.

## **2.18 Outdoor Storage**

- a) Except where otherwise noted, outdoor storage and garbage storage areas shall only be permitted in an interior side yard or a rear yard.

## **2.19 Permitted Encroachments**

- a) Except where otherwise permitted in this By-law every part of any required yard for a building or structure shall be open and unobstructed from the ground to the sky except for the exceptions listed in Section 2.19.1 to 2.19.3.
- b) No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following functional and ornamental structures including but not limited to:
  - i) Drop awnings;
  - ii) Clothes poles
  - iii) Ornamental fountains, statutes, monuments, memorials, planters and garden tresses;
  - iv) Fences;
  - v) Air conditioning units, heat pumps and generators; and
  - vi) Boundary and retaining walls, hedgerows and legal signs

### **2.19.1 General Structures**

| Structure Type                            | Yard Permitted                                      | Required Setback from Lot Line |
|-------------------------------------------|-----------------------------------------------------|--------------------------------|
| Eaves and Gutters                         | All                                                 | 0.15 metres                    |
| Uncovered Stairs or Ramps to First Storey | All                                                 | 0.5 metres                     |
| Fire Escapes and Exterior Staircases      | Interior Side Yard<br>Corner Side Yard<br>Rear Yard | 1.2 metres                     |
| Cantilever – Walls or Windows             | All                                                 | 0.3 metres                     |
|                                           | Front Yard<br>Rear Yard                             | 0.6                            |

|                                             | Height of Deck or Platform                         |                                                                                    |                                                           |
|---------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                             | Height above the Ground Floor Level to 0.61 metres | Height above the Ground Floor Level more than 0.61 metres but less than 1.2 metres | Height above the Ground Floor Level 1.2 metres or greater |
| Minimum Setback from Corner Side Lot Line   | 3 metres                                           | 3 metres                                                                           | Required corner yard of principal building                |
| Minimum Setback from Interior Side Lot Line | Required interior side yard of principal dwelling  |                                                                                    |                                                           |
| Minimum Setback from Rear Lot Line          | 1.6 metres                                         | 3 metres                                                                           | 4.5 metres                                                |
| Minimum Setback from Front Lot Line         | 3 metres                                           | 3 metres                                                                           | Required corner yard of principal building                |

### **2.19.2 Enclosed Structures**

- a) Any enclosed platform structure, enclosed steps or enclosed barrier-free ramps are deemed to be part of the building to which they are attached and shall meet all required yards.

### **2.19.3 Unenclosed Structures**

- a) Unenclosed and uncovered barrier-free ramps shall be permitted to encroach into any yard.

## **2.20 Minimum Distance Separation (M.D.S.) Formulae**

- a) Notwithstanding the building setback and minimum yard requirements of any zone, the requirements of the Province's M.D.S. Formula 1 and M.D.S. Formula 2, as updated from time to time, shall prevail.
- b) The minimum acceptable separation distance shall be the distance determined in the application of the Province's M.D.S. Formula 1 or M.D.S. Formula 2.
- c) Any setback distance requirement from farm and non-farm buildings by the Province's M.D.S. Formula 1 or M.D.S. Formula 2 shall also apply from farm and non-farm buildings in adjacent municipalities.

**2.21 Railway Right-of-Way**

- a) Notwithstanding any other provisions of this By-law, no building or structure for the purpose of human habitation shall be constructed any closer than 15 metres to any functioning railway right-of-way.

**2.22 Municipal Drains**

- a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 15 metres to any municipal drain, measured from the top of bank.

**2.23 Food Vehicles**

- a) Every Food Vehicle shall operate in accordance with the City's Business Licensing By-law, the regulations for the zone, in which it is located and the following:
  - i) Within any Commercial, Institutional or Industrial Zone, shall occupy a defined parking space;
  - ii) Within any Commercial, Institutional or Industrial Zone, shall not occupy an accessible parking space; and
  - iii) Within any Commercial, Institutional or Industrial Zone, shall be in accordance with Section 2.13, Sight Triangles.

**2.24 Outdoor Commercial Patio**

- a) An outdoor commercial patio is permitted if it is operated as part of a take-out restaurant, a full-service restaurant, private club or a brew pub where those uses are listed as permitted uses.
- b) An outdoor commercial patio is prohibited in association with any Adult Oriented Entertainment Establishment.
- c) Where an outdoor commercial patio is not physically separated by a building from another lot in a residential zone, it is prohibited unless it is located at least:

- i) 30 metres from a lot in a residential zone and is screened and physically separated from that same lot by a structure, screen or wall that is two metres or more in height so as to mitigate both light and noise from the outdoor commercial patio; or
- ii) 75 metres from a lot in a residential zone.
- d) Outdoor commercial patios must not encroach on or eliminate any required parking or loading space, driveway or aisle.
- e) No additional parking shall be required for an outdoor commercial patio.

## **2.25 Storage of Refuse**

- a) No open storage of refuse shall be permitted anywhere within the zoned area except:
  - i) Where refuse is to be collected within an 18 hour period after such refuse has been placed in an outdoor location;
  - ii) Where the area used for the open storage of refuse or a refuse container is enclosed by a wall or an opaque fence not less than 1.8 metres in height; or
  - iii) In any Residential Zone, where such refuse is contained completely within a structure or in a receptacle specifically intended for such purpose and having walls or sides and door or lid.

## Section 3: Parking Provisions

### 3.1 Parking Space Requirements

- a) Except as otherwise provided in Section 3, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in this By-law, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the requirements of Section 3.1.1 and 3.1.2.

#### 3.1.1 Parking Space Requirements for Residential Uses

| Permitted Use              | No. of Spaces Required per Unit        |
|----------------------------|----------------------------------------|
| Apartment Building         | 1.5                                    |
| Apartment Building, Public | 1 space per 3 units                    |
| Bed and Breakfast          | 1 space per guest room                 |
| Dwelling, Accessory        | 1                                      |
| Dwelling, Detached         | 1                                      |
| Dwelling, Duplex           | 1                                      |
| Dwelling, Fourplex         | 1                                      |
| Dwelling, Semi-Detached    | 1                                      |
| Dwelling, Townhouse Block  | 1                                      |
| Dwelling, Townhouse Street | 1                                      |
| Dwelling, Triplex          | 1                                      |
| Dwelling Unit, Accessory   | 1 (can be tandem)                      |
| Long Term Care Facility    | 0.4 per dwelling unit and per care bed |
| Supportive Living Facility | 0.5                                    |

#### 3.1.2 Parking Space Requirements for Non-Residential Uses

| Permitted Use                              |                                                                  |
|--------------------------------------------|------------------------------------------------------------------|
| Adult Oriented Entertainment Establishment | Min 1 space per 20 square metres gfa                             |
| Animal Care Establishment                  | Min 1 space per 20 square metres gfa                             |
| Brew Pub                                   | Min 1 space per 20 square metres gfa                             |
| Cultural Facility                          | Min 1 space per 65 square metres gfa                             |
| Contractor's Yard                          | Min 1 space per 100 square metres gfa                            |
| Day Care                                   | Min 1 space per 25 square metres gfa                             |
| Golf Course and Driving Range              | 18 per 9 holes of golf plus 1 per 27 square metres of club house |
| Heavy Equipment Sales and Service          | Min 1 space per 35 square metres gfa                             |
| Hospital                                   | Min 1 space per 50 square metres gfa                             |
| Hotel                                      | 1 per guest room                                                 |
| Industry, Heavy                            | Min 1 space per 100 square metres gfa                            |

|                                                                                    |                                                 |
|------------------------------------------------------------------------------------|-------------------------------------------------|
| Industry, Light                                                                    | Min 1 space per 100 square metres gfa           |
| Marina                                                                             | 0.6 per boat slip                               |
| Medical Clinic                                                                     | Min 1 space per 28 square metres gfa            |
| Medical Marihuana Production Facility                                              | 1 space for every employee on the largest shift |
| Motor Vehicle Gas Station                                                          | Min 1 space per 20 square metres gfa            |
| Motor Vehicle Repair Garage                                                        | Min 1 space per 20 square metres gfa            |
| Motor Vehicle Sales/Rental and Service Centre                                      | Min 1 space per 30 square metres gfa            |
| Office                                                                             | Min 1 space per 28 square metres gfa            |
| Place of Assembly/Banquet Hall *                                                   | Min 1 space per 20 square metres gfa            |
| Place of Worship *                                                                 | Min 1 space per 20 square metres gfa            |
| Recreation Facility *                                                              | Min 1 space per 20 square metres gfa            |
| Restaurant, Fast Food                                                              | Min 1 space per 20 square metres gfa            |
| Restaurant, Full-Service*                                                          | Min 1 space per 20 square metres gfa            |
| Restaurant, Take-Out                                                               | Min 1 space per 20 square metres gfa            |
| Retail Store                                                                       | Min 1 space per 20 square metres gfa            |
| Service Commercial                                                                 | Min 1 space per 20 square metres gfa            |
| Transportation Depot                                                               | Min 1 space per 100 square metres gfa           |
| All other non-residential uses listed in the Zoning By-law but not specified above | Min 1 space per 20 square metres gfa            |

\* Applies only to portion of building dedicated to the assembly of persons

### 3.1.3 Calculation of Parking Requirement

- a) The calculation of the minimum number of required parking spaces shall be rounded up to the nearest whole number.

### 3.2 Parking Space Dimensions

|                                                       | Min. Width (m) | Min. Depth (m) | Conditions                                            |
|-------------------------------------------------------|----------------|----------------|-------------------------------------------------------|
| <b>Standard Parking Space</b>                         | 2.6            | 5.2            | -                                                     |
| <b>Standard Parking Space Obstructed on Two Sides</b> | 3.5            | 5.2            | Abutting any wall, column or structure on both sides  |
| <b>Standard Space Obstructed on One Side</b>          | 3              | 5.2            | Abutting any wall or column, or structure on one side |
| <b>Accessible Space</b>                               | 3.7            | 5.2            | -                                                     |



### **3.7 Ingress and Egress Standards**

- a) Required parking spaces shall have adequate access, from an improved or unimproved road, to permit ingress and egress of a motor vehicle by means of driveways, aisles, maneuvering areas, or similar area and except in the case of tandem parking in a driveway to a single detached, semi-detached, duplex or triplex dwelling, no part of this access is to be used for the temporary parking or storage of any motor vehicle.
- b) Driveways shall have a minimum unobstructed width of 7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.

### **3.8 Additions to Existing Buildings with Legal Non-Conforming Parking**

- a) In the case of expansion of a building or structure that legally does not meet the parking requirements, the parking standards related to the expansion must be adhered to, but the parking deficiency of the original building or structure does not have to be corrected and can remain legally.

### **3.9 Parking Prohibitions**

- a) No person shall park, permit or cause to be parked a motor vehicle, recreational vehicle, or a utility trailer on a lot other than in a parking area that complies with the provisions of this By-Law.

#### ***3.9.1 Large Motor Vehicle***

- a) No person shall in any Residential, Institutional, Public or Mixed Use Zone use any lot for parking or storage of any large motor vehicle as defined in Section 38 unless the vehicle is a delivery vehicle temporarily parked in the course of its normal delivery duty.

#### ***3.9.2 Recreation Vehicle, Boat, Recreation Trailer, Utility Trailer***

- a) No recreation vehicle, boat, or utility trailer shall be located in a front and/or corner side yard parking area in any residential zone, except where no off-street parking space is available or can be provided in the interior side or rear yard, they may be permitted in the front yard and/or corner side yard parking area provided they are set back a minimum of 1.5 metres from the front and/or corner side yard lot line on an in-season basis from May 15 to October 15 of each year.
- b) No recreation vehicle, boat, or utility trailer shall be located in a required sight triangle on a corner lot.

### 3.10 Loading Spaces

- a) Loading spaces shall be located entirely on the same lot as the building for which such loading spaces are required, and shall not encroach into any required driveways, parking areas or internal roads. Loading spaces shall be located in an interior side yard or rear yard and no closer any road than the building.
- b) No loading space shall be located within a required yard that abuts a Residential Zone.
- c) Access to loading spaces shall be by means of a driveway at least 3.5 metres in width, contained within the lot on which the loading spaces are located and leading to either an improved or unimproved road or lane not less than 7.5 metres in width.
- d) A loading space shall be a minimum of 3.5 metres by 9 metres with a minimum clearance height of 4 metres.

### 3.11 Landscape Provisions for Parking Areas

#### 3.11.1 *Landscape Buffer Provisions*

- a) A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) in accordance with the following table:

|                                                                        | Parking area with 5 to 20 parking spaces | Parking area with more than 20 parking spaces but fewer than 100 | Parking area with 100 or greater parking spaces |
|------------------------------------------------------------------------|------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| Lot Line Abutting a Public Road                                        | 3 m                                      | 3 m                                                              | 6 m                                             |
| Lot Line Not Abutting a Public Road                                    | -                                        | 3 m                                                              | 3 m                                             |
| Lot Line Abutting a Residential, Institutional or Public and Park Zone | 3 m                                      | 3 m                                                              | 4 m                                             |

#### 3.11.2 *Minimum Landscaped Open Space within Parking Areas*

- a) A minimum landscaped open space equal to 10% of the parking area shall be required within all parking areas with 100 or more parking spaces.

### 3.12 Drive-Thru Facility

- a) A drive-thru facility shall be subject to the following provisions:
  - i) a minimum 3 m wide landscape buffer shall be provided between a drive-thru facility and a public road; and
  - ii) Shall be located no closer than 7.5 m to a Residential, Institutional or Public and Park zone.

#### 3.12.1 Drive-Thru Facility Stacking Lanes

- a) The minimum number of stacking lane parking spaces for drive-thru facilities shall be:

| Use                   | Min. number of stacking lane tandem parking spaces |
|-----------------------|----------------------------------------------------|
| Restaurant, Fast Food | 10 Spaces                                          |
| All other uses        | 3 Spaces                                           |

### 3.13 Bicycle Parking Spaces

- a) Bicycle parking spaces must be located on the same lot as the use for which it is provided;
- b) Each bicycle parking space shall be a minimum 1.8 m in length and 0.3 m in width; and
- c) Shall be located at a principle entrance of a building

#### 3.13.1 Required Bicycle Parking

| Use                                                                    | Minimum Number of Bicycle Parking Spaces                        |
|------------------------------------------------------------------------|-----------------------------------------------------------------|
| Residential Buildings with 10 or more dwelling units                   | 6 Spaces plus 1 for every additional 10 dwelling units above 20 |
| Place of Assembly/Banquet Hall, Recreation Facility, Place of Worship* | 1 space per 1000 square metres of gross floor area              |
| Retail and Service Commercial                                          | 1 space per 1000 square metres gross floor area                 |
| Office                                                                 | 1 space per 1000 square metres gross floor area                 |
| Light Industry                                                         | 1 space per 1000 square metres gross floor area                 |
| Heavy Industry                                                         | 1 space per 1000 square metres gross floor area                 |
| Hotel                                                                  | 6 spaces plus 1 space per 10 guest rooms                        |

|                                                                                    |                                                |
|------------------------------------------------------------------------------------|------------------------------------------------|
| Restaurant, Fast-Food or Restaurant, Full-Serve                                    | 1 space per 170 square metres gross floor area |
| All other non-residential uses listed in the Zoning By-law but not specified above | 1 space per 1000 square metres                 |

\* Applies only to the portion of the building dedicated to the assembly of persons.

### 3.14 Stand Alone Parking Lot

- a) Where permitted by Section 36 Special Provisions, a stand-alone parking lot shall have a minimum lot frontage of 12 m and shall be subject to all other provisions of this By-law.

## Section 4: Establishment of Zones

---

### 4.1 List of Zone Names and Symbols

| <u>Zone Symbol</u> | <u>Zone Name</u>            |
|--------------------|-----------------------------|
| R1                 | First Density Residential   |
| R2                 | Second Density Residential  |
| R3                 | Third Density Residential   |
| R4                 | Fourth Density Residential  |
| RT                 | Residential Townhouse       |
| RR                 | Rural Residential           |
| LR                 | Lakeshore Residential       |
| HR                 | Hamlet Residential          |
| RD                 | Residential Development     |
| HD                 | Hamlet Development          |
| R                  | Rural                       |
| AR                 | Agricultural Residential    |
| A                  | Agricultural                |
| APO                | Agricultural Purposes Only  |
| NC                 | Neighbourhood Commercial    |
| HMC                | Hamlet Commercial           |
| MU                 | Mixed Use                   |
| CP                 | Commercial Plaza            |
| DC                 | Downtown Commercial         |
| HC                 | Highway Commercial          |
| MC                 | Marine Commercial           |
| LI                 | Light Industrial            |
| HI                 | Heavy Industrial            |
| MAO                | Mineral Aggregate Operation |
| GI                 | Gateway Industrial          |
| ID                 | Industrial Development      |
| I                  | Institutional               |
| P                  | Public and Park             |
| VR                 | Vacation Residential        |
| EP                 | Environmental Protection    |
| H                  | Hazard                      |

### 4.2 List of Zone Layers

| <u>Zone Symbol</u> | <u>Zone Name</u>           |
|--------------------|----------------------------|
| EC                 | Environmental Conservation |

### 4.3 Special Provisions

- a) Where special provisions are established for certain lots, the applicable regulations of the special provisions apply in addition to, or as exception to, the normal zone provisions that apply to the subject lot(s).
- b) Where on Schedule A to this By-law, a zone symbol (e.g. R1) applying to lots contains a suffix at the end of the zone symbol consisting of a dash and number (e.g. R1-1), this indicates that a special provision applies to the subject lot(s). The number after the dash corresponds with the special provision number as set out in Section 37.
- c) Lots with special exceptions are identified in Section 37.

### 4.4 Holding (H) Provisions

- a) Where a zone symbol contains the suffix “H” with or without a special provision (e.g. R1-H or R1-1-H), the zoning shall not take effect until the prescribed conditions are met and the “H” is removed from the subject lot(s).
- b) When the amending by-law removing the “H” Holding symbol from a zone is enacted, the permitted uses and regulations for that lot shall apply.
- c) Until such time as the prescribed conditions are met, the identified lot shall only be used for the existing permitted use as of the date of this By-law not including the expansion of the existing permitted use, or other uses as set out in the Holding provision(S).
- d) Lots with Holding provisions, including the conditions required to be satisfied prior to the removal of the Holding (H) Zone symbol are identified in Section 37.

#### 4.4.1 Development Holding (DH) Provisions

- a) Where a zone symbol contains the suffix “DH” with or without a special provision (e.g. R1-DH or R1-1-DH), the zoning shall not take effect until the prescribed conditions are met including any special studies as determined by staff which may include, but not be limited to:
  - i) Planning Justification Report
  - ii) Land Use/Market Needs Study
  - iii) Urban Design/Landscape Plans
  - iv) Archaeology and Cultural Heritage Assessment
  - v) Heritage Impact Analysis
  - vi) Environmental Impact Study
  - vii) Air Quality/Noise and Vibration Study
  - viii) Environmental Planning Study or Sub-Watershed Study
  - ix) Tree Preservation Plan

- x) Floodplain and Hazard Lands Report
  - xi) Geotechnical and Slope Stability Report
  - xii) Environmental Site Assessment
  - xiii) Agricultural Impact Assessment
  - xiv) Farm Operation and Ownership
  - xv) Minimum Distance Separation I & II
  - xvi) Municipal Servicing Study
  - xvii) Stormwater Management Plan
  - xviii) Traffic/Parking Impact Analysis
  - xix) Hydrogeological Study and Private Servicing Plans
  - xx) Financial Impact Assessment
  - xxi) Alternative Sites for Non-Agricultural Uses
  - xxiii) Mineral Aggregate Resources
  - xxiv) Site Plan Agreement
  - xxv) Subdivision Agreement
- b) When the amending by-law removing the “DH” Holding symbol from a zone is enacted, the permitted uses and regulations for that lot shall apply.
  - c) Until such time as the prescribed conditions are met, the identified lot shall only be used for the existing permitted use as of the date of this By-law not including the expansion of the existing permitted use, or other uses as set out in the Holding provision(s).

#### **4.4.2 Conversion Holding (CH) Provisions**

- a) Where a zone symbol contains the suffix “CH” with or without a special provision (e.g. R1-CH or R1-1-CH), the zoning shall not take effect until the prescribed conditions are met including obtaining a Record of Site Condition from the Ministry of the Environment.
- b) When the amending by-law removing the “CH” Holding symbol from a zone is enacted, the permitted uses and regulations for that lot shall apply.
- c) Until such time as the prescribed conditions are met, the identified lot shall only be used for the existing permitted use as of the date of this By-law not including the expansion of the existing permitted use, or other uses as set out in the Holding provision(s).

## Section 5: First Density Residential Zone (R1)

---

### 5.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any First Density Residential (R1) Zone except in accordance with the applicable provisions of Sections 2, 3 and 5.
- b) In addition to Section 5.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 5.2 Permitted Uses

- a) Dwelling, Detached; and
- b) Uses, structures and buildings accessory thereto

### 5.3 Zone Requirements – Dwelling, Detached

- a) Minimum Lot Frontage 15 metres
- b) Minimum Lot Frontage – Corner Lot 17 metres
- c) Minimum Lot Area 0.05 hectares
- d) Minimum Front Yard 6.5 metres
- e) Minimum Interior Side Yard 1.5 metres
- f) Minimum Corner Side Yard 3.5 metres
- g) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection Zone shall be 30 metres from the 1 in 100 year flood line as determined by the Niagara Peninsula Conservation Authority
- h) Maximum Lot Coverage 40 percent
- i) Maximum Height 11 metres
- j) Minimum Landscaped Area 25 percent
- k) No accessory building or structure shall be erected in any required minimum front or corner side yard on any lot that abuts the Lake Erie shoreline.

## Section 6: Second Density Residential Zone (R2)

---

### 6.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Second Density Residential (R2) Zone except in accordance with the applicable provisions of Sections 2, 3 and 6.
- b) In addition to Section 6.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 6.2 Permitted Uses

- a) Dwelling, Detached;
- b) Dwelling, Duplex,
- b) Dwelling, Semi-detached; and
- d) Uses, structures and buildings accessory thereto

### 6.3 Zone Requirements – Dwelling, Detached

- a) Minimum Lot Frontage 12 metres
- b) Minimum Lot Frontage – Corner Lot 15 metres
- c) Minimum Lot Area 0.04 hectares
- d) Minimum Front Yard 6.5 metres
- e) Minimum Interior Side Yard 1 metre
- f) Minimum Corner Side Yard 3.5 metres
- g) Minimum Rear Yard 6 metres
- h) Maximum Lot Coverage 50 percent
- i) Maximum Height 11 metres
- j) Minimum Landscaped Area 25 percent

### 6.4 Zone Requirements - Dwelling, Duplex

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.05 hectares
- c) Minimum Front Yard 6.5 metres
- d) Minimum Interior Side Yard 1.2 metres

- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 50 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent

**6.5 Zone Requirements – Dwelling, Semi-Detached**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.05 hectares
- c) Minimum Front Yard 6.5 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 50 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent
- j) Common walls shall be centred on the common lot line
- k) Notwithstanding the provisions of Section 6.5, nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units in such dwelling provided that each unit shall have a minimum lot area of 0.02 hectares
- l) There is no minimum interior side yard and/or rear yard for common walls.

## Section 7: Third Density Residential Zone (R3)

---

### 7.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Third Density Residential (R3) Zone except in accordance with the applicable provisions of Sections 2, 3 and 7.
- b) In addition to Section 7.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 7.2 Permitted Uses

- a) Dwelling, Detached;
- Dwelling, Semi-detached;
- b) Dwelling, Duplex;
- c) Dwelling, Triplex;
- d) Dwelling, Fourplex;
- e) Townhouse, Block;
- f) Townhouse, Street; and
- h) Uses, structures and buildings accessory thereto

### 7.3 Zone Requirements – Dwelling, Semi-Detached

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.05 hectares
- c) Minimum Front Yard 6.5 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 50 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

- l) Notwithstanding the provisions of Section 7.3, nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units in such dwelling provided that each unit shall have a minimum lot area of 0.02 hectares

**7.4 Zone Requirements – Dwelling, Duplex**

|    |                            |               |
|----|----------------------------|---------------|
| a) | Minimum Lot Frontage       | 18 metres     |
| b) | Minimum Lot Area           | 0.05 hectares |
| c) | Minimum Front Yard         | 6.5 metres    |
| d) | Minimum Interior Side Yard | 1.2 metres    |
| e) | Minimum Corner Side Yard   | 3 metres      |
| f) | Minimum Rear Yard          | 6 metres      |
| g) | Maximum Lot Coverage       | 50 percent    |
| h) | Maximum Height             | 11 metres     |
| i) | Minimum Landscaped Area    | 25 percent    |

**7.5 Zone Requirements – Dwelling, Triplex**

|    |                            |                   |
|----|----------------------------|-------------------|
| a) | Minimum Lot Frontage       | 18 metres         |
| b) | Minimum Lot Area per Unit  | 125 square metres |
| c) | Minimum Front Yard         | 9 metres          |
| d) | Minimum Interior Side Yard | 1.2 metres        |
| e) | Minimum Corner Side Yard   | 3 metres          |
| f) | Minimum Rear Yard          | 6 metres          |
| g) | Maximum Lot Coverage       | 40 percent        |
| h) | Maximum Height             | 11 metres         |
| i) | Minimum Landscaped Area    | 25 percent        |

**7.6 Zone Requirements – Dwelling, Fourplex**

|    |                           |                   |
|----|---------------------------|-------------------|
| a) | Minimum Lot Frontage      | 18 metres         |
| b) | Minimum Lot Area per Unit | 125 square metres |
| c) | Minimum Front Yard        | 9 metres          |

|    |                            |            |
|----|----------------------------|------------|
| d) | Minimum Interior Side Yard | 1.2 metres |
| e) | Minimum Corner Side Yard   | 3 metres   |
| f) | Minimum Rear Yard          | 6 metres   |
| g) | Maximum Lot Coverage       | 40 percent |
| h) | Maximum Height             | 11 metres  |
| i) | Minimum Landscaped Area    | 25 percent |

### **7.7 Zone Requirements – Townhouse, Block**

|    |                                                                                                                                                                                            |               |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| a) | Minimum Lot Frontage per Unit                                                                                                                                                              | 6 metres      |
| b) | Minimum Lot Area                                                                                                                                                                           | 0.02 hectares |
| c) | Minimum Front Yard                                                                                                                                                                         | 7.5 metres    |
| d) | Minimum Interior Side Yard                                                                                                                                                                 | 3 metres      |
| e) | Minimum Corner Side Yard                                                                                                                                                                   | 4.5 metres    |
| f) | Minimum Rear Yard                                                                                                                                                                          | 6 metres      |
| g) | Maximum Height                                                                                                                                                                             | 11 metres     |
| h) | Minimum Landscaped Area                                                                                                                                                                    | 25 percent    |
| i) | A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone. |               |
| j) | Common walls shall be centred on the common lot line.                                                                                                                                      |               |
| k) | There is no minimum interior side yard and/or rear yard for common walls.                                                                                                                  |               |

### **7.8 Zone Requirements – Townhouse, Street**

|    |                               |               |
|----|-------------------------------|---------------|
| a) | Minimum Lot Frontage per Unit | 6 metres      |
| b) | Minimum Lot Area              | 0.02 hectares |
| c) | Minimum Front Yard            | 7.5 metres    |
| d) | Minimum Interior Side Yard    | 3 metres      |
| e) | Minimum Corner Side Yard      | 4.5 metres    |
| f) | Minimum Rear Yard             | 6 metres      |
| g) | Maximum Height                | 11 metres     |

- h) Minimum Landscaped Area 25 percent
- i) A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

#### **7.9 Zone Requirements – Dwelling, Detached**

The zone requirements of the First Density Residential (R2) zone shall apply.

## Section 8: Fourth Density Residential Zone (R4)

---

### 8.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Fourth Density Residential (R4) Zone except in accordance with the applicable provisions of Sections 2, 3 and 8.
- b) In addition to Section 8.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 8.2 Permitted Uses

a) Dwelling, Detached

b) Dwelling, Semi-Detached

- c)a) Dwelling, Triplex;
- d)b) Dwelling, Fourplex;
- e)e) Dwelling, Townhouse Block;
- f)d) Dwelling, Townhouse Street;
- g)e) Apartment Buildings;
- g)f) Apartment Buildings, Public; and
- h)g) Uses, structures and buildings accessory thereto

### 8.3 Zone Requirements – Dwelling, Triplex

- |    |                            |                   |
|----|----------------------------|-------------------|
| a) | Minimum Lot Frontage       | 18 metres         |
| b) | Minimum Lot Area per Unit  | 125 square metres |
| c) | Minimum Front Yard         | 9 metres          |
| d) | Minimum Interior Side Yard | 1.2 metres        |
| e) | Minimum Corner Side Yard   | 3 metres          |
| f) | Minimum Rear Yard          | 6 metres          |
| g) | Maximum Lot Coverage       | 40 percent        |
| h) | Maximum Height             | 11 metres         |
| i) | Minimum Landscaped Area    | 25 percent        |

### 8.4 Zone Requirements – Dwelling, Fourplex

|    |                            |                   |
|----|----------------------------|-------------------|
| a) | Minimum Lot Frontage       | 18 metres         |
| b) | Minimum Lot Area per Unit  | 125 square metres |
| c) | Minimum Front Yard         | 9 metres          |
| d) | Minimum Interior Side Yard | 1.2 metres        |
| e) | Minimum Corner Side Yard   | 3 metres          |
| f) | Minimum Rear Yard          | 6 metres          |
| g) | Maximum Lot Coverage       | 40 percent        |
| h) | Maximum Height             | 11 metres         |
| i) | Minimum Landscaped Area    | 25 percent        |

#### **8.5 Zone Requirements – Dwelling, Townhouse Block**

|    |                                                                                                                                                                                            |               |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| a) | Minimum Lot Frontage per Unit                                                                                                                                                              | 6 metres      |
| b) | Minimum Lot Area                                                                                                                                                                           | 0.02 hectares |
| c) | Minimum Front Yard                                                                                                                                                                         | 7.5 metres    |
| d) | Minimum Interior Side Yard                                                                                                                                                                 | 3 metres      |
| e) | Minimum Corner Side Yard                                                                                                                                                                   | 4.5 metres    |
| f) | Minimum Rear Yard                                                                                                                                                                          | 6 metres      |
| g) | Maximum Height                                                                                                                                                                             | 11 metres     |
| h) | Minimum Landscaped Area                                                                                                                                                                    | 25 percent    |
| i) | A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone. |               |
| j) | Common walls shall be centred on the common lot line.                                                                                                                                      |               |
| k) | There is no minimum interior side yard and/or rear yard for common walls.                                                                                                                  |               |

#### **8.6 Zone Requirements – Dwelling, Townhouse Street**

|    |                               |               |
|----|-------------------------------|---------------|
| a) | Minimum Lot Frontage per Unit | 6 metres      |
| b) | Minimum Lot Area              | 0.02 hectares |
| c) | Minimum Front Yard            | 7.5 metres    |
| d) | Minimum Interior Side Yard    | 3 metres      |

- e) Minimum Corner Side Yard 4.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 percent
- i) A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone.
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

**8.7 Zone Requirements – Apartment Buildings, Apartment Buildings, Public**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area per Unit 125 square metres
- c) Minimum Front Yard 9 metres
- d) Minimum Interior Side Yard 3 metres
- e) Minimum Corner Side Yard 7.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 40 percent
- h) Maximum Height 20 metres
- i) Minimum Landscaped Area 25 percent
- j) Minimum Floor Area for a Unit 50 square metres

8.8 Zone Requirements – Detached Dwelling

The zone requirements of the First Density Residential (R1) zone shall apply.

8.9 Zone Requirements – Semi-Detached Dwelling

The zone requirements of the Third Density Residential (R3) zone shall apply.

## Section 9: Residential Townhouse Zone (RT)

---

### 9.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Residential Townhouse (RT) Zone except in accordance with the applicable provisions of Sections 2, 3 and 9.
- b) In addition to Section 9.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 9.2 Permitted Uses

- a) Dwelling, Townhouse Block;
- b) Dwelling, Townhouse Street; and
- c) Uses, structures and buildings accessory thereto

### 9.3 Zone Requirements – Dwelling, Townhouse Block

- a) Minimum Lot Frontage per Unit 6 metres
- b) Minimum Lot Area 0.02 hectares
- c) Minimum Front Yard 7.5 metres
- d) Minimum Interior Side Yard 3 metres
- e) Minimum Corner Side Yard 4.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 percent
- i) A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone.
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

### 9.4 Zone Requirements – Dwelling, Townhouse Street

- a) Minimum Lot Frontage per Unit 6 metres
- b) Minimum Lot Area 0.02 hectares
- c) Minimum Front Yard 7.5 metres

- d) Minimum Interior Side Yard 3 metres
- e) Minimum Corner Side Yard 4.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 percent
- i) A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone.
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

## Section 10: Rural Residential Zone (RR)

---

### 10.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Rural Residential (RR) Zone except in accordance with the applicable provisions of Sections 2, 3 and 10.
- b) In addition to Section 10.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 10.2 Permitted Uses

- a) Dwelling, Detached;
- b) Uses, structures and buildings accessory thereto

### 10.3 Zone Requirements – Dwelling Detached

- a) Minimum Lot Frontage 45 metres
- b) Minimum Lot Area 0.4 hectares or as existing
- c) Minimum Front Yard 10 metres
- d) Minimum Interior Side Yard 4 metres
- e) Minimum Corner Side Yard 7.5 metres
- f) Minimum Rear Yard 9 metres
- g) Maximum Lot Coverage 150 percent
- h) Maximum Height 11 metres

## Section 11: Lakeshore Residential Zone (LR)

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### 11.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Lakeshore Residential (LR) Zone except in accordance with the applicable provisions of Sections 2, 3 and 11.
- b) In addition to Section 11.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 11.2 Permitted Uses

- a) Dwelling, Detached;
- b) Uses, structures and buildings accessory thereto

### 11.3 Zone Requirements – Dwelling Detached or Dwelling, Seasonal

- a) Minimum Lot Frontage 30 metres
- b) Minimum Lot Area 0.4 hectares or as existing
- c) Minimum Front Yard 10 metres
- d) Minimum Interior Side Yard 3 metres
- e) Minimum Corner Side Yard 4.5 metres
- f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.
- g) Maximum Lot Coverage 150 percent
- h) Maximum Height 11 metres

### 11.4 Additional Zone Requirements – Accessory Structures

- a) A boat house shall be permitted with no rear yard.
- b) No accessory building or structure shall be erected in any required minimum front or corner side yard.

## Section 12: Hamlet Residential Zone (HR)

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### 12.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Hamlet Residential (HR) Zone except in accordance with the applicable provisions of Sections 2, 3 and 12.
- b) In addition to Section 12.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 12.2 Permitted Uses

- a) Dwelling, Detached;
- b) Uses, structures and buildings accessory thereto

### 12.3 Zone Requirements – Dwelling Detached

- a) Minimum Lot Frontage 45 metres
- b) Minimum Lot Area 0.4 hectares or as existing
- c) Minimum Front Yard 10 metres
- d) Minimum Interior Side Yard 4 metres
- e) Minimum Corner Side Yard 7.5 metres
- f) Minimum Rear Yard 9 metres
- g) Maximum Lot Coverage 150 percent
- h) Maximum Height 11 metres

## Section 13: Residential Development Zone (RD)

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### 13.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Residential Development (RD) Zone except in accordance with the applicable provisions of Sections 2, 3 and 13.
- b) In addition to Section 13.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 13.2 Permitted Uses

- a) ~~Dwelling, Detached Existing uses only;~~
- b) ~~Existing~~ uses, structures and buildings accessory thereto

### 13.3 Zone Requirements – Dwelling Detached

- a) Minimum Lot Frontage ~~30m as existing~~
- b) Minimum Lot Area as existing
- c) Minimum Front Yard ~~8mas existing~~
- d) Minimum Interior Side Yard ~~5mas existing~~
- e) Minimum Corner Side Yard ~~8mas existing~~
- f) Minimum Rear Yard ~~8mas existing~~
- g) Maximum Lot Coverage ~~10 percentas existing~~
- h) Maximum Height ~~11mas existing~~

**Section 14: Hamlet Development Zone (HD)**

---

**14.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Hamlet Development (HD) Zone except in accordance with the applicable provisions of Sections 2, 3 and 14.
- b) In addition to Section 14.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

**14.2 Permitted Uses**

- a) Existing uses only;
- b) ~~Existing~~ uses, structures and buildings accessory thereto

**14.3 Zone Requirements – Dwelling Detached**

- a) Minimum Lot Frontage 30m or as existing
- b) Minimum Lot Area as existing
- c) Minimum Front Yard 8mas-existing
- d) Minimum Interior Side Yard 5mas-existing
- e) Minimum Corner Side Yard 8mas-existing
- f) Minimum Rear Yard 8mas-existing
- g) Maximum Lot Coverage 10 percentas-existing
- h) Maximum Height 11mas-existing

## Section 15: Rural (RU)

---

### 15.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Rural (RU) Zone except in accordance with the applicable provisions of Sections 2, 3 and 15.
- b) In addition to Section 15.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 15.2 Permitted Uses

- a) Accessory Agricultural Activities;
- b) Agriculture Use;
- c) Agri-tourism and Value Added Uses;
- d) Conservation Uses;
- e) Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot;
- f) Dwelling, detached as a principal use on an existing lot of record;
- g) Kennel;
- h) Medical Marihuana Production Facility; and
- i) Uses, structures and buildings accessory thereto

### 15.3 Zone Requirements

- |                               |                             |
|-------------------------------|-----------------------------|
| a) Minimum Lot Frontage       | 30 metres or as existing    |
| b) Minimum Lot Area           | 0.4 hectares or as existing |
| c) Minimum Front Yard         | 8 metres                    |
| d) Minimum Interior Side Yard | 5 metres                    |
| e) Minimum Corner Side Yard   | 8 metres                    |
| f) Minimum Rear Yard          | 8 metres                    |
| g) Maximum Lot Coverage       | 10 percent                  |
| h) Maximum Height             | 11 metres                   |

#### 15.4 Zone Requirements – Agriculture Uses

|    |                            |                          |
|----|----------------------------|--------------------------|
| a) | Minimum Lot Frontage       | 30 metres or as existing |
| b) | Minimum Lot Area           | as existing              |
| c) | Minimum Front Yard         | 8 metres                 |
| d) | Minimum Interior Side Yard | 5 metres                 |
| e) | Minimum Corner Side Yard   | 8 metres                 |
| f) | Minimum Rear Yard          | 8 metres                 |
| g) | Maximum Lot Coverage       | 10 percent               |
| h) | Maximum Height             | 11 metres                |

#### 15.5 Zone Requirements – Dwelling Detached

|    |                            |                          |
|----|----------------------------|--------------------------|
| a) | Minimum Lot Frontage       | 30 metres or as existing |
| b) | Minimum Lot Area           | as existing              |
| c) | Minimum Front Yard         | 8 metres                 |
| d) | Minimum Interior Side Yard | 5 metres                 |
| e) | Minimum Corner Side Yard   | 8 metres                 |
| f) | Minimum Rear Yard          | 8 metres                 |
| g) | Maximum Lot Coverage       | 10 percent               |
| h) | Maximum Height             | 11 metres                |

#### 15.6 Zone Requirements – Accessory Structures to Dwellings

|    |                      |                                                                                                            |
|----|----------------------|------------------------------------------------------------------------------------------------------------|
| a) | Maximum Lot Coverage | 1 percent, provided the lot coverage or all buildings and structures on the lot does not exceed 10 percent |
| b) | Minimum Side Yard    | 3 metres except the minimum side yard abutting a street shall be 7.5 metres                                |
| c) | Minimum Rear Yard    | 3 metres except the minimum side yard abutting a street shall be 7.5 metres                                |

- d) Minimum Distance from a Dwelling 3 metres
- e) Maximum Building Height 4.6 metres

**15.7 Zone Requirements – Kennels**

- a) Minimum Lot Area 1.6 hectares
- b) Minimum Lot Frontage 75 metres
- c) Minimum Front Yard 50 metres or behind the front building line of the main building on the lot, whichever is greater
- d) Minimum Side Yard 25 metres
- e) Minimum Rear Yard 30 metres
- f) Minimum Distance to Adjacent Dwellings 160 metres
- g) Maximum Lot Coverage 20 percent
- h) Kennels shall be permitted in an accessory structure and may include an enclosed outdoor exercise area or pen.

**15.8 Zone Requirements – Medical Marihuana Production Facility**

- a) Minimum Lot Frontage 75 metres
- b) Minimum Lot Area Permitted only on an existing lot having a minimum size of 3 hectares
- c) Maximum Lot Coverage
  - i) Lots less than 5 hectares 30 percent
  - ii) Lots 5 hectares to 10 hectares 10 percent
  - iii) Lots greater than 10 hectares 5 percent
- d) Minimum Front Yard 30 metres
- e) Minimum Interior Side Yard 16 metres
- f) Minimum Corner Side Yard 30 metres
- g) Minimum Rear Yard 30 metres
- h) Minimum Separation to Sensitive Land Use 150 metres

- i) Where a lot line of a lot containing a Medical Marihuana Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres, measured perpendicularly to said lot line.
- j) Outside storage of goods, materials or other supplies is not permitted.
- k) Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained adjacent to every portion of any lot line that abuts a sensitive land use.
- l) 1 parking space shall be provided for every employee on the largest shift.
- m) Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.

## Section 16: Agricultural Residential Zone (AR)

---

### 16.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Agricultural Residential (AR) Zone except in accordance with the applicable provisions of Sections 2, 3 and 16.
- b) In addition to Section 16.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 16.2 Permitted Uses

- a) Dwelling, Detached;
- b) Uses, structures and buildings accessory thereto

### 16.3 Zone Requirements – Dwelling Detached

- a) Minimum Lot Frontage 45 metres
- b) Minimum Lot Area 0.4 hectares unless a larger lot area is require to accommodate private services as determined by a qualified professional.
- c) Minimum Front Yard 10 metres
- d) Minimum Interior Side Yard 4 metres
- e) Minimum Corner Side Yard 7.5 metres
- f) Minimum Rear Yard 9 metres
- g) Maximum Lot Coverage 150 percent
- h) Maximum Height 11 metres

### 16.4 Zone Requirements – Accessory Structures to Dwellings

- a) Maximum Lot Coverage 1 percent, provided the lot coverage or all buildings and structures on the lot does not exceed 10 percent
- b) Minimum Side Yard 3 metres except the minimum side yard

- |    |                                |                                                                                      |
|----|--------------------------------|--------------------------------------------------------------------------------------|
|    |                                | abutting a street shall be<br>7.5 metres                                             |
| c) | Minimum Rear Yard              | 3 metres except the<br>minimum side yard<br>abutting a street shall be<br>7.5 metres |
| d) | Minimum Distance from Dwelling | 3 metres                                                                             |
| e) | Maximum Building Height        | 4.6 metres                                                                           |

## Section 17: Agricultural Zone (A)

---

### 17.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Agricultural (A) Zone except in accordance with the applicable provisions of Sections 2, 3 and 17.
- b) In addition to Section 17.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 17.2 Permitted Uses

- a) Accessory Agricultural Activities;
- b) Agriculture Use;
- c) Agri-tourism and Value Added Uses;
- d) Conservation Uses;
- e) Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot;
- f) Dwelling, detached as a principal use on an existing lot of record at the date of the passing of this By-law;
- g) Kennel;
- h) Medical Marihuana Production Facility; and
- i) Uses, structures and buildings accessory thereto

### 17.3 Zone Requirements

- |                               |                          |
|-------------------------------|--------------------------|
| a) Minimum Lot Frontage       | 30 metres or as existing |
| b) Minimum Lot Area           | as existing              |
| c) Minimum Front Yard         | 8 metres                 |
| d) Minimum Interior Side Yard | 5 metres                 |
| e) Minimum Corner Side Yard   | 8 metres                 |
| f) Minimum Rear Yard          | 8 metres                 |
| g) Maximum Lot Coverage       | 10 percent               |
| h) Maximum Height             | 11 metres                |

#### 17.4 Additional Zone Requirements – Accessory Structures to Dwellings

- |    |                                  |                                                                                                            |
|----|----------------------------------|------------------------------------------------------------------------------------------------------------|
| a) | Maximum Lot Coverage             | 1 percent, provided the lot coverage of all buildings and structures on the lot does not exceed 10 percent |
| b) | Minimum Side Yard                | 3 metres except the minimum side yard abutting a street shall be 7.5 metres                                |
| c) | Minimum Rear Yard                | 3 metres except the minimum side yard abutting a street shall be 7.5 metres                                |
| d) | Minimum Distance from a Dwelling | 3 metres                                                                                                   |
| e) | Maximum Building Height          | 4.6 metres                                                                                                 |

#### 17.5 Additional Zone Requirements – Kennels

- |    |                                                                                                                |                                                                                                   |
|----|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| a) | Minimum Lot Area                                                                                               | 1.6 hectares                                                                                      |
| b) | Minimum Lot Frontage                                                                                           | 75 metres                                                                                         |
| c) | Minimum Front Yard                                                                                             | 50 metres or behind the front building line of the main building on the lot, whichever is greater |
| d) | Minimum Side Yard                                                                                              | 25 metres                                                                                         |
| e) | Minimum Rear Yard                                                                                              | 30 metres                                                                                         |
| f) | Minimum Distance to Adjacent Dwellings                                                                         | 160 metres                                                                                        |
| g) | Maximum Lot Coverage                                                                                           | 20 percent                                                                                        |
| h) | Kennels shall be permitted in an accessory structure and may include an enclosed outdoor exercise area or pen. |                                                                                                   |

#### 17.6 Additional Zone Requirements – Agri-tourism and Value Added Uses

- |    |                    |                  |
|----|--------------------|------------------|
| a) | Maximum Floor Area | 55 square metres |
|----|--------------------|------------------|

### 17.7 Additional Zone Requirements – Medical Marihuana Production Facility

- |    |                                                                                                                                                                                                                                                                                                                |                                                                       |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| a) | Minimum Lot Frontage                                                                                                                                                                                                                                                                                           | 75 metres                                                             |
| b) | Minimum Lot Area                                                                                                                                                                                                                                                                                               | Permitted only on an existing lot having a minimum size of 3 hectares |
| c) | Maximum Lot Coverage                                                                                                                                                                                                                                                                                           |                                                                       |
|    | i) Lots less than 5 hectares                                                                                                                                                                                                                                                                                   | 30 percent                                                            |
|    | ii) Lots 5 hectares to 10 hectares                                                                                                                                                                                                                                                                             | 10 percent                                                            |
|    | iii) Lots greater than 10 hectares                                                                                                                                                                                                                                                                             | 5 percent                                                             |
| d) | Minimum Front Yard                                                                                                                                                                                                                                                                                             | 30 metres                                                             |
| e) | Minimum Interior Side Yard                                                                                                                                                                                                                                                                                     | 16 metres                                                             |
| f) | Minimum Corner Side Yard                                                                                                                                                                                                                                                                                       | 30 metres                                                             |
| g) | Minimum Rear Yard                                                                                                                                                                                                                                                                                              | 30 metres                                                             |
| h) | Minimum Separation to Sensitive Land Use                                                                                                                                                                                                                                                                       | 150 metres                                                            |
| i) | Where a lot line of a lot containing a Medical Marihuana Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres, measured perpendicularly to said lot line. |                                                                       |
| j) | Outside storage of goods, materials or other supplies is not permitted.                                                                                                                                                                                                                                        |                                                                       |
| k) | Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained adjacent to every portion of any lot line that abuts a sensitive land use.                                                                            |                                                                       |
| l) | 1 parking space shall be provided for every employee on the largest shift.                                                                                                                                                                                                                                     |                                                                       |
| m) | Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.                                                                                             |                                                                       |

## Section 18: Agricultural Purposes Only Zone (APO)

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### 18.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Agricultural Purposes Only (APO) Zone except in accordance with the applicable provisions of Sections 2, 3 and 18.
- b) In addition to Section 18.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 18.2 Permitted Uses

- a) Agricultural uses;
- b) Conservation uses;
- c) Uses, structures and buildings accessory thereto including greenhouses

### 18.3 Zone Requirements

- |                               |                          |
|-------------------------------|--------------------------|
| a) Minimum Lot Frontage       | 30 metres or as existing |
| b) Minimum Lot Area           | as existing              |
| c) Minimum Front Yard         | 8 metres                 |
| d) Minimum Interior Side Yard | 5 metres                 |
| e) Minimum Corner Side Yard   | 8 metres                 |
| f) Minimum Rear Yard          | 8 metres                 |
| g) Maximum Lot Coverage       | 10 percent               |
| h) Maximum Height             | 11 metres                |

## Section 19: Neighbourhood Commercial Zone (NC)

---

### 19.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Neighbourhood Commercial (NC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 19.
- b) In addition to Section 19.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 19.2 Permitted Uses

- a) Animal Care Establishment;
- b) Convenience Store;
- c) Day Care;
- d) Dwelling, Accessory
- e) Personal Service Business; and
- f) Restaurant, Take-Out;
- g) Uses, structures and buildings accessory thereto

### 19.3 Zone Requirements

- |    |                            |                                                                                                        |
|----|----------------------------|--------------------------------------------------------------------------------------------------------|
| a) | Minimum Lot Frontage       | 15 metres                                                                                              |
| b) | Minimum Lot Area           | 0.05 hectares                                                                                          |
| c) | Minimum Front Yard         | 9 metres                                                                                               |
| d) | Minimum Lot Depth          | 35 metres                                                                                              |
| e) | Minimum Interior Side Yard | no minimum except where an interior side yard abuts a residential zone the setback shall be 2.5 metres |
| f) | Minimum Corner Side Yard   | 2 metres                                                                                               |
| g) | Minimum Rear Yard          | 4.5 metres                                                                                             |
| h) | Maximum Height             | 11 metres                                                                                              |

- i) Maximum Gross Floor Area 230 square metres for each permitted use under Section 19.2 (a) to (g)

**19.4 Additional Zone Requirements – Dwelling, Accessory**

- a) Max Percent of Total Gross Floor Area 50 percent
- b) Minimum Floor Area 50 Square metres
- c) A maximum of one accessory residential unit is permitted per neighbourhood commercial use in the same building.
- d) An accessory dwelling unit is only permitted above neighbourhood commercial uses.

## Section 20: Hamlet Commercial Zone (HMC)

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### 20.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Hamlet Commercial (HMC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 20.
- b) In addition to Section 20.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 20.2 Permitted Uses

- a) Agriculture Farm Related Commercial or Industrial;
- b) Bulk Water Haulage Operator;
- c) Contractors Yard;
- d) Convenience Store
- e) Day Care;
- f) Dwelling, Accessory
- g) Food Vehicle;
- h) Personal Service Business;
- i) Restaurant, Take-Out;
- j) Veterinary Clinic;
- k) Motor Vehicle Sales/Rental Service Centre;
- l) Uses, structures and buildings accessory thereto

### 20.3 Zone Requirements

- |                               |                                                                                                        |
|-------------------------------|--------------------------------------------------------------------------------------------------------|
| a) Minimum Lot Frontage       | 15 metres                                                                                              |
| b) Minimum Lot Area           | 0.5 hectares                                                                                           |
| c) Minimum Front Yard         | 9 metres                                                                                               |
| d) Minimum Lot Depth          | 35 metres                                                                                              |
| e) Minimum Interior Side Yard | no minimum except where an interior side yard abuts a residential zone the setback shall be 2.5 metres |

- g) Minimum Corner Side Yard 2 metres
- h) Minimum Rear Yard 4.5 metres
- i) Maximum Height 11 metres
- j) Maximum Gross Floor Area 230 square metres for each permitted use under Section 20.2 (a) to (k)

**20.4 Additional Zone Requirements – Dwelling, Accessory**

- a) Max Percent of Total Gross Floor Area 50 percent
- b) Minimum Floor Area 50 square metres
- c) A maximum of one accessory residential unit is permitted per hamlet commercial use in the same building.
- d) An accessory dwelling unit is only permitted above hamlet commercial uses.

## **Section 21: Mixed Use (MU) Zone**

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### **21.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Mixed Use (MU) Zone except in accordance with the applicable provisions of Sections 2, 3 and 21.
- b) In addition to Section 21.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **21.2 Permitted Uses**

- a) Animal Care Establishment;
- b) Apartment Building;
- c) Apartment Building, Public;
- d) Convenience Store;
- e) Community Garden;
- f) Day Care;
- g) Dwelling, Accessory;
- h) Dwelling, Duplex;
- i) Dwelling, Fourplex;
- j) Dwelling, Single;
- k) Dwelling, Semi-detached;
- l) Dwelling, Townhouse Street;
- m) Dwelling, Triplex;
- n) Food Vehicle
- o) Long Term Care Facility;
- p) Office;
- q) Personal Service Business;
- r) Public Uses;
- s) Restaurant, Fast-Food;
- t) Restaurant, Full-Service;

- u) Restaurant, Take-Out;
- v) Service Commercial;
- w) Social Services Facility;
- x) Studio; and
- y) Uses, structures and buildings accessory thereto

**21.3 Zone Requirements – Non-Residential Buildings and Mixed Use (Residential and Non-Residential) Buildings**

- |    |                                                    |                                                                                        |
|----|----------------------------------------------------|----------------------------------------------------------------------------------------|
| a) | Minimum Lot Frontage                               | 15 metres                                                                              |
| b) | Minimum Lot Area                                   | 0.5 hectares                                                                           |
| c) | Minimum Front Yard                                 | 9 metres                                                                               |
| d) | Minimum Interior Side Yard                         | 1.2                                                                                    |
| e) | Minimum Interior Side Yard abutting                | 7.5 metres or half the height of a Residential Zone the building, whichever is greater |
| f) | Minimum Corner Side Yard                           | 2 metres                                                                               |
| g) | Minimum Rear Yard                                  | 4.5 metres                                                                             |
| h) | Maximum Height                                     | 11 metres                                                                              |
| i) | Minimum Landscape Buffer abutting Residential Zone | 3 metres                                                                               |

**21.4 Additional Zone Requirements – Dwelling, Detached**

- |    |                                   |               |
|----|-----------------------------------|---------------|
| a) | Minimum Lot Frontage              | 12 metres     |
| b) | Minimum Lot Frontage – Corner Lot | 15 metres     |
| c) | Minimum Lot Area                  | 0.04 hectares |
| d) | Minimum Front Yard                | 6.5 metres    |
| e) | Minimum Interior Side Yard        | 1 metre       |
| f) | Minimum Corner Side Yard          | 3.5 metres    |
| g) | Minimum Rear Yard                 | 6 metres      |

- h) Maximum Lot Coverage 50 percent
- i) Maximum Height 11 metres
- j) Minimum Landscaped Area 25 percent

**21.5 Additional Zone Requirements – Dwelling, Semi-Detached**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.05 hectares
- c) Minimum Front Yard 6.5 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 50 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.
- l) Notwithstanding the provisions of Section 21.5, nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units in such dwelling provided that each unit shall have a minimum lot area of 0.02 hectares

**21.6 Additional Zone Requirements - Dwelling, Duplex**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.05 hectares
- c) Minimum Front Yard 6.5 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 50 percent
- h) Maximum Height 11 metres

- i) Minimum Landscaped Area 25 percent

**21.7 Additional Zone Requirements – Dwelling, Triplex**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area per Unit 125 square metres
- c) Minimum Front Yard 9 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 40 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent

**21.8 Additional Zone Requirements – Dwelling, Fourplex**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area per Unit 125 square metres
- c) Minimum Front Yard 9 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 3 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 40 percent
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 percent

**21.9 Additional Zone Requirements – Dwelling, Townhouse Street**

- a) Minimum Lot Frontage per Unit 6 metres
- b) Minimum Lot Area 0.02 hectares
- c) Minimum Front Yard 7.5 metres
- d) Minimum Interior Side Yard 3 metres

- e) Minimum Corner Side Yard 4.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 percent
- i) A 3 metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

**21.10 Additional Zone Requirements – Apartment Building, Apartment Building, Public**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area per Unit 125 square metres
- c) Minimum Front Yard 9 metres
- d) Minimum Interior Side Yard 3 metres
- e) Minimum Corner Side Yard 7.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Lot Coverage 40 percent
- h) Maximum Height 20 metres
- i) Minimum Landscaped Area 25 percent

**21.11 Additional Zone Requirements – Dwelling, Accessory**

- a) Max Percent of Total Gross Floor Area 50 percent
- b) Minimum Floor Area 50 Square metres
- c) A maximum of one accessory residential unit is permitted per mixed use zone use in the same building.
- d) An accessory residential unit is only permitted above mixed use zone uses.

### **21.12 Additional Zone Requirements – Attached Accessory Use**

- a) Max Percent of Total Gross Floor Area                      50 percent
- b) An attached accessory use to a residential or commercial use is only permitted above, to the rear and/or below mixed use zones.

## **Section 22: Commercial Plaza Zone (CP)**

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### **22.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Commercial Plaza (CP) Zone except in accordance with the applicable provisions of Sections 2, 3 and 22.
- b) In addition to Section 22.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **22.2 Permitted Uses**

- a) Animal Care Establishment;
- b) Day Care;
- c) Drive-Thru Facility;
- d) Existing Motor Vehicle Gas Station;
- e) Existing Motor Vehicle Repair Garage;
- f) Medical Clinic;
- g) Office;
- h) Personal Service Business;
- i) Place of Worship;
- j) Public Use;
- k) Recreation Facility;
- l) Restaurant, Fast Food;
- m) Restaurant, Full-Service;
- n) Restaurant, Take-Out;
- o) Retail Store;
- p) Service Commercial;
- q) Studio;
- r) Veterinary Clinic; and
- s) Uses, structures and buildings accessory thereto

### 22.3 Zone Requirements

|    |                            |            |
|----|----------------------------|------------|
| a) | Minimum Lot Frontage       | no minimum |
| b) | Minimum Lot Area           | no minimum |
| c) | Minimum Front Yard         | 23 metres  |
| d) | Minimum Interior Side Yard | 15 metres  |
| e) | Minimum Corner Side Yard   | 23 metres  |
| f) | Minimum Rear Yard          | 15 metres  |
| g) | Maximum Building Height    | 8 metres   |
| h) | Maximum Lot Coverage       | 33 percent |
| i) | Minimum Landscaped Area    | 10 percent |

## **Section 23: Downtown Commercial Zone (DC)**

---

### **23.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Downtown Commercial (DC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 23.
- b) In addition to Section 23.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **23.2 Permitted Uses**

- a) Animal Care Establishment;
- b) Apartment Building;
- c) Apartment Building, Public;
- d) Brew Pub;
- e) Day Care;
- f) Drive-Thru Facility;
- g) Dwelling, Accessory
- h) Existing Motor Vehicle Gas Station;
- i) Existing Motor Vehicle Repair Garage;
- j) Food Vehicle;
- k) Hotel;
- l) Medical Clinic;
- m) Office;
- n) Personal Service Business;
- o) Place of Assembly/Banquet Hall;
- p) Place of Worship;
- q) Private Club;
- r) Public Use;
- s) Recreation Facility;
- t) Restaurant, Fast Food;

- u) Restaurant, Full-Service;
- v) Restaurant, Take-Out;
- w) Retail Store;
- x) Service Commercial;
- y) Social Service Facility
- z) Studio;
- aa) Veterinary Clinic; and
- bb) Uses, structures and buildings accessory thereto

### 23.3 Zone Requirements

|    |                                                                                      |                                                                                             |
|----|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| a) | Minimum Lot Frontage                                                                 | no minimum                                                                                  |
| b) | Minimum Lot Frontage where used for Residential Purposes                             | 6 metres                                                                                    |
| c) | Minimum Lot Area                                                                     | no minimum                                                                                  |
| d) | Minimum Front Yard                                                                   | no minimum                                                                                  |
| e) | Minimum Interior Side Yard                                                           | no minimum                                                                                  |
| f) | Minimum Interior Side Yard abutting a Residential Zone                               | <del>no minimum</del> 2.5 metres                                                            |
| g) | Minimum Corner Side Yard                                                             | <del>2 metres</del> no minimum                                                              |
| h) | Minimum Rear Yard                                                                    | no minimum                                                                                  |
| i) | Minimum Lot Frontage where used for Residential Purposes or abuts a Residential Zone | 10 metres                                                                                   |
| j) | Maximum Height                                                                       | <del>22</del> 6 metres                                                                      |
| k) | Maximum Gross Floor Area                                                             | <del>10</del> 50% of the lot area or <del>1000 square metres,</del><br>whichever is greater |

### 23.4 Parking Requirements

- a) With the exception of buildings containing dwelling units, all lands zoned Downtown Commercial shall be exempt from the parking and loading requirements of this By-law.
- b) Buildings containing residential dwelling units will be subject to the residential parking provisions of Section 3 of this By-law.

**23.5 Additional Zone Requirements – Apartment Building, Apartment Building, Public**

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area per Unit ~~no minimum~~ ~~125-square metres~~
- c) Minimum Front Yard ~~no minimum~~ ~~9-metres~~
- d) Minimum Interior Side Yard ~~no minimum~~ ~~3-metres~~
- e) Minimum Corner Side Yard ~~no minimum~~ ~~7.5-metres~~
- f) Minimum Rear Yard ~~no minimum~~ ~~6-metres~~
- g) Maximum Lot Coverage ~~no minimum~~ ~~40-percent~~
- h) Maximum Height ~~260~~ metres
- i) Minimum Landscaped Area 25 percent
- j) Minimum Floor Area for a Unit 50 square metres

**23.6 Additional Zone Requirements – Dwelling, Accessory**

- a) Max Percent of Total Gross Floor Area ~~50~~ 200 percent
- b) Minimum Floor Area 50 square metres
- c) There is no maximum amount of accessory residential units in the same building provided required parking can be provided under Section 3 for each dwelling unit.
- d) An accessory residential unit is only permitted above downtown commercial uses.

**23.7 Additional Zone Requirements – Attached Accessory Use**

- a) Max Percent of Total Gross Floor Area 50 percent

## **Section 24: Highway Commercial Zone (HC)**

---

### **24.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Highway Commercial (HC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 24.
- b) In addition to Section 24.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **24.2 Permitted Uses**

- a) Animal Care Establishment;
- b) Brew Pub;
- c) Car Wash;
- d) Convenience Store;
- e) Day Care;
- f) Drive-Thru Facility;
- g) Dwelling, Accessory
- h) Food Vehicle;
- i) Hotel;
- j) Motor Vehicle Repair Garage;
- k) Motor Vehicle Sales/Rental Service Centre;
- l) Motor Vehicle Gas Station;
- m) Office;
- n) Personal Service Business;
- o) Place of Assembly/Banquet Hall;
- p) Place of Worship;
- q) Public Use;

- r) Recreation Facility;
- s) Restaurant, Fast Food;
- t) Restaurant, Full Service;
- u) Restaurant, Take-Out;
- v) Retail Building Construction and Supply;
- w) Service Commercial; and
- x) Uses, structures and buildings accessory thereto

**24.3 Zone Requirements**

- a) Minimum Lot Frontage 27 metres
- b) Minimum Lot Area 0.14 hectares
- c) Minimum Front Yard 9 metres
- d) Minimum Interior Side Yard 5 metres
- f) Minimum Corner Side Yard 7.5 metres
- g) Minimum Rear Yard 5 metres
- i) Maximum Building Height 22 metres
- j) Maximum Lot Coverage 85 percent

**24.4 Additional Zone Requirements – Dwelling, Accessory**

- a) Max Percent of Total Gross Floor Area 50 percent
- b) Minimum Floor Area 50 square metres
- c) A maximum of one accessory residential unit is permitted per neighbourhood commercial use in the same building.
- d) An accessory dwelling unit is only permitted above highway commercial zone uses.

**24.5 Additional Zone Requirements – Attached Accessory Use**

- a) Max Percent of Total Gross Floor Area 50 percent



## **Section 25: Marine Commercial Zone (MC)**

---

### **25.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Marine Commercial (MC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 25.
- b) In addition to Section 25.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **25.2 Permitted Uses**

- a) Marina;
- b) Dock;
- c) Marine Sales and Service;
- d) Parking Lots;
- e) Public Use;
- f) Recreation Facility
- g) Restaurant, Full-Service;
- h) Restaurant, Take-Out; and
- i) Uses, structures and buildings accessory thereto

### **25.3 Zone Requirements**

- |                                                           |             |
|-----------------------------------------------------------|-------------|
| a) Minimum Lot Frontage                                   | as existing |
| b) Minimum Lot Area                                       | as existing |
| c) Minimum Front Yard                                     | 6 metres    |
| d) Minimum Interior Side Yard                             | no minimum  |
| e) Minimum Interior Side Yard abutting a Residential Zone | 3.5 metres  |
| f) Minimum Corner Side Yard                               | 3.5 metres  |
| g) Minimum Rear Yard                                      | 5 metres    |
| h) Minimum Rear Yard abutting a Residential Zone          | 3.5 metres  |

- i) Maximum Building Height 8 metres
- j) Maximum Lot Coverage 50 percent

## **Section 26: Light Industrial Zone (LI)**

---

### **26.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Light Industrial (LI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 26.
- b) In addition to Section 26.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **26.2 Permitted Uses - Principal**

- a) Adult Oriented Entertainment Establishment;
- b) Car wash;
- c) Contractor's Yard;
- d) Crematorium;
- e) Education Facility;
- f) Industry, Light;
- g) Medical Marihuana Production Facility;
- h) Motor Vehicle Repair Garage;
- i) Public Use;
- j) Research Facility;
- k) Transportation Depot; and
- l) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

### **26.3 Permitted Uses – Accessory**

- a) Food Vehicle;
- b) Office;
- c) Retail Store;
- d) Restaurant, Fast-Food;
- e) Restaurant, Full-Service; and
- f) Restaurant, Take-Out

## 26.4 Zone Requirements

- |    |                                                                                                                                                                                                                                                          |                                                              |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| a) | Minimum Lot Frontage                                                                                                                                                                                                                                     | 30 metres                                                    |
| b) | Minimum Front Yard                                                                                                                                                                                                                                       | 7.5 metres                                                   |
| c) | Minimum Front Yard abutting a Residential or Agricultural Zone                                                                                                                                                                                           | 15 metres                                                    |
| d) | Minimum Interior Side Yard                                                                                                                                                                                                                               | 10 percent of lot frontage or 3 metres, whichever is less    |
| e) | Minimum Interior Side Yard abutting a Residential or Agricultural Zone                                                                                                                                                                                   | 15 metres                                                    |
| f) | Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way                                                                                                                                                                                     | 1.5 metres                                                   |
| g) | Minimum Rear Yard                                                                                                                                                                                                                                        | 8 metres                                                     |
| h) | Maximum Building Height                                                                                                                                                                                                                                  | 11 metres                                                    |
| i) | Maximum Building Height abutting a Residential Zone                                                                                                                                                                                                      | 8 metres                                                     |
| j) | Outside Storage is permitted only in the rear yard and interior side yard to a maximum of 10 percent of the total gross floor area on the lot.                                                                                                           |                                                              |
| k) | The gross floor area of the permitted accessory use(s) shall not exceed 30% of the total gross floor area of the principal use(s) on the lot.                                                                                                            |                                                              |
| l) | Corner walls facing a public road shall not be constructed of concrete blocks unless the blocks are decorative masonry units; or used in a decorative pattern or surfaced with stucco; or with a permanent coloured finish which does not include paint. |                                                              |
| m) | In addition to the general parking provisions of Section 3 of this By-law all parking areas in the front yard and/or corner side yard shall be:                                                                                                          |                                                              |
|    | i)                                                                                                                                                                                                                                                       | Paved with concrete or asphalt;                              |
|    | ii)                                                                                                                                                                                                                                                      | Defined by poured concrete curbing; and                      |
|    | iii)                                                                                                                                                                                                                                                     | Clearly marked with pavement markings for each parking space |
| n) | Vehicle wash bays other than those located entirely within an enclosed building are not permitted in a yard abutting a Residential use.                                                                                                                  |                                                              |

- o) Outdoor storage is subject to the provisions outlined in Section 2.18 and the following:
  - i) Outdoor storage is not permitted in any yard that abuts a highway or an arterial collector road;
  - ii) No outdoor scrap yard, recycling storage yard or outdoor processing shall be located closer than 150 metres to any Residential use.

**26.5 Additional Zone Requirements – Medical Marihuana Production Facility**

- a) Minimum Lot Frontage 30 metres
- b) Maximum Lot Coverage
  - i) Lots less than 5 hectares 30 percent
  - ii) Lots 5 hectares to 10 hectares 10 percent
  - iii) Lots greater than 10 hectares 5 percent
- c) Minimum Front Yard 30 metres
- d) Minimum Interior Side Yard 16 metres
- e) Minimum Corner Side Yard 30 metres
- f) Minimum Rear Yard 30 metres
- g) Minimum Separation to Sensitive Land Use 150 metres
- h) Where a lot line of a lot containing a Medical Marihuana Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres, measured perpendicularly to said lot line.
- i) Outside storage of goods, materials or other supplies is not permitted.
- j) Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained adjacent to every portion of any lot line that abuts a sensitive land use.
- k) 1 parking space shall be provided for every employee on the largest shift.

- I) Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.

## **Section 27: Heavy Industrial Zone (HI)**

---

### **27.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Heavy Industrial (HI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 27.
- b) In addition to Section 27.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **27.2 Permitted Uses - Principal**

- a) Adult Entertainment Establishment;
- b) Bulk Fuel Depot
- c) Car Wash;
- d) Contractor's Yard;
- e) Crematorium;
- f) Education Facility;
- g) Heavy Equipment Sales and Service;
- h) Industry, Heavy;
- i) Industry, Light;
- j) Medical Marihuana Production Facility;
- k) Motor Vehicle Repair Garage;
- l) Public Uses;
- m) Research Facility;
- n) Transportation Depot; and
- o) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

### **27.3 Permitted Uses – Accessory**

- a) Food Vehicle;
- b) Office;
- c) Retail Store;

- d) Restaurant, Fast-Food;
- e) Restaurant, Full-Service; and
- f) Restaurant, Take-Out

**27.4 Zone Requirements**

- a) Minimum Lot Frontage 30 metres
- b) Minimum Front Yard 7.5 metres
- c) Minimum Front Yard abutting a Residential or Agricultural Zone 15 metres
- d) Minimum Interior Side Yard 10 percent of lot frontage or 3 metres, whichever is less
- e) Minimum Interior Side Yard abutting a Residential or Agricultural Zone 15 metres
- f) Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way 1.5 metres
- g) Minimum Rear Yard 8 metres
- h) Maximum Building Height 11 metres
- i) Maximum Building Height abutting a Residential Zone 8 metres
- j) Outside Storage is permitted only in the rear yard and interior side yard.
- k) The gross floor area of the permitted accessory use(s) shall not exceed 15% of the total gross floor area of the principal use(s) on the lot.
- l) Corner walls facing a public road shall not be constructed of concrete blocks unless the blocks are decorative masonry units; or used in a decorative pattern or surfaced with stucco; or with a permanent coloured finish which does not include paint.
- m) In addition to the general parking provisions of Section 3 of this By-law all parking areas in the front yard and/or corner side yard shall be:
  - i) Paved with concrete or asphalt;
  - ii) Defined by poured concrete curbing; and

- iii) Clearly marked with pavement markings for each parking space
- n) Vehicle wash bays other than those located entirely within an enclosed building are not permitted in a yard abutting a Residential use.
- o) Outdoor storage and outdoor processing is subject to the provisions outlined in Section 2.18 and the following:
  - i) Outdoor storage and outdoor processing is not permitted in any yard that abuts a highway or an arterial collector road;
  - ii) No outdoor scrap yard, recycling storage yard or outdoor processing shall be located closer than 150 metres to any Residential use;

**27.5 Additional Zone Requirements – Medical Marihuana Production Facility**

- a) Minimum Lot Frontage 30 metres
- b) Maximum Lot Coverage
  - i) Lots less than 5 hectares 30 percent
  - ii) Lots 5 hectares to 10 hectares 10 percent
  - iii) Lots greater than 10 hectares 5 percent
- c) Minimum Front Yard 30 metres
- d) Minimum Interior Side Yard 16 metres
- e) Minimum Corner Side Yard 30 metres
- f) Minimum Rear Yard 30 metres
- g) Minimum Separation to Sensitive Land Use 150 metres
- h) Where a lot line of a lot containing a Medical Marihuana Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres, measured perpendicularly to said lot line.
- i) Outside storage of goods, materials or other supplies is not permitted.
- j) Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and

maintained adjacent to every portion of any lot line that abuts a sensitive land use.

- k) 1 parking space shall be provided for every employee on the largest shift.
- l) Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.

## **Section 28: Mineral Aggregate Operation Zone (MAO)**

---

### **28.1 General**

- a) No person shall make or establish any pit or quarry, or use any lot or erect, alter or use any building or structure in any Mineral Aggregate Operation (MAO) Zone except in accordance with the applicable provisions of Sections 2, 3 and 28.
- b) In addition to Section 28.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **28.2 Permitted Uses**

- a) Mineral Aggregate Operations;
- b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;
- c) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
- d) Agricultural uses;
- e) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.

### **28.3 Zone Requirements**

- a) No building or structure other than a fence shall be located within 30 metres of any lot line or within 90 metres of any occupied dwelling or Residential Zone.
- b) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.
- c) A new extractive operation involving the blasting of consolidated rock or the processing of quarry stone shall be prohibited within 300 metres of a dwelling or dwelling unit or area zoned for residential purposes where such lands are held under distinct and separate ownership.

## Section 29: Gateway Industrial Zone (GI)

---

### 29.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Gateway Industrial (GI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 29.
- b) In addition to Section 29.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 29.2 Permitted Uses

- a) Contractor's Yard;
- b) Education Facility;
- c) Industry, Light;
- d) Medical Marihuana Production Facility;
- e) Multi-modal Storage Facility;
- f) Public Use;
- g) Research Facility;
- h) Transportation Depot; and
- i) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

### 29.3 Permitted Uses – Accessory

- a) Employee Convenience Facility;
- b) Retail Store;
- c) Restaurant, Fast-Food;
- d) Restaurant, Full-Service; and
- e) Restaurant, Take-Out

### 29.4 Zone Requirements

- |                                                                   |            |
|-------------------------------------------------------------------|------------|
| a) Minimum Lot Frontage                                           | 30 metres  |
| b) Minimum Front Yard                                             | 7.5 metres |
| c) Minimum Front Yard abutting a Residential or Agricultural Zone | 15 metres  |

- |    |                                                                        |                                                           |
|----|------------------------------------------------------------------------|-----------------------------------------------------------|
| d) | Minimum Interior Side Yard                                             | 10 percent of lot frontage or 3 metres, whichever is less |
| e) | Minimum Interior Side Yard abutting a Residential or Agricultural Zone | 15 metres                                                 |
| f) | Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way   | 1.5 metres                                                |
| g) | Minimum Rear Yard                                                      | 8 metres                                                  |
| h) | Maximum Building Height                                                | 11 metres                                                 |
| i) | Maximum Building Height abutting a Residential Zone                    | 8 metres                                                  |
- j) Outside Storage is permitted only in the rear yard and interior side yard to a maximum of 10 percent of the total gross floor area on the lot.
- k) The gross floor area of the permitted accessory use(s) shall not exceed 30% of the total gross floor area of the principal use(s) on the lot.
- l) Exterior walls facing a public road shall not be constructed of concrete blocks unless the blocks are decorative masonry units; or used in a decorative pattern or surfaced with stucco; or with a permanent coloured finish which does not include paint.
- m) In addition to the general parking provisions of Section 3 of this By-law all parking areas in the front yard and/or corner side yard shall be:
- i) Paved with concrete or asphalt;
  - ii) Defined by poured concrete curbing; and
  - iii) Clearly marked with pavement markings for each parking space
- n) Outdoor storage is subject to the provisions outlined in Section 2.18 and the following:
- i) Outdoor storage is not permitted in any yard that abuts a highway or an arterial collector road;
  - ii) No outdoor scrap yard, recycling storage yard or outdoor processing shall be located closer than 150 metres to any Residential use.

## 29.5 Additional Zone Requirements – Medical Marihuana Production Facility

- |    |                                                                                                                                                                                                                                                                                                                |                                                                       |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| a) | Minimum Lot Frontage                                                                                                                                                                                                                                                                                           | 75 metres                                                             |
| b) | Minimum Lot Area                                                                                                                                                                                                                                                                                               | Permitted only on an existing lot having a minimum size of 3 hectares |
| c) | Maximum Lot Coverage                                                                                                                                                                                                                                                                                           |                                                                       |
|    | i) Lots less than 5 hectares                                                                                                                                                                                                                                                                                   | 30 percent                                                            |
|    | ii) Lots 5 hectares to 10 hectares                                                                                                                                                                                                                                                                             | 10 percent                                                            |
|    | iii) Lots greater than 10 hectares                                                                                                                                                                                                                                                                             | 5 percent                                                             |
| d) | Minimum Front Yard                                                                                                                                                                                                                                                                                             | 30 metres                                                             |
| e) | Minimum Interior Side Yard                                                                                                                                                                                                                                                                                     | 16 metres                                                             |
| f) | Minimum Corner Side Yard                                                                                                                                                                                                                                                                                       | 30 metres                                                             |
| g) | Minimum Rear Yard                                                                                                                                                                                                                                                                                              | 30 metres                                                             |
| h) | Minimum Separation to Sensitive Land Use                                                                                                                                                                                                                                                                       | 150 metres                                                            |
| i) | Where a lot line of a lot containing a Medical Marihuana Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres, measured perpendicularly to said lot line. |                                                                       |
| j) | Outside storage of goods, materials or other supplies is not permitted.                                                                                                                                                                                                                                        |                                                                       |
| k) | Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained adjacent to every portion of any lot line that abuts a sensitive land use.                                                                            |                                                                       |
| l) | 1 parking space shall be provided for every employee on the largest shift.                                                                                                                                                                                                                                     |                                                                       |
| m) | Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.                                                                                             |                                                                       |

**Section 30: Industrial Development Zone (ID)**

---

**30.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Industrial Development (ID) Zone except in accordance with the applicable provisions of Sections 2, 3 and 30.
- b) In addition to Section 30.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

**30.2 Permitted Uses**

- a) Agricultural Farm Related Commercial or Industrial;
- b) Contractor’s Yard
- c) Heavy Equipment Sales and Service;
- d) Multi-modal Storage Facility;
- e) Research Facility;
- f) Transportation Depot;
- g) Warehouse; and
- h) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

**30.3 Zone Requirements**

- a) Minimum Lot Frontage 30 metres
- b) Minimum Lot Area 0.4 hectares
- b) Minimum Front Yard 7.5 metres
- c) Minimum Front Yard abutting a Residential or Agricultural Zone 15 metres
- d) Minimum Interior Side Yard 10 percent of lot frontage or 3 metres, whichever is less
- e) Minimum Interior Side Yard abutting a Residential or Agricultural Zone 15 metres
- f) Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way 1.5 metres

- g) Minimum Rear Yard 8 metres
- h) Maximum Building Height 11 metres
- i) Maximum Building Height abutting a Residential Zone 8 metres
- j) Minimum Landscaped Open Space 25 percent
- j) Outside Storage is permitted only in the rear yard and interior side yard to a maximum of 10 percent of the total gross floor area on the lot.
- k) The gross floor area of the permitted accessory use(s) shall not exceed 30% of the total gross floor area of the principal use(s) on the lot.
- l) Exterior walls facing a public road shall not be constructed of concrete blocks unless the blocks are decorative masonry units; or used in a decorative pattern or surfaced with stucco; or with a permanent coloured finish which does not include paint.
- m) In addition to the general parking provisions of Section 3 of this By-law all parking areas in the front yard and/or corner side yard shall be:
  - i) Paved with concrete or asphalt;
  - ii) Defined by poured concrete curbing; and
  - iii) Clearly marked with pavement markings for each parking space.
- n) Outdoor storage is subject to the provisions outlined in Section 2.18 and is not permitted in any yard that abuts a highway or an arterial collector road;

## Section 31: Institutional Zone (I)

---

### 31.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Institutional (I) Zone except in accordance with the applicable provisions of Sections 2, 3 and 31.
- b) In addition to Section 31.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 31.2 Permitted Uses

- a) Apartment Building, Public;
- b) Community Garden;
- c) Cultural Facility;
- d) Cemetery;
- e) Day Care;
- f) Dwelling, Accessory;
- g) Food Vehicle;
- h) Long Term Care Facility;
- i) Place of Assembly/Banquet Hall;
- j) Place of Worship;
- k) Public Uses;
- l) Social Service Facility; and
- m) Uses, structures and buildings accessory thereto

### 31.3 Zone Requirements

- |                               |                                               |
|-------------------------------|-----------------------------------------------|
| a) Minimum Lot Frontage       | as existing                                   |
| b) Minimum Lot Area           | as existing                                   |
| c) Minimum Front Yard         | 8 metres                                      |
| d) Minimum Lot Depth          | no minimum                                    |
| e) Minimum Interior Side Yard | 4.5 metres or half the height of the building |

|    |                               |                                                     |
|----|-------------------------------|-----------------------------------------------------|
|    |                               | abutting a Residential use,<br>whichever is greater |
| f) | Minimum Corner Side Yard      | 7.5 metres                                          |
| g) | Minimum Rear Yard             | 7.5 metres                                          |
| h) | Maximum Lot Coverage          | 40 percent                                          |
| i) | Maximum Height                | 11 metres                                           |
| j) | Minimum Landscaped Open Space | 35 percent                                          |

#### **31.4 Additional Zone Requirements – Dwelling, Accessory**

|    |                                                                                  |                  |
|----|----------------------------------------------------------------------------------|------------------|
| a) | Max Percent of Total Gross Floor Area                                            | 25 percent       |
| b) | Minimum Floor Area                                                               | 50 square metres |
| c) | A maximum of one accessory residential unit is permitted per non-commercial use. |                  |

#### **31.5 Additional Zone Requirements –Apartment Building, Public**

|    |                               |                   |
|----|-------------------------------|-------------------|
| a) | Minimum Lot Frontage          | 18 metres         |
| b) | Minimum Lot Area per Unit     | 125 square metres |
| c) | Minimum Front Yard            | 9 metres          |
| d) | Minimum Interior Side Yard    | 3 metres          |
| e) | Minimum Corner Side Yard      | 7.5 metres        |
| f) | Minimum Rear Yard             | 6 metres          |
| g) | Maximum Lot Coverage          | 40 percent        |
| h) | Maximum Height                | 20 metres         |
| i) | Minimum Landscaped Area       | 25 percent        |
| j) | Minimum Floor Area for a Unit | 50 square metres  |

## Section 32: Public and Park (P)

---

### 32.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Public and Park (P) Zone except in accordance with the applicable provisions of Sections 2, 3 and 32.
- b) In addition to Section 32.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 32.2 Permitted Uses

- a) Cemetery;
- b) Community Garden;
- c) Conservation Use;
- d) Cultural Facility;
- e) Food Vehicle;
- f) Park;
- g) Public Use;
- h) Recreation Use; and
- i) Uses, structures and buildings accessory thereto

### 32.3 Zone Requirements

- |                               |                                                                     |
|-------------------------------|---------------------------------------------------------------------|
| a) Minimum Lot Frontage       | no minimum                                                          |
| b) Minimum Lot Area           | no minimum                                                          |
| c) Minimum Front Yard         | 8 metres                                                            |
| d) Minimum Lot Depth          | no minimum                                                          |
| e) Minimum Interior Side Yard | 4.5 metres or half the height of the building, whichever is greater |
| f) Minimum Corner Side Yard   | 7.5 metres                                                          |
| g) Minimum Rear Yard          | 7.5 metres                                                          |
| h) Maximum Lot Coverage       | 20 percent                                                          |

- |    |                               |            |
|----|-------------------------------|------------|
| i) | Maximum Height                | no maximum |
| j) | Minimum Landscaped Open Space | 30 percent |

## **Section 33: Vacation Residential Zone (VR)**

---

### **33.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Vacation Residential (VR) Zone except in accordance with the applicable provisions of Sections 2, 3 and 33.
- b) In addition to Section 33.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **33.2 Permitted Uses**

- a) Campground, Permanent;
- b) Campground, Temporary;
- c) Existing Convenience Store;
- d) Existing Maintenance and Storage Facility;
- e) Existing Office;
- f) Existing Parks;
- g) Existing Personal Service Business;
- h) Existing Place of Worship;
- i) Existing Private Club;
- j) Existing Restaurant, Fast-Food;
- k) Existing Restaurant, Full-Service;
- l) Existing Restaurant, Take-Out;
- m) Existing Retail Store;
- n) Existing Trailer and Golf Cart Sales and Rentals;
- o) Food Vehicle;
- p) Parking Lot;
- q) Private Water Supply and Treatment Facility;
- r) Recreation Facility; and
- s) Uses, structures and buildings accessory thereto

### 33.3 Zone Requirements

- |    |                                                                                                                                                                                 |                                                                                                                                                                                                  |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) | Minimum Lot Frontage                                                                                                                                                            | as existing                                                                                                                                                                                      |
| b) | Minimum Lot Area                                                                                                                                                                | as existing                                                                                                                                                                                      |
| c) | Minimum Buffer Area<br>To properties fronting onto Beach Road                                                                                                                   | 30 metres                                                                                                                                                                                        |
| d) | Minimum Buffer Area<br>Residential Use                                                                                                                                          | 50 metres                                                                                                                                                                                        |
| e) | Minimum Buffer Area<br>Eastern limit of Wyldewood Road                                                                                                                          | 50 metres                                                                                                                                                                                        |
| f) | Minimum Buffer Area<br>Private Water Supply and Treatment<br>Facility                                                                                                           | 100 metres abutting any<br>campground, temporary;<br>campground, permanent;<br>retail store; restaurant, fast<br>food; restaurant, full-<br>service; restaurant, take-<br>out; and dwelling unit |
| h) | Maximum Building Height                                                                                                                                                         | 11 metres                                                                                                                                                                                        |
| i) | The use of all-terrain vehicles and snowmobiles shall not be permitted in this zone, by persons other than the owner of property or the employees of the owner of the property. |                                                                                                                                                                                                  |

### 33.4 Additional Zoning Requirements – Campground, Permanent

- |    |                                                                                                                                                                                                                                                                                                                    |                                                                 |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| a) | All campground, permanent sites shall be serviced by private sanitary and water supply systems, approved by the Regional Municipality of Niagara.                                                                                                                                                                  |                                                                 |
| b) | Access to all campground, permanent sites shall be by lane, road or driveway with a minimum unobstructed hard surface width of 6 metres where two-way traffic is permitted and 3 metres where only one way direction of traffic flow is permitted or where the land, road or driveway services five sites or less. |                                                                 |
| c) | A landscape area having a minimum width of 3 metres shall be provided between campground, permanent sites and any other use.                                                                                                                                                                                       |                                                                 |
| d) | Minimum Parking                                                                                                                                                                                                                                                                                                    | 1 space located within the site or within 46 metres of the site |

## Section 34: Environmental Protection Zone (EP)

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### 34.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Environmental Protection (EP) Zone except in accordance with the applicable provisions of Sections 2, 3 and 34.
- b) In addition to Section 34.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 34.2 Permitted Uses

- a) Boat House;
- b) Boat Ramp;
- c) Conservation Uses;
- d) Dock;
- e) Existing Agricultural Uses, excluding buildings and structures;
- f) ~~Existing Dwelling and any enlargement thereof and existing uses, buildings and structures accessory thereto;~~
- g) Flood and Erosion Protection Works;
- h) Forestry Uses;
- i) Passive Recreation Uses; and
- j) Public Use

### 34.3 Zone Requirements

Notwithstanding the permitted uses in the applicable underlying zones shown on the Maps in Section 39, where a lot is also subject to an Environmental Protection Zone, no uses and no building or structure or an expansion to an existing building or structure shall be permitted until an Environmental Impact Study (EIS), in accordance with the City, Regional Municipality of Niagara or Niagara Peninsula Conservation Authority, as amended from time to time, and other studies that may be required by the City based on approved guidelines or terms of reference are approved. The requirement for an EIS may be scoped or waived in accordance with

the EIS guidelines. The uses permitted in Section 34.2 may be permitted subject to a scoped EIS in accordance with the EIS guidelines.

- |    |                      |                                                                                                                                                          |
|----|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| b) | Minimum Lot Frontage | as existing                                                                                                                                              |
| c) | Minimum Lot Area     | as existing                                                                                                                                              |
| d) | Minimum Front Yard   | 15 metres                                                                                                                                                |
| e) | Minimum Side Yard    | 7 metres                                                                                                                                                 |
| f) | Minimum Rear Yard    | 7 metres except the minimum rear yard shall be 30 metres from the 1 in 100 year flood line as determined by the Niagara Peninsula Conservation Authority |

#### **34.4 Additional Zone Requirements – Boat House, Boat Ramp, Dock**

- |    |                   |            |
|----|-------------------|------------|
| a) | Minimum Rear Yard | No minimum |
|----|-------------------|------------|

## Section 35: Hazard Zone (H)

---

### 35.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Hazard (H) Zone except in accordance with the applicable provisions of Sections 2, 3 and 35.
- b) In addition to Section 35.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 35.2 Permitted Uses

- a) Boat House;
- b) Boat Ramp;
- c) Conservation Uses;
- d) Dock;
- e) Existing Agricultural Uses, excluding buildings and structures;
- f) Flood and Erosion Protection Works;
- g) Forestry Uses;
- h) Passive Recreation Use; and
- i) Public Use

### 35.3 Zone Requirements

- a) Where a Hazard Zone is shown on the Maps in Section 39, it includes hazards associated with the Lake Erie Shoreline, such as flooding, erosion or dynamic beach hazards as per the Niagara Peninsula Conservation Authority's Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses O. Reg 1-55/05.
- a) Notwithstanding the permitted uses, where a lot is subject to a Hazard Zone, no uses and no buildings or structures or an expansion to an existing building or structure shall be permitted until a permit for development or site alteration is issued by the Niagara Peninsula Conservation Authority.
- b) Minimum Lot Frontage as existing
- c) Minimum Lot Area as existing
- d) Minimum Front Yard 15 metres

- e) Minimum Side Yard 7 metres
- f) Minimum Rear Yard 7 metres except the minimum rear yard shall be 30 metres from the 1 in 100 year flood line as determined by the Niagara Peninsula Conservation Authority

**35.4 Additional Zone Requirements – Boat House, Boat Ramp, Dock**

- a) Minimum Rear Yard No minimum

## **Section 36: Environmental Conservation Layer**

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### **36.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Environmental Conservation Layer except in accordance with the applicable provisions of Sections 2, 3 and 36.
- b) In addition to Section 36.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **36.2 Permitted Uses**

- a) Boat House;
- b) Boat Ramp;
- c) Conservation Uses;
- d) Dock;
- e) Existing Agricultural Uses, excluding buildings and structures;
- f) Existing Dwelling and any enlargement thereof and existing uses, buildings and structures accessory thereto;
- f) Flood and Erosion Protection Works;
- g) Forestry Uses;
- h) Park;
- i) Passive Recreation Uses; and
- j) Public Use

### **36.3 Overlay Requirements**

- a) Notwithstanding the permitted uses in the applicable underlying zones shown on the Maps in Section 39, where a lot is also subject to an Environmental Conservation Layer, no uses and no building or structure or an expansion to an existing building or structure shall be permitted until an Environmental Impact Study (EIS), in accordance with the City, Regional Municipality of Niagara or Niagara Peninsula Conservation Authority, as amended from time to time, and other studies that may be required by the City based on approved guidelines or terms of reference are approved. The requirement for an EIS may be scoped or waived in accordance with the EIS guidelines. The uses permitted in Section 36.2 may be permitted subject to a scoped EIS in accordance with the EIS guidelines.

- b) The Environmental Impact Study (EIS) required by section 36.3 shall confirm the boundaries of any natural heritage feature or area within the Environmental Conservation Layer and shall determine the uses in the underlying zones that may be permitted.
- c) Minimum Lot Frontage as existing
- d) Minimum Lot Area as existing
- e) Minimum Front Yard 15 metres
- f) Minimum Side Yard 7 metres
- g) Minimum Rear Yard 7 metres except the minimum rear yard shall be 30 metres from the 1 in 100 year flood line as determined by the Niagara Peninsula Conservation Authority

**36.4 Additional Overlay Requirements – Boat House, Boat Ramp, Dock**

- a) Minimum Rear Yard No minimum

## Section 37: Special Provisions

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### 37.1 General

- a) Where special provisions are established for certain lots, the applicable regulations of the special provisions apply in addition to, or as an exception to, the normal zone provisions that apply to the subject lands.
- b) Where on Schedule A to this By-law, a zone symbol (e.g. R1) applying to lots contains a suffix at the end of the zone symbol consisting of a dash and number (e.g. R1-1), this indicates that a special provision applies to the subject lot(s). The number after the dash corresponds with the special provision number as set out in Section 37.

### 37.2 List of Special Provisions

**Special Provision: A-1                      Formerly: A-6                      By-law No: 1746/11/86**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the raising and processing of poultry, and uses building and structures accessory thereto, and the following special regulations shall apply:

- |    |                            |            |
|----|----------------------------|------------|
| a) | Minimum Lot Frontage       | 150 metres |
| b) | Minimum Lot Area           | 6 hectares |
| c) | Maximum Lot Coverage       | 25 percent |
| d) | Minimum Front Yard         | 24 metres  |
| e) | Minimum Interior Side Yard | 23 metres  |
| f) | Minimum Rear Yard          | 30 metres  |
| g) | Maximum Building Height    | 2 storeys  |

**Special Provision: A-2                      Formerly: A-14                      By-law No.: 4598/129/04**

In addition to the uses permitted in the Agricultural (A) Zone, this land may be also used for the manufacturing of construction lifting devices, cranes and other related hydraulic equipment and for the maintenance and storage of heavy equipment and uses and buildings and structures accessory thereto, and the following regulations shall apply:

- |    |                                   |             |
|----|-----------------------------------|-------------|
| a) | Minimum Front Yard                | 92 metres   |
| b) | Minimum Interior Side Yard (West) | as existing |
| c) | Minimum Interior Side Yard (East) | 5 metres    |

- |    |                                                                                                                                                                                                                                                                                                                                                  |            |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| d) | Minimum Rear Yard                                                                                                                                                                                                                                                                                                                                | 15 metres  |
| e) | Maximum Lot Coverage                                                                                                                                                                                                                                                                                                                             | 25 percent |
| f) | Maximum Building Height                                                                                                                                                                                                                                                                                                                          | 2 storeys  |
| g) | No building or structure is permitted in the westerly interior side yard separated from the westerly lot line by a yard having a minimum width of 22.8 metres measured perpendicular to said lot line and shall be separated from the rear yard having a minimum width of 18.3 metres.                                                           |            |
| h) | No building or structure is permitted in the rear yard having a rear yard depth of 126 metres extending easterly 22.8 metres from the westerly lot line measured perpendicular to said lot line.                                                                                                                                                 |            |
| i) | Outside storage is to be permitted in the rear yard and easterly interior side yard only, separated from the easterly lot line by a yard having a minimum width of 22.8 metres measured perpendicular to said lot line and shall be separated from the rear yard having a minimum width of 18.3 metres measured perpendicular to said rear yard. |            |

**Special Provision: A-3                      Formerly: LI-9                      By-law No.: n/a**

In addition to the uses permitted in the Agriculture (A) Zone, this land may also be used for the manufacturing, outdoor storage and sales of concrete products and uses, buildings and structures accessory thereto.

**Special Provision: A-4                      Formerly: A-21                      By-law No.: 1374/67/83**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a motel, restaurant and gasoline retail outlet and one accessory dwelling unit and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                            |              |
|----|----------------------------|--------------|
| a) | Minimum Lot Frontage       | 52 metres    |
| b) | Minimum Lot Area           | 0.6 hectares |
| c) | Minimum Front Yard         | 15 metres    |
| d) | Minimum Side Yard          | 15 metres    |
| e) | Minimum Rear Yard          | 42 metres    |
| f) | Maximum Lot Coverage       | 8.5 percent  |
| g) | Maximum Height for a Motel | 1 storey     |

**Special Provision: A-5                      Formerly: A-29                      By-law No.: 1374/67/83**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for the operation of a ship repair shop, machine shop and fabrication and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Maximum Lot Coverage                      20 percent
- b) Minimum Lot Frontage                      37.4 metres
- c) Minimum Lot Area                      0.28 hectares
- d) Minimum Front Yard                      15 metres
- e) Minimum Side Yard                      7.5 metres
- f) Minimum Rear Yard                      3 metres
- g) Maximum Height                      1 storey
- h) Outdoor storage shall be permitted in the rear yard only.

**Special Provision: A-6                      Formerly: A-42                      By-law No.: 1374/67/83**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a private club and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Maximum Lot Coverage (for all buildings)                      5 percent
- b) Minimum Front Yard                      70 metres
- c) Minimum North Side Yard                      18 metres
- d) Minimum South Side Yard                      70 metres
- e) Minimum Rear Yard                      240 metres
- f) Maximum Height                      1.5 storeys
- g) Maximum Lot Coverage for Accessory Structures                      0.5 percent
- h) Minimum Side Yard for Accessory Structures                      18 metres
- i) Minimum Rear Yard for Accessory Structures                      18 metres

- j) Accessory structures shall be permitted in the interior side and rear yard only.

**Special Provision: A-7                      Formerly: A-50                      By-law No.: 1374/67/83**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for an automobile service station and one accessory residential unit and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                          |             |
|----|--------------------------|-------------|
| a) | Maximum Lot Coverage     | 5.5 percent |
| b) | Minimum Front Yard       | as existing |
| c) | Minimum Side Yard (West) | 30 metres   |
| d) | Minimum Side Yard (East) | 7.5 metres  |
| e) | Minimum Rear Yard        | 140 metres  |
| f) | Maximum Height           | 2.5 storeys |

**Special Provision: A-8                      Formerly: A-51                      By-law No.: 5669/100/11**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a motel and one accessory residential unit, a trailer for living accommodations and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                                      |             |
|----|--------------------------------------|-------------|
| a) | Minimum Lot Frontage                 | 60 metres   |
| b) | Maximum Lot Coverage                 | 7 percent   |
| c) | Minimum Front Yard                   | as existing |
| d) | Minimum Side Yard (West)             | 15 metres   |
| e) | Minimum Side Yard (East) for Motel   | 25 metres   |
| f) | Minimum Side Yard (East) for Trailer | 12 metres   |
| g) | Minimum Rear Yard for Motel          | 70 metres   |
| h) | Minimum Rear Yard for Trailer        | 22 metres   |
| i) | Maximum Building Height              | 1.5 storeys |

**Special Provision: A-9                      Formerly: A-72                      By-law No.: 1374/67/83**

In addition to the uses permitted in the Agricultural (A) Zone, this land may be used for a take-out restaurant and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                          |           |
|----|--------------------------|-----------|
| a) | Minimum Front Yard       | 12 metres |
| b) | Minimum Side Yard (West) | 15 metres |
| c) | Minimum Side Yard (East) | 40 metres |
| d) | Minimum Rear Yard        | 25 metres |
| e) | Maximum Building Height  | 1 storey  |

**Special Provision: A-10**                      **Formerly: A-82**                      **By-law No.: 1436/11/84**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for a private club for the purpose of conservation including but not limited to; one assembly hall for banquet, meeting and seminar purposes (related to the conservation of plant and wildlife); trap-shooting and trap-shooting house; skeet shooting and high and low skeet houses; and an archery range and uses buildings and structures accessory thereto and the following regulation shall apply:

- |    |                      |           |
|----|----------------------|-----------|
| a) | Maximum Lot Coverage | 1 percent |
|----|----------------------|-----------|

**Special Provision: A-11**                      **Formerly: A-253**                      **By-law No.: 3393/124/96**

In addition to the uses permitted in the Agricultural (A) Zone, these lands may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto.

**Special Provision: A-12**                      **Formerly: A-121**                      **By-law No.: 1941/61/87**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used as an exhibition grounds for the display of antique farm equipment and uses, building and structures accessory thereto and the following regulation shall apply:

- |    |                          |          |
|----|--------------------------|----------|
| a) | Minimum Corner Side Yard | 9 metres |
|----|--------------------------|----------|

**Special Provision: RR-13**                      **Formerly: RD-173**                      **By-law No.: 3438/20/97**

Notwithstanding the provisions of the Rural Residential (RR) Zone, no residential dwelling shall be permitted on these lands.

**Special Provision: RR-14**                      **Formerly: RU-78**                      **By-law No.: 1374/67/83**

In addition to the uses permitted in the Rural Residential (RR) Zone, this land may also be used for the manufacturing of sashes, frames and doors and for the stockpiling and transport of sand, stone and topsoil and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                                                                                                |             |
|----|------------------------------------------------------------------------------------------------|-------------|
| a) | Minimum Side Yard (North)                                                                      | as existing |
| b) | Minimum Side Yard (South)                                                                      | 15 metres   |
| c) | Minimum Rear Yard                                                                              | 100 metres  |
| d) | Maximum Building Height                                                                        | 1.5 storeys |
| e) | Maximum Lot Coverage for Accessory Structure                                                   | 2 percent   |
| f) | Minimum Front Yard                                                                             | 15 metres   |
| g) | Outside storage and stockpiling of sand, stone and topsoil is permitted in the rear yard only. |             |

**Special Provision: A-15                      Formerly: A-243                      By-law No.: 3203/74/95**

In addition to the uses permitted in the Agricultural (A) Zone, these lands may also be used for the manufacturing of wood crates and pallets, steel and wood fabrication and welding uses, and uses buildings and structures accessory thereto and outdoor storage of related materials and the following regulations shall apply:

- |    |                                                          |            |
|----|----------------------------------------------------------|------------|
| a) | Minimum Lot Frontage                                     | 30 metres  |
| b) | Minimum Front Yard                                       | 45 metres  |
| c) | Minimum Interior Side Yard (West)                        | 3.5 metres |
| d) | Minimum Interior Side Yard (East)                        | 8.5 metres |
| e) | Maximum Building Height                                  | one storey |
| f) | Maximum Lot Coverage                                     | 10 percent |
| g) | Outside storage shall only be permitted in the rear yard |            |

**Special Provision: A-16                      Formerly: A-265                      By-law No.: 3739/25/99**

In addition to the uses permitted in the Agricultural (A) Zone, these lands may also be used for an agricultural and non-agricultural machine shop and fabrication and repair

shop with no outside storage and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Minimum Lot Area 0.69 hectares
- b) Minimum Front Yard 12 metres
- c) Minimum Interior Side Yard (South) 2 metres
- d) Minimum Interior Side Yard (North) 8.3 metres
- e) Maximum Lot Coverage 14 percent
- f) No outside storage and no welding, fabricating, machining, painting or any industrial processes outside of the buildings on the property.

**Special Provision: HR-17 Formerly: HR-354 By-law No.: 5680/111/11**

Notwithstanding the provisions of the Hamlet Residential (HR) Zone, the following regulation shall apply:

- a) Minimum Rear Yard Setback (Dwelling) 169 metres

**Special Provision: LR-18 Formerly: LR-370 By-law No.: 6001/107/13**

Notwithstanding the provisions of the Lakeshore Residential (LR) Zone, the following regulations shall apply:

- a) Minimum Lot Frontage 13.1 metres
- b) Minimum Side Yard (West) 2.9 metres

**Special Provision: A-19 Formerly: A-379 By-law No.: 6108/74/14**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for special events related to weddings and similar type celebrations as well as special events relating to the agricultural uses occurring on the property and the following special regulations shall apply:

- a) Maximum Gross Floor Area for Outdoor Event Tents 330 square metres
- b) Outdoor Event Tents will only be permitted between May 1<sup>st</sup> and October 31<sup>st</sup> of each year
- c) That the Minimum Distance Separation I shall not apply for outdoor event tents.



*Accessory Structure Provisions*

- |    |                         |             |
|----|-------------------------|-------------|
| l) | Minimum Rear Yard       | 7.5 metres  |
| m) | Minimum Side Yard       | 3.0 metres  |
| n) | Maximum Building Height | 1.5 storeys |

**“Special Provision: HMC-22 Formerly: RU-34 By-law No.: 1374/67/83**

In addition to the uses permitted in the Hamlet Commercial (HMC) Zone, this land may also be used for ~~a single-detached dwelling~~ and the buying, selling and storing of industrial equipment and supplies, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:

- i) Minimum Lot Frontage 68m
- ii) Minimum Lot Area 1.25 ha.
- iii) Maximum Lot Coverage 15 per cent
- iv) Minimum Front Yard 60m
- v) Minimum Side Yard 35m
- vi) Minimum Rear Yard as existing
- vii) Maximum Height 11m”

**Special Provision: HMC-23 Formerly: HD-16 By-law No.: 1418/111/83**

In addition to the uses permitted in the Hamlet Commercial (HCM) Zone, this land may also be used for the manufacture and sales of monuments and uses, buildings and structures accessory thereto and the following regulations shall apply:

- |    |                                                                                                                                           |             |
|----|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| a) | Maximum Lot Coverage                                                                                                                      | 15 percent  |
| b) | Minimum Front Yard                                                                                                                        | 10 metres   |
| c) | Minimum East Side Yard                                                                                                                    | 7.5 metres  |
| d) | Minimum West Side Yard                                                                                                                    | 15 metres   |
| e) | Minimum Rear Yard                                                                                                                         | 15 metres   |
| f) | Maximum Building Height                                                                                                                   | 1.5 storeys |
| g) | Outdoor storage shall be permitted in the east side yard and rear yard and shall not be permitted in the required west side yard setback. |             |
| h) | Outdoor displays shall be permitted in the front yard.                                                                                    |             |

**Special Provision: I-24 Formerly: I-24 By-law No.: n/a**



|      |                                             |          |
|------|---------------------------------------------|----------|
| ii)  | Minimum Width to Lands<br>Zoned Residential | 9 metres |
| iii) | Minimum Width in All<br>Other Cases         | 3 metres |

**Special Provision: R2-26      Formerly: R2-45      By-law No.: 1374/67/83**

In addition to the uses permitted in the Second Density Residential (R2) Zone, this land may also be used for a private club and uses, buildings and structures accessory thereto and the following regulations shall apply:

|    |                                   |                                                |
|----|-----------------------------------|------------------------------------------------|
| a) | Minimum Lot Frontage              | 50 metres                                      |
| b) | Minimum Lot Area                  | 0.5 hectares                                   |
| c) | Minimum Front Yard                | 9 metres                                       |
| d) | Minimum Interior Side Yard        | as existing                                    |
| e) | Minimum Rear Yard                 | 60 metres                                      |
| f) | Maximum Building Height           | 2 storeys                                      |
| g) | Maximum Lot Coverage              | 30 percent                                     |
| h) | Minimum Landscaped Area           | as existing                                    |
| i) | Minimum Parking Requirements      | 1 space per 10 square metres of net floor area |
| j) | Minimum Interior Side Yard (East) | 1 metre                                        |

**Special Provision: NC-27-H      Formerly: NC-H      By-law No.: 5910/17/13**

The uses permitted in the Neighbourhood Commercial (NC) Zone shall not occur until the Holding (H) symbol on the NC-27-H Zone is removed. Removal of the Holding (H) symbol may only occur when the owner enters into and registers on title a Subdivision Agreement with the City of Port Colborne.

**Special Provision: R2-28-H      Formerly: R2-355-H      By-law No.: 5910/17/13**

Notwithstanding the provisions of the Second Density Residential (R2) Zone, the following regulations shall apply:

- b) Minimum Lot Frontage – Corner Lot 13.1 metres
- c) Minimum Lot Area 0.03 hectares
- d) Minimum Rear Yard 15 metres where abutting an active railway right of way

The uses permitted in the Second Density Residential (R2) Zone shall not occur until the Holding (H) symbol on the R2-28-H Zone is removed. Removal of the Holding (H) symbol may only occur when the owner enters into and registers on title a Subdivision Agreement with the City of Port Colborne.

**Special Provision: R3-29-H Formerly: RT-356-H By-law No.: 5910/17/13**

Notwithstanding the provisions of the Third Density Residential (R3) Zone, the following regulations shall apply:

- a) Minimum Lot Frontage – Corner Lot 10.5 metres
- b) Minimum Lot Area 0.02 hectares

The uses permitted in the Third Density Residential (R3) Zone shall not occur until the Holding (H) symbol on the R3-29-H Zone is removed. Removal of the Holding (H) symbol may only occur when the owner enters into and registers on title a Subdivision Agreement with the City of Port Colborne.

**Special Provision: R4-30-H Formerly: R4-357-H By-law No.: 5910/17/13**

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, these lands may only be used for townhouse and apartment dwellings and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Minimum Rear Yard 15 metres where abutting an active railway right of way

The uses permitted in the Fourth Density Residential (R4) Zone shall not occur until the Holding (H) symbol on the R4-30-H Zone is removed. Removal of the Holding (H) symbol may only occur when the owner enters into and registers on title a Subdivision Agreement with the City of Port Colborne.

**Special Provision: NC-31 Formerly: NC-150 By-law No.: 2163/111/88**

In addition to the uses permitted in the Neighbourhood Commercial (NC) Zone, this land may also be used for: a professional office and; a business office and uses, buildings and structures accessory thereto.

**Special Provision: R4-32      Formerly: R4-151      By-law No.: 2163/111/88**

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

- |    |                                       |                          |
|----|---------------------------------------|--------------------------|
| a) | Minimum Rear Yard                     | One-half building height |
| b) | Minimum Floor Area One Bedroom Unit   | 80 square metres         |
| c) | Minimum Floor Area Two Bedroom Unit   | 95 square metres         |
| d) | Minimum Floor Area Three Bedroom Unit | 110 square metres        |

**Special Provision: CP-33      Formerly: HC-160      By-law No.: 4885/116/04**

Notwithstanding the provisions of the Commercial Plaza (CP) Zone, this land may also be used for mini-warehouse/storage use and the following regulations shall apply:

- |    |                                   |          |
|----|-----------------------------------|----------|
| a) | Minimum Interior Side Yard (West) | 3 metres |
|----|-----------------------------------|----------|

**Special Provision: R4-34      Formerly: R4-203      By-law No.: 4700/82/05**

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, this land may also be used for a Long Term Care Facility, subject to the following regulations:

- |    |                                                                             |                    |
|----|-----------------------------------------------------------------------------|--------------------|
| a) | Minimum Lot Area                                                            | 1605 square metres |
| b) | Minimum Front Yard                                                          | 2.9 metres         |
| c) | Minimum Interior Side Yard (North)                                          | 4.3 metres         |
| d) | Minimum Rear Yard                                                           | 2.2 metres         |
| e) | Minimum Landscaped Area                                                     | 7.3 percent        |
| f) | Minimum Parking Stall Length                                                | 5.5 metres         |
| g) | Minimum Two Way Driveway Access                                             | 5.5 metres         |
| h) | The long term care facility shall not contain more than 36 bedroom units.   |                    |
| i) | The long term care facility may or may not include nursing or medical care. |                    |

**Special Provision: LI-35      Formerly: LI-343      By-law No.: 5511/108/10**

In addition to the permitted uses in the Light Industrial (LI) Zone, this land may also be used for a hotel, uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Maximum Height 12 metres
- b) Maximum Height for a Hotel 32 metres
- c) Minimum Southerly Yard 14 metres
- d) Minimum Southerly Yard for a Hotel 20 metres
- e) Minimum Westerly Yard 14 metres
- f) Minimum Westerly Yard for a Hotel 20 metres
- g) Minimum Easterly Yard 85 metres
- i) Minimum Interior Side Yard 10 metres

**Special Provision: R2-36 Formerly: R2-368 By-law No.: 5974/80/13**

Notwithstanding the provisions of the Second Density Residential (R2) Zone the use of this land shall include a warehouse within the existing building and uses accessory thereto and the following regulations shall apply:

- a) Maximum Height shall be as existing.
- b) Planting Strip along the southern lot line is to be maintained as existing.
- c) From warehouse building face to western lot line, one coniferous tree within the existing planting strip at an interval of one per dwelling located along Delhi Street.
- d) Outside storage is permitted provided opaque screening is provided along the southern lot line.

**Special Provision: P-37-H Formerly: P-381-H By-law No.: 6171/137/14**

In addition to the uses in the Public and Park (P) Zone, this land may also be used for:

- a) Farmer's Market;
- b) Flea Market;
- c) Motor Vehicle Sales/ Rental Service Centre;
- d) Outdoor Storage;

- e) Place of Assembly/Banquet Hall
- f) Warehouse

The following regulations shall apply for a place of assembly/banquet hall:

- a) That 124 parking spaces be provided.

The use of the property for warehousing and outdoor storage shall not occur until the Holding symbol (H) on the “P-381-H (Warehouse, Outdoor Storage & Auditorium – Holding)” zone is removed. Removal of the Holding Symbol (H) may only occur when the owner enters into a Site Plan Agreement with the City that addresses parking, emergency access, buffering and landscaping.

**Special Provision: MAO-38-H Formerly: EI-373(H) By-law No.: 6007/113/13**

Notwithstanding the provisions of the Mineral Aggregate Operation (MAO) Zone, the use of this land shall include concrete product manufacturing and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) Maximum Building Height 11 metres

The Holding Provision is to be removed once a new or revised site plan agreement between the City of Port Colborne and Port Colborne Quarries is executed.

**Special Provision: HI-39 Formerly: HI-270 By-law No.: 3819/105/99**

In addition to the uses permitted in the Heavy Industrial (HI) Zone, this land may also be used for a salvage yard operation to receive, process, store and ship reusable and/or recyclable materials such as copper, brass, steel, cast aluminum and stainless steel and uses, buildings and structures accessory thereto and the following regulations shall apply:

- a) The maximum height of any material which is stacked, piled or otherwise stored outside on this property shall not exceed 3.6 metres.

**Special Provision: R1-40 Formerly: R1-291 By-law No.: 4225/61/02**

Notwithstanding the provisions of the First Density Residential (R1) Zone, the following regulations shall apply:

- a) Minimum Yard Setback (North)  
Eagle Marsh Drain 7.5 metres
- b) Minimum Yard Setback (South)  
Water Filled Channel 10 metres

- c) No buildings or structures, including accessory buildings or structures are permitted in the required yard setback of subsection (a) and (b) above.

**Special Provision: CC-41      Formerly: CC-340      By-law No.: 5578/08/11**

Notwithstanding the provisions of the Central Commercial (CC) Zone, this land may also be used for a maximum of four accessory dwelling units on the ground floor and one accessory dwelling unit in the basement in combination with a permitted commercial use.

**Special Provision: DC-42      Formerly: HC-46      By-law No.: 1374/67/83**

In addition to the uses permitted in the Downtown Commercial (DC) Zone, this land may also be uses for wholesale marine and mill supply and uses, buildings and structures accessory thereto.

**Special Provision: A-43      Formerly: A-383      By-law No.: 6331/11/16**

In addition to the uses permitted in the Agricultural (A) Zone, this land may also be used for one mobile home for permanent year round living accommodation and the following regulations shall apply:

- |    |                                                |                  |
|----|------------------------------------------------|------------------|
| a) | Minimum Lot Frontage                           | as existing      |
| b) | Minimum Lot Area                               | as existing      |
| c) | Maximum Lot Coverage<br>for a Mobile Home      | 7 percent        |
| d) | Minimum Front Yard<br>for a Mobile Home        | 75 metres        |
| e) | Minimum West Side Yard<br>for a Mobile Home    | 25 metres        |
| f) | Minimum East Side Yard                         | 75 metres        |
| g) | Minimum Rear Yard<br>for a Mobile Home         | 75 metres        |
| h) | Minimum Ground Floor Area<br>for a Mobile Home | 65 square metres |



made in the supporting technical studies conducted in association with the development application;

- ii) The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,
- iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,
- iv) Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.

**Special Provision: ID-47-H      Formerly: n/a      By-law No.: 5989/95/13**

Notwithstanding the Provision of the Industrial Development (ID) Zone, the following shall apply:

- a) Prior to any dry industrial development of lands zoned ID-47-H, a Zoning By-law Amendment is required to establish the permitted uses and zone requirements.
- b) Further, development on the subject lands shall not occur until the Holding Symbol (H) on the ID-47-H (Dry Industrial Development – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. Removal of the Holding Symbol (H) may only occur when:
  - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
  - ii) Appropriate technical studies are submitted including a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report dependent upon the use proposed. A pre-consultation meeting will be held to identify which studies are required and to scope the extent of the studies.

- iii) The above mentioned technical studies and their recommendations are to be satisfactory to the City of Port Colborne; and
- iv) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use.

## Section 38: Definitions

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**Abattoir:** means a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage and includes indoor confinement of animals while awaiting slaughter but shall not include any cooking or process related to processing plants such as smoking, curing or the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.

**Abutting:** means two or more lots sharing a common boundary of at least one point; or a lot sharing a common boundary with a public road.

**Accessory Agricultural Activities:** means equipment maintenance and activities required to produce market ready commodities including washing, sorting, drying, packing and packaging of agricultural products.

**Accessory Structure:** means a detached building, or structure that is incidental and secondary to the principal use(s) on the same lot.

**Accessory Use:** means a use subordinate and incidental to the principal use(s) on the same lot and does only includes a use or uses specifically listed as a permitted use in this by-law.

**Address of Convenience:** means a home occupation that is solely used for the purpose of receiving phone calls, mail and electronic transmissions and the keeping of business records.

**Adult Oriented Entertainment Establishment:** means any indoor premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation or services appealing to or designed to appeal to erotic or sexual appetites or inclinations including strip clubs and body rub parlours. Establishments that offer adult oriented goods for sale or services which are provided by a provincially licensed registered professional such as a registered massage therapist are not included.

**Agriculture Use:** means the growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture Farm Related Commercial or Industrial:** means premises directly related to serving agriculture uses, including but not limited to canneries, dairies and farm implement sales and service.

**Agricultural Source Material:** means treated or untreated materials, as defined by the *Nutrient Management Act*, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.

**Agri-Tourism and Value Added Use:** means farm based business activities that cater to the travelling public and agriculture tourism and which support, promote and sustain the viability of the agricultural operation. These uses are secondary and subordinate to the principal agricultural farm operation and include but are not limited to: farm markets, restaurants related to a winery, road side produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities and do not include uses and practices that support the day to day agriculture farm operation or accessory uses.

**Amenity Space:** means an area for outdoor recreation or leisure and does not include a parking area.

**Animal Care Establishment:** means any premises for the caring, grooming and training of household pets without outdoor pens or exercise areas.

**Apartment Building:** means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway.

**Apartment Building, Public:** means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway, that has been erected, owned and/or is maintained by a public agency or non-profit charitable organization.

**Asphalt and Cement Manufacturing:** means an industrial facility used for the manufacture of asphalt, concrete, cement, rock, brick and other aggregate materials

**Attached Building:** means a building which shares a roof or wall in common with an adjacent building or buildings.

**Balcony:** means a platform projecting from the façade of a wall or walls, cantilevered or supported by columns or brackets, located above the grade of the ceiling height of the first storey above the basement and may be covered.

**Basement:** means the portion of a building partly underground having more than one half its height below grade at the principal entrance.

**Bed and Breakfast:** means a home based business wherein guestrooms are rented for a period not exceeding 28 consecutive days and meals are served to overnight guests.

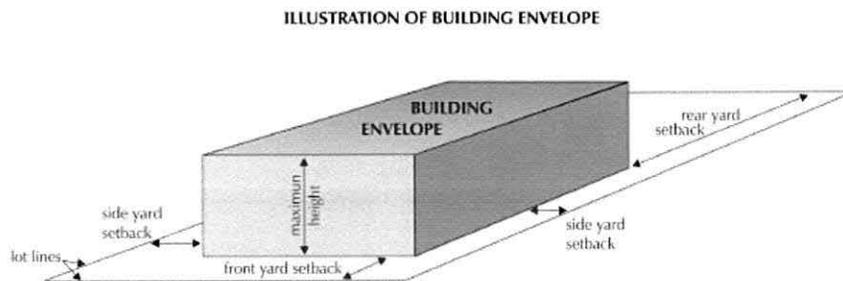
**Boat House:** means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the principal residential occupancy of the lot.

**Boat Ramp:** means a sloped surface designed for launching and retrieving watercraft to and from a body of water.

**Brew-pub:** means a small-scale brewery producing beer for sale on the premises or for distribution beyond the premises, with the floor area devoted to the production of beer not to exceed 45% of the total floor area of the brew-pub, and includes an accessory drinking establishment or restaurant.

**Building:** means a structure that has a roof, walls and a floor that stands more or less permanently in one place.

**Building Envelope:** means the three-dimensional buildable area prescribed for a building by the regulations of this by-law.



**Building Height:** means the vertical distance between the average grade at the base of a main wall of the building, and height has a corresponding meaning unless otherwise defined in this By-law.

**Bulk Fuel Depot:** means the use of land, building or structures or parts thereof for the bulk surface or underground storage of propane, petroleum products, chemicals, gases or similar products and may include the distribution of same.

**Bulk Water Haulage Operator** means the use of land for the storage and management of a water hauling truck used for the conveyance and dispensing of potable water.

**Campground, Temporary:** means an area where temporary, seasonal accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers is established.

**Campground, Permanent:** means an area where more permanent, seasonal accommodation for park model recreation vehicles is established but does not include a mobile home.

**Car Wash:** means premises used for washing and cleaning vehicles.

**Cemetery:** means premises used for the interment of the dead and including but not limited to columbaria, mausoleums, and crypts.

**Charitable Organization:** means a registered charity, religious organization, charitable non-profit organization, sports club or service group approved by the Province.

**Chord:** means a straight line that joins the ends of an arc.

**Commercial:** when used in reference to a building, structure, lot or use means pertaining to the buying or selling of commodities or the supplying of services for remuneration.

**Common Wall:** means vertical wall separating two or more buildings from the base of the footing to the roof.

**Community Garden:** means an area of land managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption.

**Complying:** means in keeping with the quantitative requirements of this By-law.

**Conservation Uses:** means the use of land and/or water for the purpose of planned management of natural resources.

**Contractor's Yard:** means the use of a lot, building or structure, or part thereof by a construction company or building contractor for the storage and maintenance of vehicles, equipment and materials used by the company or contractor in the construction or renovation trades, but does not include wholesale or retail sale of such vehicles, equipment or materials or any building supplies or home improvement supplies. Such uses may include the following or similar uses:

- a) Foundation, structure and exterior building contractors;
- b) Building equipment contractors (electrical, plumbing, heating/cooling);
- c) Building finishing contractors;
- d) Landscape contractors;
- f) Other speciality contractors

**Convenience Store:** means a retail store where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such household items are sold in small quantities.

**Conforming:** means a use which is permitted by this By-law in the zone category in which the use is located.

**Crematorium:** means a building fitted with the proper appliances for the purpose of the cremation of human or animal remains and includes everything incidental or ancillary thereto.

**Cultural Facility:** means premises used for the purposes of educational entertainment including but not limited to museums, libraries, art galleries, theatres and community centres and may include ancillary office, restaurant, retail and service commercial uses.

**Day Care:** means a premises used for caring for one or more persons for a portion of the day.

**Deck:** means a platform structure without a roof which may or may not be attached to one or more walls for a building but shall not include a landing or stairs.

**Density:** is the number of dwelling units on a lot divided by the net lot area expressed as hectares.

**Dock:** means an accessory structure built at the shoreline or anchored over water at which watercraft are berthed or stored and includes such structure whether floating or permanently anchored to the shore or the lake bed.

**Drive-thru Facility:** means a premises which includes stacking lanes and service areas which provides or dispenses products or services to persons remaining in motorized vehicles.

**Driveway:** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

**Dwelling, Accessory:** means a dwelling unit that is accessory to a permitted non-residential use, other than an automotive use.

**Dwelling, Detached:** means a building containing one principal dwelling unit.

**Dwelling, Duplex:** means a building that is divided horizontally into two dwelling units each with an entrance either independent to the exterior or through a common vestibule.

**Dwelling, Fourplex:** means a building that is divided vertically and horizontally into four dwelling units each with an entrance either independent to the exterior or through a common vestibule.

**Dwelling, Semi-Detached:** means a building that is divided vertically into two principal dwelling units each with an independent entrance to the exterior.

**Dwelling, Townhouse, Block:** means a dwelling containing two 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 masonry 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.

**Dwelling, Townhouse, Street:** means one of a group of not less than three, but not more than eight single dwellings which are attached together horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall between each two adjacent dwellings and each of which has a private independent entrance directly from a yard.

**Dwelling Triplex:** means a building that is divided vertically and horizontally, or horizontally into three dwelling units in which each dwelling unit has an independent entrance to the exterior or through a common vestibule.

**Dwelling Unit:** means a self-contained housekeeping unit of one or more rooms containing cooking facilities, living quarters, sleeping quarters and sanitary facilities for the exclusive use of those residing within the dwelling unit and which has an exclusive entrance.

**Dwelling Unit, Accessory:** means a separate dwelling unit that is contained within a building or in a separate building on a lot containing a dwelling unit which is subordinate and secondary to the principal dwelling unit located on the same lot.

**Dynamic Beach Hazard:** means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

**Education Facility:** means a premises used for instruction in a business, trade or craft that is related or complementary to the associated industrial use.

**Employee Convenience Facilities:** means part of a premises providing uses for the convenience and health of employees such as tuck shops, cafeterias, day care, training, medical, recreational and fitness facilities.

**Erosion Hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Farmers Market:** means a retail establishment consisting of multiple vendors engaged in the sale of food and plant products, a portion of which are locally grown and/or prepared.

**Flea Market:** means the occasional or periodic sale of new and used goods to the public, by groups of individual sellers that is held within a building, structure or open area but shall not include a garage/yard sale.

**Floor Area:** means the area of all floors in a building or structure as calculated from the interior surface of the exterior walls, exclusive of cellars, basements, garages, carports or porches.

**Flood and Erosion Protection works:** means any work or structure that ensures the prevention of loss of life, property damage and social disruption from flood and erosion processes.

**Flooding Hazard:** means the inundation, under the conditions specified below, as areas adjacent to a shoreline or a creek or stream system and not ordinarily covered by water:

- a) Along the shoreline of Lake Erie and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along creek, stream and small inland lake systems, the flooding hazard limit is the one hundred year flood

**Food Vehicle:** means an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but that can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

**Forestry Uses:** means land used for the development, management and cultivation of timber resources grown on-site and may include the establishment of an accessory portable sawmill.

**Funeral Home:** means premises used for the care and preparation of human remains, excluding a crematoria and may include related coordination and provision of rites and ceremonies so that persons may attend and pay their respects.

**Garage/Yard Sale:** means the occasional or periodic sale of personal property which is conducted by the occupant on a lot upon which a dwelling unit exists.

**Grade:** means the final elevation of the ground surface of a lot after completion of development or construction.

**Greenhouse:** means a building or structure used for the cultivation and propagation of plants.

**Gross Floor Area (GFA):** means the total of all floor areas of a building(s) or structure(s) measured from the interior wall surface of the exterior walls.

**Guest Room:** means a habitable room or suite of rooms wherein accommodation is provided for gain or profit and contains no facilities for cooking.

**Heavy Equipment Sales and Service:** means the use of land, buildings or structures in which heavy machinery and equipment are repaired or serviced or offered or kept for sale, rent, lease or hire directly from said lot.

**Height:** means the vertical distance of a building or structure from average grade.

**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.

**Hotel:** means a building(s) that provides temporary accommodation to the public for a period not exceeding 28 consecutive days and may include independent cooking facilities and ancillary uses such as but not limited to restaurants, retail and service commercial uses, meeting and convention facilities, banquet facilities, recreation and entertainment facilities and may also include one dwelling unit.

**Industry, Heavy:** means premises used for:

- a) The manufacture or processing of products from raw materials; and
- b) Outdoor processing of products and materials.

**Industry, Light:** means premises used for:

- a) The manufacture, processing, assembly, disassembly or packaging of finished parts or products from previously prepared materials;
- b) The repair or servicing of products;
- c) Building supply storage and wholesale; and
- d) Warehouse and storage

**Industrial Effluent System:** means a system which conveys and discharges the by-product for an industrial process that can contain contaminant from non-domestic wastes.

**Infrastructure:** means physical structures that form the foundation for development or resource use.

**Intake Protection Zone (IPZ):** means an area vulnerable to water quality or water quantity threats surrounding a municipal surface water intake as delineated in a Source Water Protection Plan.

**Intensive Animal Operation:** means the use of land, buildings or structures for the raising of fowl or animals where the number of animal units, housed or marketed per year (whichever is greater), exceeds 2.5 animal unit for each hectare of land used for such purpose and considered to be raising of livestock.

**Kennel:** means any premises where four or more dogs or cats are maintained, boarded, trained, bred or cared for in return for remuneration or kept for the purpose of sale and is licensed by the City.

**Landscape Buffer:** means an open area on a lot used exclusively for the growing and maintenance of grass, trees, shrubs and other horticultural elements and is not used for any maintenance of grass, trees, shrubs and other horticultural elements and is not used for any other purpose except where a driveway and/or sidewalk cross the landscape buffer and includes the use of said area for a fence.

**Landscaped Open Space:** means a space used for the growth and maintenance of grass, flowers, shrubs or similar landscape material and includes landscape buffers, walkways, patios, swimming pools, fences, playgrounds and similar facilities but excludes driveways, parking areas, ramps and curbs.

**Lane:** means a private right-of-way that provides a means of access to lots abutting thereon.

**Large Motor Vehicle:** means a motor vehicle in excess of 3600 kilograms as registered with the Ministry of Transportation and shall also include but not be limited to a tractor trailer used for hauling purposes, a bus, earth moving equipment and tractors, truck or farm vehicles.

**Legal Non-Conforming:** means an existing use, building or structure which is not permitted in the zone or does not meet the zone regulations of the zone in which it is located and which lawfully existed prior to March 19, 1982.

**Livestock:** means farm animals and includes but is not limited to: dairy and beef cattle, horses, swine, sheep, poultry, goats, fowl, mink, rabbits and other fur bearing animals.

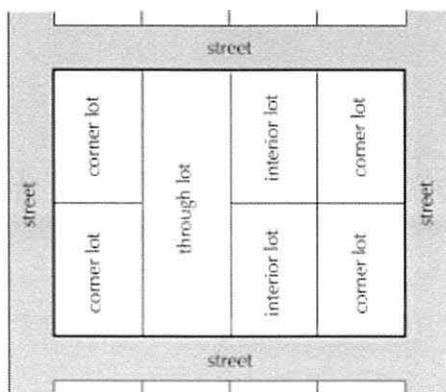
**Loading Space:** means an unobstructed open or covered area used to provide access to a loading door, platform or bay.

**Long Term Care Facility:** means a premises containing dwellings which provide care to meet the physical, emotional, social, spiritual and personal needs of persons. Long Term Care Facilities include Homes for the Aged established under the Home for the Aged and Rest Homes Act, as amended; Nursing homes licensed under the Nursing Homes Act, as amended; and Chronic Care Facilities.

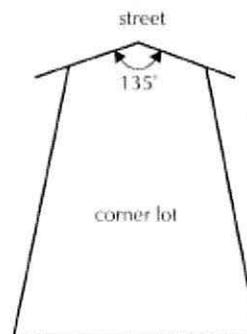
**Lot:** means all contiguous land under one ownership and includes:

- a) **Corner Lot** – a lot situated at the intersection of two or more streets or at the intersection of two parts of the same street, which parts have an interior angle of intersection of not more than one hundred and thirty-five degrees ( $135^\circ$ );
- b) **Through Lot** – a lot bounded on two opposite sides by streets, provided that if any lot qualified both as a through lot and a corner lot as defined herein, such lot is considered to be a corner lot for the purposes of applying the zoning by-law; and
- c) **Interior Lot** – a lot other than a corner lot and a through lot.

**ILLUSTRATION OF LOT TYPES**



**ILLUSTRATION OF CORNER LOT ON A SINGLE STREET**

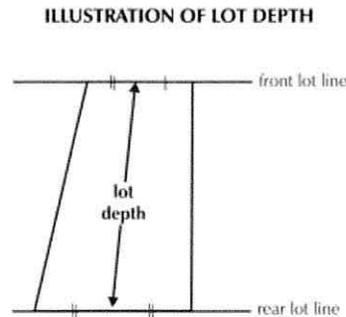


**Lot Area:** means the total horizontal areas within the boundaries of a lot.

**Lot Coverage:** means that percentage of a lot covered by building or structure but does not include:

- a) An eaves, or eaves trough or any other feature that is located at or above the ceiling of the first storey; or
- b) A projection permitted under Section 2.20.

**Lot Depth:** means the horizontal distance measured between the midpoint of the front lot line and the midpoint of the rear lot line.

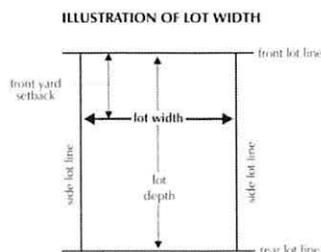


**Lot Line:** means the boundary of a lot and includes:

- 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 lot line along a public road where a lot has two or more lot lines along a public road.

**Lot, Registered:** means a parcel of land described in a deed or other document legally capable or conveying land or shown as a lot or block on a registered plan of subdivision.

**Lot Width:** means the horizontal distance between the side lot lines measured at right angles to the lot depth, from a point that is equal to the front yard setback requirement for the zone.



**Maintenance and Storage Facility:** means a building, lot, or structure, or part thereof that is used for the mechanical repair of equipment and provides uses for the convenience and health of employees such as tuck shops, cafeterias, training, medical and recreational and fitness facilities.

**Marina:** means a premises containing docking facilities and which is located on a navigable waterway, where boats or boat accessories are stored, serviced, repaired, launched or kept for sale and where a full range of marine services may be provided including but not limited to fuelling and sewage pump out facilities, showers, foodstuffs and laundry facilities and ancillary restaurants.

**Marine Sales and Service:** means a building or part thereof and associated lands where a dealer displays new and used boats and marine accessories for sale or rent and where marine equipment is serviced or repaired and may include boat storage facilities.

**Medical Clinic:** means a place where a medical doctor, dentist or other lawfully qualified health care practitioner has his or her practice and includes a medical or dental laboratory.

**Medical Marihuana Production Facility:** means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medicinal purposes as permitted under the Federal Government's Marihuana for Medical Purpose Regulations (MMPR), as amended from time to time, or an successors thereto.

**Mineral Aggregate Operation:** means

- a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and
- b) Associated accessory facilities used in extraction, transport beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**Minimum Distance Separation Formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Mobile Home:** means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy.

**Mobile Home Park:** means two or more occupied mobile homes housed on the same lot.

**Motor Vehicle:** means an automobile, motorcycle, motorized boat, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power, but excludes a large motor vehicle.

**Motor Vehicle Repair Garage:** means a premises where mechanical repairs on motor vehicles including painting and body repairs are performed and may include a motor vehicle gas station.

**Motor Vehicle Sales/Rental Service Centre:** mean premises where new and used vehicles are kept for sale, lease or rent and may include a motor vehicle repair garage.

**Motor Vehicle Gas Station:** means premises for the retail sale of gasoline, diesel fuel, lubricants and associated motor vehicle fluids and may include a propane filling station.

**Multi-Modal Storage Facility:** means premises used for the indoor or outdoor, short term storage of goods, materials or containers which are unloaded from cargo ships and awaiting further transport via transport truck, rail or other similar means.

**Municipal Camp Ground:** means an open area provided for the use of outdoor camping in tents, tent trailers, travel trailers or recreational vehicles.

**Natural Heritage Features:** means wetlands, significant woodlands, fish habitat, areas of natural and scientific interest (ANSI's), significant habitat of endangered species and threatened species, significant wildlife habitat, natural corridors, key hydrological features.

**Natural Hazard Lands:** means shorelines, floodplains and significant valleylands.

**Noxious Use:** means

a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or

b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or

c) any use that is not lawfully permitted in the Province of Ontario; or

c) a combination thereof; but

d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry

**Office:** means a building or part thereof where administration and clerical functions are carried out in the management of a business, profession, organization or public administration.

**One Hundred Year Flood:** for a river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**Operating Apparatus:** means outdoor mechanical equipment or machinery used in conjunction with buildings or structures including but not limited to air conditioners, generators, heat exchanges and compressors.

**Outdoor Commercial Patio:** means an outdoor seating area, operated as part of a full-service or take-out restaurant or brew pub.

**Outdoor Storage:** means the keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

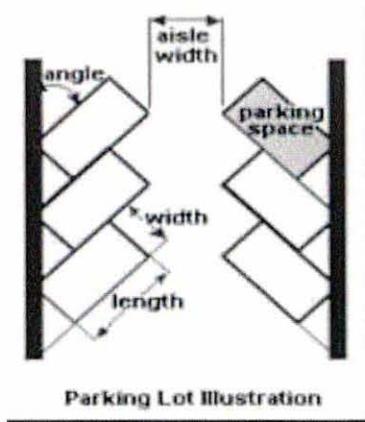
**Owner:** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

**Park:** means a playground, sports field, garden, outdoor public swimming pool and may also include accessory buildings or structures such as a maintenance building or washroom.

**Park Model Recreation Vehicle:** means a trailer-type recreation vehicle that is designed to provide a temporary accommodation for recreation, camping or seasonal use. Park Model Recreation Vehicles are built on a single chassis, mounted on wheels.

**Parking Area:** means an area of land used for parking of motor vehicles and which is located on the same lot as the principal use and comprises all parking spaces or at least the minimum number required by this By-law and all driveways, aisles, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to, or egress from the said parking spaces.

**Parking Space:** means a portion of a parking area, exclusive of any aisles, to be used for the temporary parking or storage of a motor vehicle or recreation vehicle and can include a garage or carport.



**Parking Structure:** means a structure used for the parking of motor vehicles but does not include a garage, or a carport accessory to a detached, semi-detached or duplex dwelling.

**Passive Recreation:** means the use of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar uses involved in the enjoyment of the natural environment.

**Personal Service Business:** means a place where:

- a) A service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon, tattoo and piercing parlours, spa, tanning salon, shoe repair shop, dry cleaning outlet and accessory dry cleaning equipment; laundromat; tailor or dressmaker shop; or massage therapy service but excluding an adult entertainment establishment;
- b) A consultation or information service is provided by a professional, other than a medical professional, including a travel agency or interior decorator; or
- c) Other personal or business services are provided including a printing, publishing, photocopying, picture framing or photofinishing service, including self-service operations.

**Petrochemical Storage Facility:** means the use of land, building or structures or parts thereof for the bulk surface or underground storage of propane, petroleum products, chemicals, gases or similar products and may include the distribution of same.

**Place of Assembly/Banquet Hall:** means premises providing a room or rooms to accommodate gatherings or people for events including but not limited to trade shows, banquets, weddings and conventions and does not include a Place of Worship.

**Place of Worship:** means a building, structure or part thereof, which is primarily used for the practice of religion and faith-based spiritual purposes wherein people assemble for faith based worship and teachings, fellowship and community social outreach and may include a cemetery.

**Platform Structure:** means a raised level surface including but not limited to decks, balconies and porches.

**Pool, Above Ground:** means a pool used for recreational swimming with a superstructure 0.6 metres or greater above grade.

**Pool, In-Ground:** means a pool used for recreational swimming with a superstructure that is less than 0.6 metres above grade.

**Porch:** means a platform structure attached to a main wall or walls of a building having a roof.

**Premises:** means the whole or part of lands, buildings or structures or a combination thereof.

**Principal:** means the primary use of a lot, building or structure.

**Principal Entrance:** means the primary use entrance to a building.

**Private Club:** means a building, structure or lot owned and operated by a private organization for use by its members and guests.

**Private Water Supply and Sewage Treatment Facility:** means a non-municipal drinking water, or sewage treatment facility that serves a private use.

**Public Use:** means a building, structure or lot used for public services by the corporation, the Regional Municipality of Niagara, the Federal and/or Provincial Government, Board of Education, utility and rail companies or similarly recognized agencies and any not-for-profit organization that is acting on behalf of any of the aforementioned agencies.

**Recreation Facility:** means a premises used for participatory and/or spectator-oriented recreation and entertainment use and may include ancillary office, restaurant, retail and service commercial uses.

**Recreation Vehicle:** means a vehicle which provides short term occupancy intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as; travel trailers, camper trailers, truck campers, motor homes or other similar vehicles but does not include a mobile home.

**Research Facility:** means a premises for research, investigation, testing or experimentation and which may include engineering and product development.

**Restaurant, Fast-Food:** means a premises that sells food and beverages over a counter to its customers for consumption in the restaurant, for consumption in a motor vehicle on the premises or for consumption off the premises.

**Restaurant, Full-Service:** means a restaurant that sells and serves food and beverages to patrons seated at tables for consumption on the premises.

**Restaurant, Take-Out:** means a restaurant that does not have seating capacity for diners and instead:

- a) Sells food and beverages over the counter for pick-up by the consumer for consumption of the premises; or
- b) Delivers food and beverages directly to the consumer for consumption off the premises.

**Retail Store:** means a building or part thereof where goods, wares and new or used merchandise is offered for sale to the public.

**Retail Building and Construction Supply:** means a premises engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, landscaping, home improvements and similar items.

**Risk Management Official:** means a person appointed under Part IV of the *Clean Water Act, 2006* that has the authority to pass by-laws respecting water production, treatment and storage under the *Municipal Act, 2001*.

**Road, Improved:** means a right of way under government jurisdiction that is open and maintained year round.

**Road, Unimproved:** means a right of way under government jurisdiction that is open, but is not maintained.

**Roof, Pitched:** means a roof with an angle equal to or greater than 15 degrees.

**Salvage Yard:** means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials but does not include a flea market or garage/yard sale.

**Seasonal:** means the use of buildings, structures, amenity areas or outdoor spaces for a continuous period between May 1 and October 31 and means the use of buildings, structures, amenity areas or outdoor spaces for no more than 14 consecutive days between November 1 and April 30.

**Sensitive Land Use:** means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, odours, vibrations, sound

waves or radiation generated from a nearby industrial, medical marihuana production, transportation or utility source. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to: residential uses, parks, community or day care centres, recreation areas, medical facilities, churches and schools.

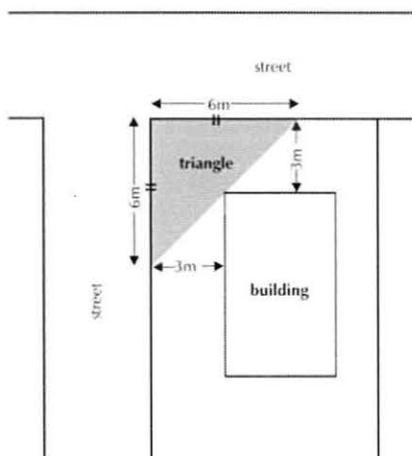
**Service, Commercial:** means a building or part thereof wherein articles or goods are repaired or serviced or where replacement parts for such articles or goods are offered for sale.

**Setback:** means the distance from a building or structure to a lot line.

**Setback from top of bank:** means the horizontal distance from the point of the slope or bank where the downward inclination of the land begins or the upward inclination of the land levels off to the nearest point of any main wall of any building or structure.

**Sight Triangle:** means an unobstructed, required triangular area where the front lot line and corner side lot line meet on a corner lot.

ILLUSTRATION OF CORNER SIGHT TRIANGLES



**Social Service Facility:** means premises providing counselling advocacy, dispensing of aid and including but not limited to a crisis centre and emergency shelter.

**Solid Waste Disposal Facility:** means a facility providing for the long-term storage or destruction of municipal solid waste and includes a landfill site or an incinerator.

**Special Event:** means an event which provides entertainment for the enjoyment of members of the general public, an event where an admission fee is paid by persons who attend or fees are paid for receiving a meal and/or entertainment and where all

profits are directed to a charitable organization and may include but not be limited to: dinner theatres, picnics, barbeques, corn/pig roasts and fairs.

**Stand Alone Parking Lot:** means a stand-alone parking area whether or not parking is provided in exchange for remuneration.

**Storey:** means the portion of a building situated between the top of any floor and the ceiling above it or the top of the floor above it but does not include a basement.

**Stormwater Management Facility:** means a facility for the treatment, retention, infiltration or control of stormwater.

**Street Line:** means any lot line that divides a lot from an improved or unimproved road.

**Structure:** means anything constructed or erected having a fixed point on or in the ground or attached to building or structure having a fixed point on or in the ground.

**Studio:** means the use of a building for part thereof for:

- a) the workplace of an artist or craftsman including a painter, sculptor and a photographer, where goods including jewellery or fine art such as portraits or sculptures are produced in small quantity and may be provided for sale; or
- b) recreational activities that are performed for which a membership or instruction fee is charged and shall include but not be limited to; weight-lifting or fitness centres, boxing or racquet sport clubs, martial arts schools, and yoga and dance studios.

**Supportive Living Facility:** means a multi-unit building or part thereof with private living space, monitoring and emergency support, optional meal services, housekeeping services, laundry, social and recreational activities. These facilities may be privately owned and operated, administered by a non-profit organization or run under the authority of the Ontario Housing Corporation which is qualified to receive funding from the Province.

**Tandem Parking:** means the parking of one motor vehicle directly behind another.

**Trailer and Golf Cart Sales and Rental:** means premises used for the sale, service and rental of trailers and golf carts but does not include the sale, service or rental of all-terrain vehicles or snowmobiles.

**Trailer Park:** means a lot used for the parking of inhabited recreation vehicles.

**Transportation Depot:** means any premises where large motor vehicles, buses or taxis are parked and may include dispatching and administrative offices and vehicle servicing.

**Upper Tier Government:** means the Federal Government of Canada, the Province of Ontario and the Regional Municipality of Niagara.

**Use:** means a use of land for any purpose; and “used” and “using”, and other such forms of the word have a corresponding meaning.

**Utility Trailer:** means a portable structure designed for the hauling of goods, materials, motor vehicles and the like, having a width not exceeding 2.5 metres, a height not exceeding 1.25 metres and a length not exceeding 7.2 metres, and is not used for commercial purposes.

**Veterinary Clinic:** means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

**Warehouse:** means premises in which goods or wares are stored and where trucks are stored, loaded or unloaded.

**Waste Disposal Site:** means the application of untreated septage, the storage, treatment and discharge of tailings from mines and waste disposal sites as defined under Part V of the Ontario *Environmental Protection Act* with respect to Source Water Protection.

**Wastewater Treatment Facility:** means the part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

**Wayside Pits and Quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wholesale Marine and Mill Supply:** means premises used for the selling or installing of marine supplies including millwork, welding, plumbing, electrical, heating and similar items.

**Yard:** means an area of a lot abutting a building that is intended for use for such purposes as privacy space, landscaping, parking or access and includes a:

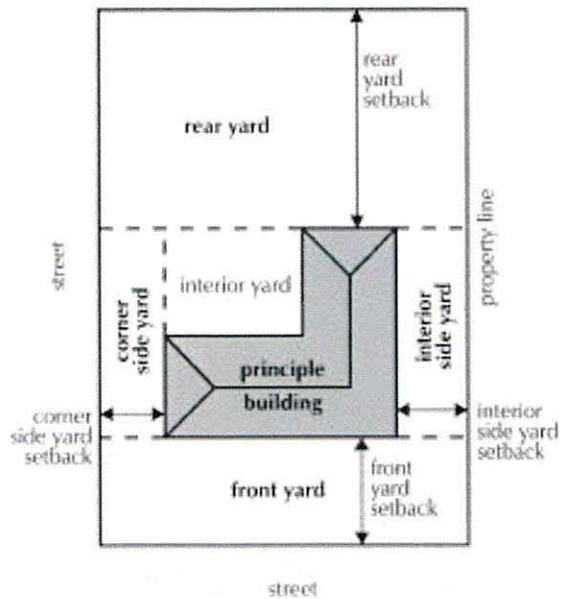
- a) **Front Yard:** which means that yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
- b) **Rear Yard:** which means that yard that extends across the full width of the lot between a rear lot line and the nearest point of the principal building not including a projection permitted under Section 2.20.

- c) **Interior Side Yard:** which means that yard not abutting an improved road that extends from the front yard to the rear yard between a side lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
- d) **Corner Side Yard:** which means that yard abutting an improved road that extends from the front yard to the rear yard between a corner side lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.

**Yard Setback:** means the distance required by this By-law between a lot line, not including a corner lot line, and a building 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.
- 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.
- c) **Interior Side Yard Setback:** which means the shortest distance between the interior side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 2.20.
- 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.

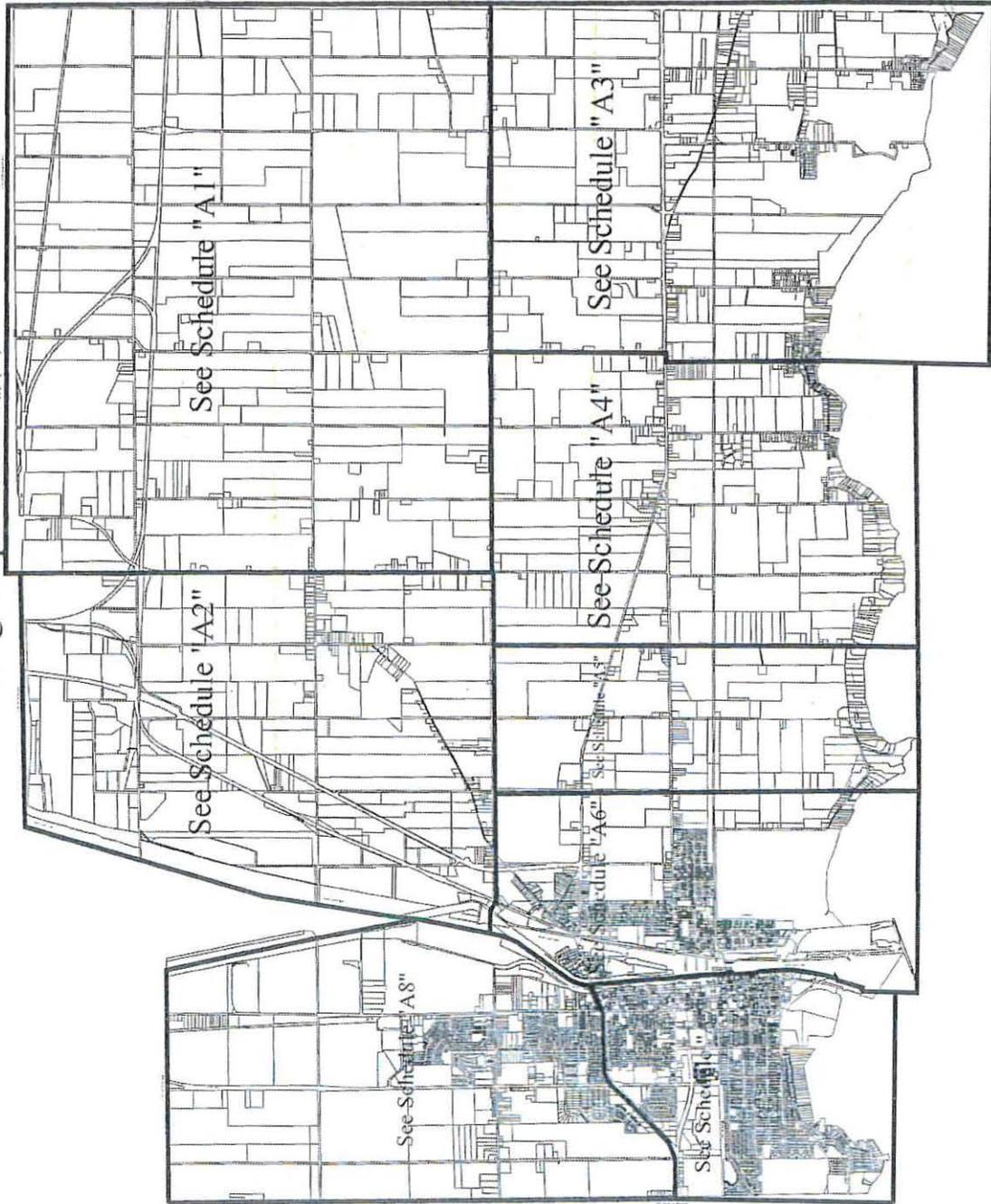
## ILLUSTRATION OF YARDS AND YARD SETBACKS



**Yard, Required:** means that portion of a lot between a specified lot line and the specified distance to where a building or structure may be located.

**Zone:** means a designated area of land use shown on Schedules A1 – A8 in Section 38 of this By-law.

SCHEDULE "A"  
Zoning Maps "Index"

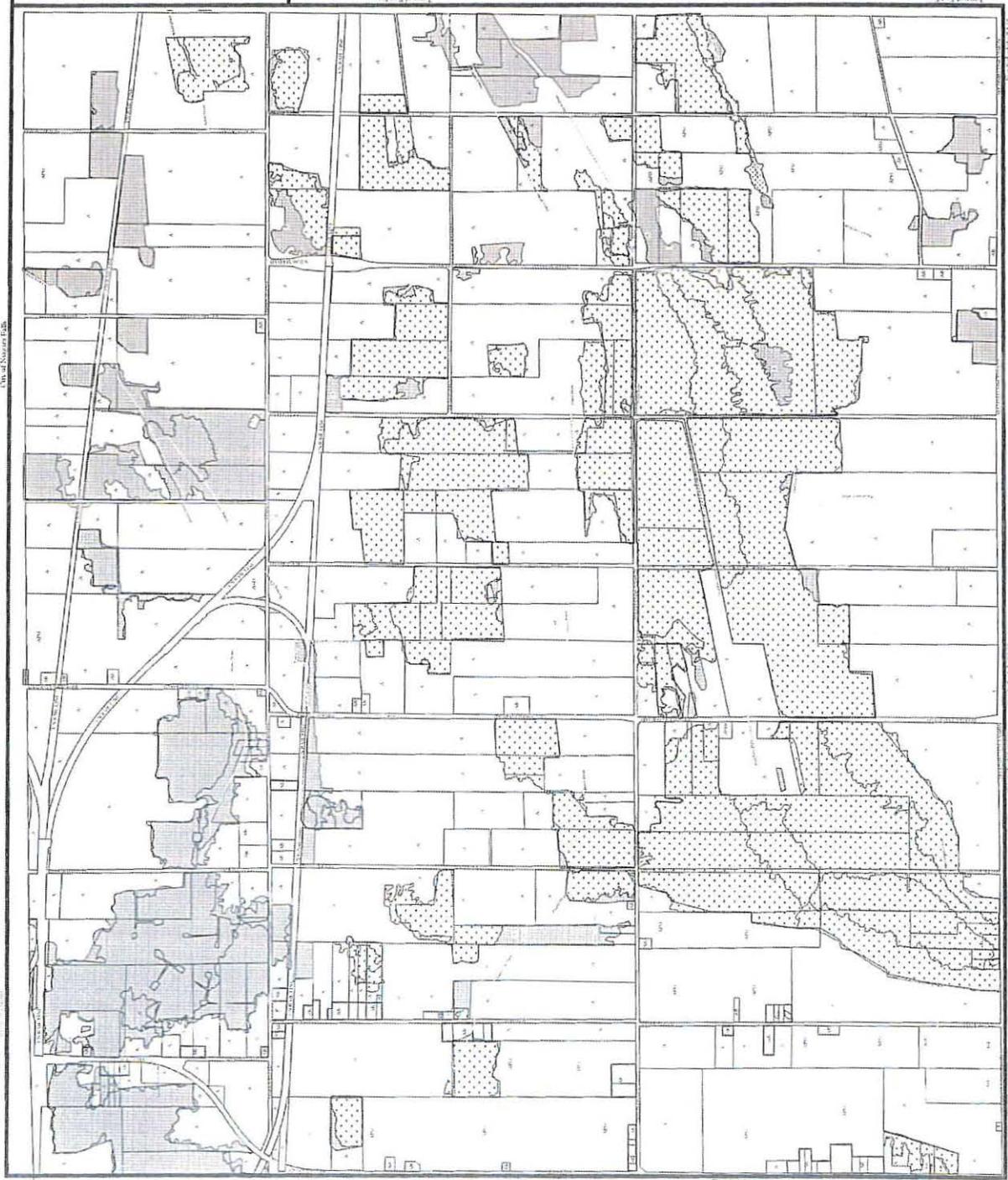


City of Fort Collins

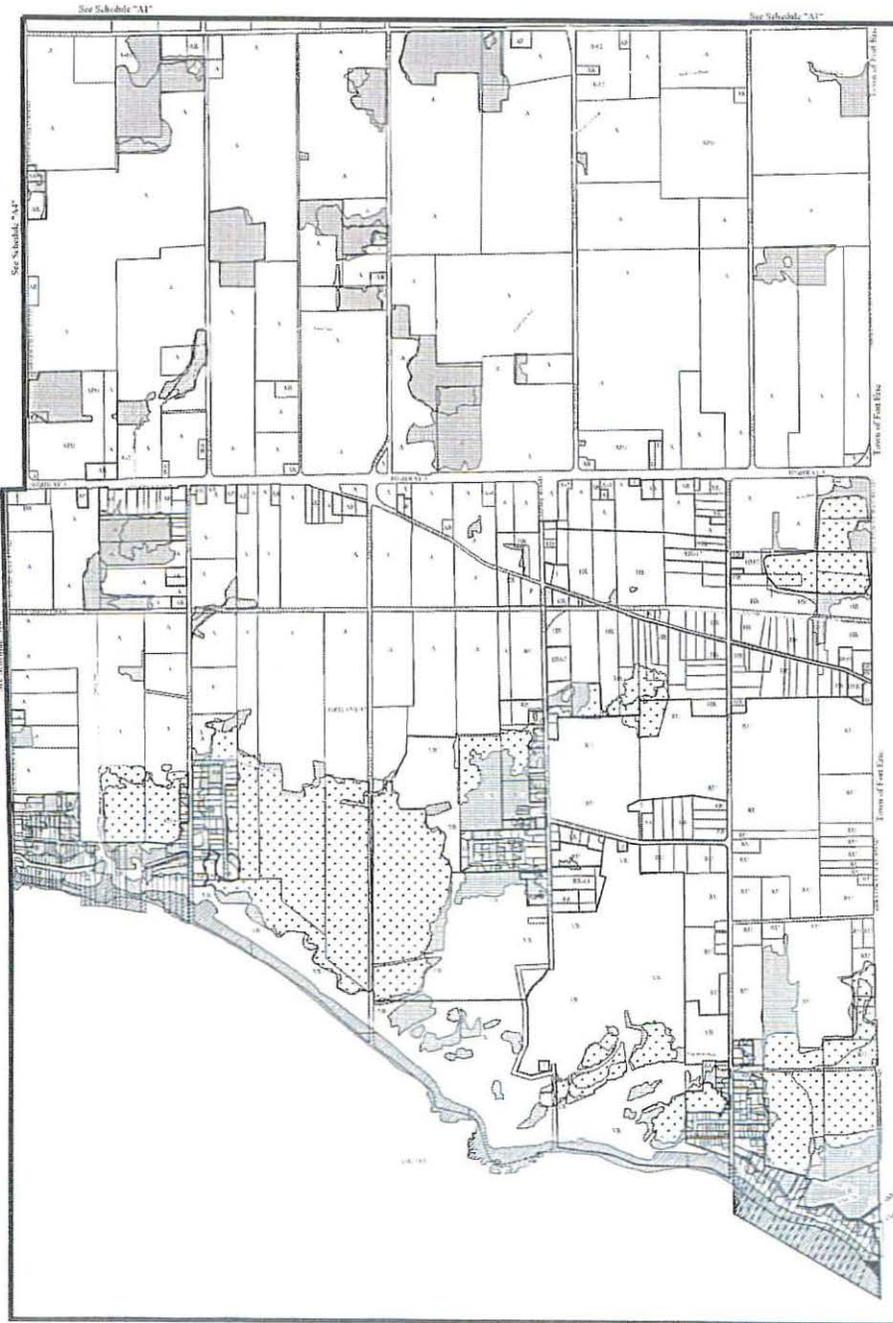
### SCHEDULE "A1"

| Symbol | Zone                       |
|--------|----------------------------|
| A      | AGRICULTURAL               |
| APD    | AGRICULTURAL PURPOSES ONLY |
| AR     | AGRICULTURAL RESIDENTIAL   |
| IR     | INSTITUTIONAL              |
| EP     | ENVIRONMENTAL PROTECTION   |
| EC     | ENVIRONMENTAL CONSERVATION |

Revised Schedule "A1" to Ordinance No. 2008-001  
Passed by the City of Fort Collins on \_\_\_\_\_, 2008







City of Port Colborne  
  
**SCHEDULE "A3"**  
 to By-law No. \_\_\_\_\_

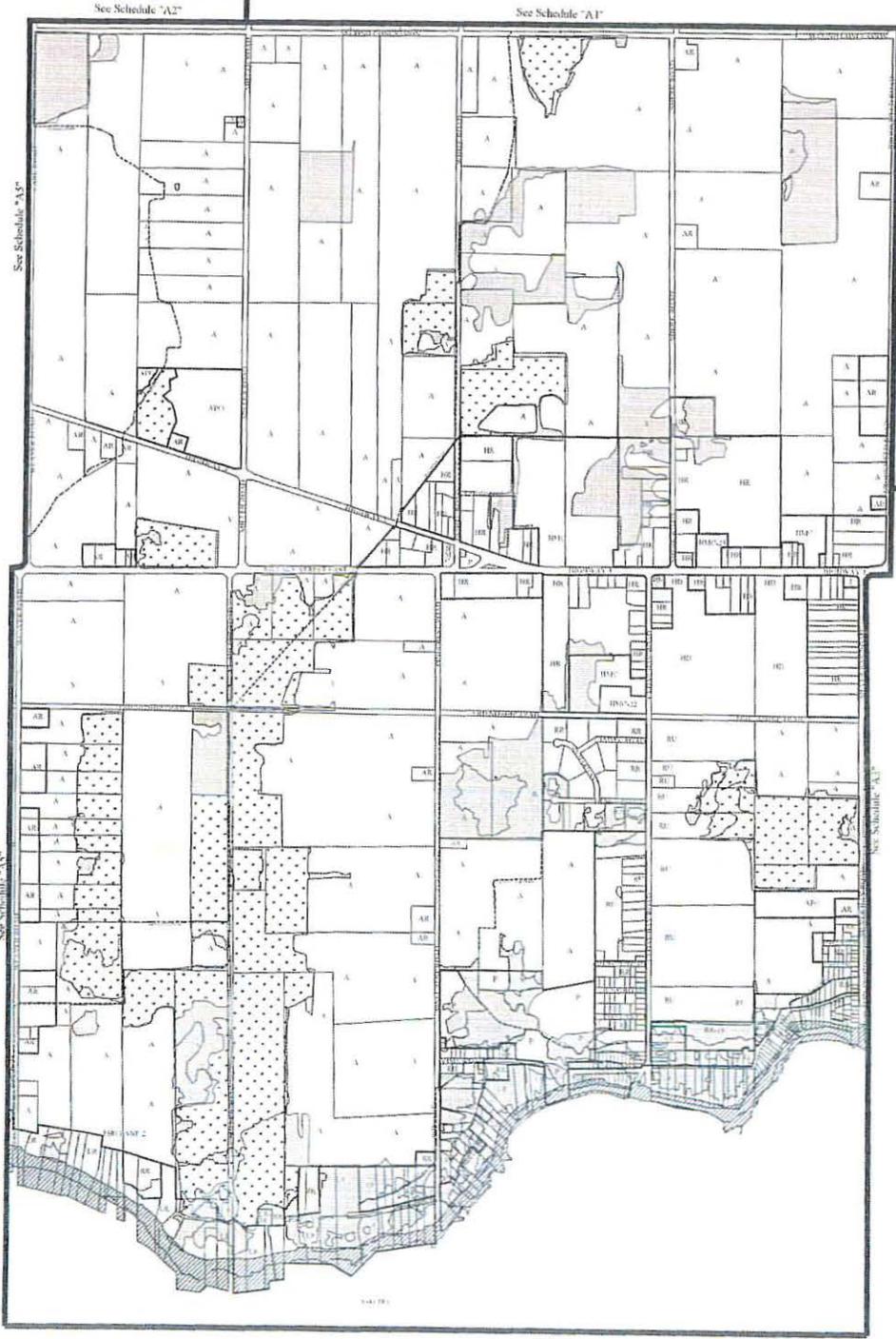
**LEGEND**

| Symbol                                                                              | Zone                       |
|-------------------------------------------------------------------------------------|----------------------------|
| A                                                                                   | AGRICULTURAL               |
| APO                                                                                 | AGRICULTURAL PURPOSES ONLY |
| AR                                                                                  | AGRICULTURAL RESIDENTIAL   |
| RU                                                                                  | RURAL                      |
| RR                                                                                  | RURAL RESIDENTIAL          |
| I                                                                                   | INSTITUTIONAL              |
| HR                                                                                  | HAMLET RESIDENTIAL         |
| HMC                                                                                 | HAMLET COMMERCIAL          |
| YR                                                                                  | VACATION RESIDENTIAL       |
|  | HAZARD                     |
|  | ENVIRONMENTAL PROTECTION   |
|  | ENVIRONMENTAL CONSERVATION |

This Schedule "A3" to By-law No. \_\_\_\_\_  
 Passed on \_\_\_\_\_ Day of \_\_\_\_\_ 2008

Walter G. Brown, Mayor

Valley Group, City Clerk



City of Port Colborne  
 SCHEDULE "A4"  
 to By-law No. \_\_\_\_\_

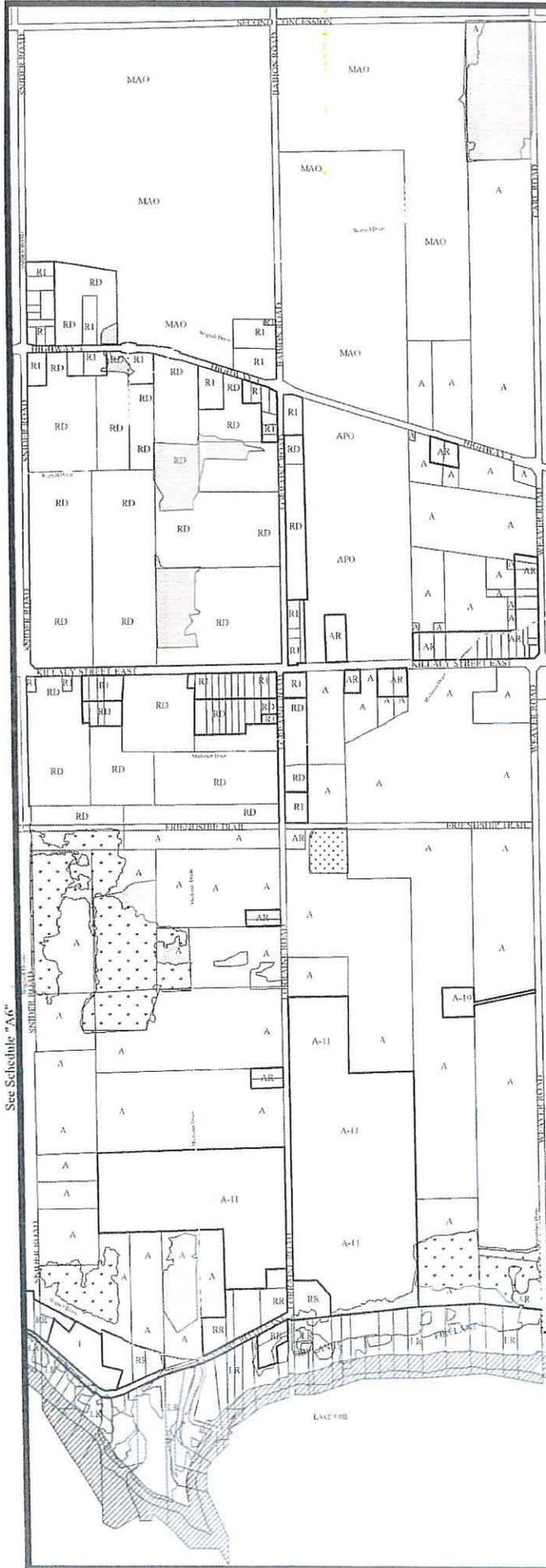
LEGEND

| Symbol                                                                              | Zone                       |
|-------------------------------------------------------------------------------------|----------------------------|
| A                                                                                   | AGRICULTURAL               |
| APD                                                                                 | AGRICULTURAL PURPOSES ONLY |
| AR                                                                                  | AGRICULTURAL RESIDENTIAL   |
| RU                                                                                  | RURAL                      |
| RR                                                                                  | RURAL RESIDENTIAL          |
| LR                                                                                  | LAKE SHORE RESIDENTIAL     |
| HR                                                                                  | HAMLET RESIDENTIAL         |
| HD                                                                                  | HAMLET DEVELOPMENT         |
| HMC                                                                                 | HAMLET COMMERCIAL          |
| I                                                                                   | INSTITUTIONAL              |
| P                                                                                   | PUBLIC AND PARK            |
|  | ENVIRONMENTAL PROTECTION   |
|  | HAZARD                     |
|  | ENVIRONMENTAL CONSERVATION |

This Schedule "A4" to By-law No. \_\_\_\_\_  
 Passed by Council on \_\_\_\_\_, 2014

John McLaughlin, Mayor  
 Audrey Glegg, City Clerk

See Schedule "A2"



See Schedule "A6"

See Schedule "A4"

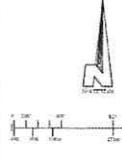
### City of Port Colborne

## SCHEDULE "A5" to By-law No. \_\_\_\_\_

#### LEGEND

| Symbol            | Zone                         |
|-------------------|------------------------------|
| A                 | AGRICULTURAL                 |
| AR                | AGRICULTURAL RESIDENTIAL     |
| AP0               | AGRICULTURAL PURPOSES ONLY   |
| RU                | RURAL                        |
| RR                | RURAL RESIDENTIAL            |
| R1                | FIRST DENSITY RESIDENTIAL    |
| RD                | RESIDENTIAL DEVELOPMENT      |
| LR                | LAKESHORE RESIDENTIAL        |
| I                 | INSTITUTIONAL                |
| P                 | PUBLIC AND PARK              |
| MAO               | MINERAL AGGREGATE OPERATIONS |
| [Dotted pattern]  | ENVIRONMENTAL PROTECTION     |
| [Hatched pattern] | HAZARD                       |
| [White box]       | ENVIRONMENTAL CONSERVATION   |

This is Schedule "A5" to By-law No. \_\_\_\_\_  
Passed the \_\_\_\_ day of \_\_\_\_\_ 2018



John Maloney, Mayor

Adhlee Orszag, City Clerk

See Schedule "A2"

City of Port Colborne

**SCHEDULE "A6"**  
to By-law No. \_\_\_\_\_

LEGEND

| Symbol                                                                              | Zone                         |
|-------------------------------------------------------------------------------------|------------------------------|
| A                                                                                   | AGRICULTURAL                 |
| AR                                                                                  | AGRICULTURAL RESIDENTIAL     |
| RR                                                                                  | RURAL RESIDENTIAL            |
| LR                                                                                  | LAKESHORE RESIDENTIAL        |
| R1                                                                                  | FIRST DENSITY RESIDENTIAL    |
| R2                                                                                  | SECOND DENSITY RESIDENTIAL   |
| R3                                                                                  | THIRD DENSITY RESIDENTIAL    |
| R4                                                                                  | FOURTH DENSITY RESIDENTIAL   |
| RD                                                                                  | RESIDENTIAL DEVELOPMENT      |
| MU                                                                                  | MIXED USE                    |
| NC                                                                                  | NEIGHBOURHOOD COMMERCIAL     |
| DC                                                                                  | DOWNTOWN COMMERCIAL          |
| HC                                                                                  | HIGHWAY COMMERCIAL           |
| I                                                                                   | INSTITUTIONAL                |
| P                                                                                   | PUBLIC AND PARK              |
| LI                                                                                  | LIGHT INDUSTRIAL             |
| HI                                                                                  | HEAVY INDUSTRIAL             |
| MAO                                                                                 | MINERAL AGGREGATE OPERATIONS |
| GI                                                                                  | GATEWAY INDUSTRIAL           |
| ID                                                                                  | INDUSTRIAL DEVELOPMENT       |
|  | ENVIRONMENTAL PROTECTION     |
|  | HAZARD                       |
|  | ENVIRONMENTAL CONSERVATION   |

This Schedule "A6" to By-law No. \_\_\_\_\_  
Passed the 26th Day of \_\_\_\_\_ 2018

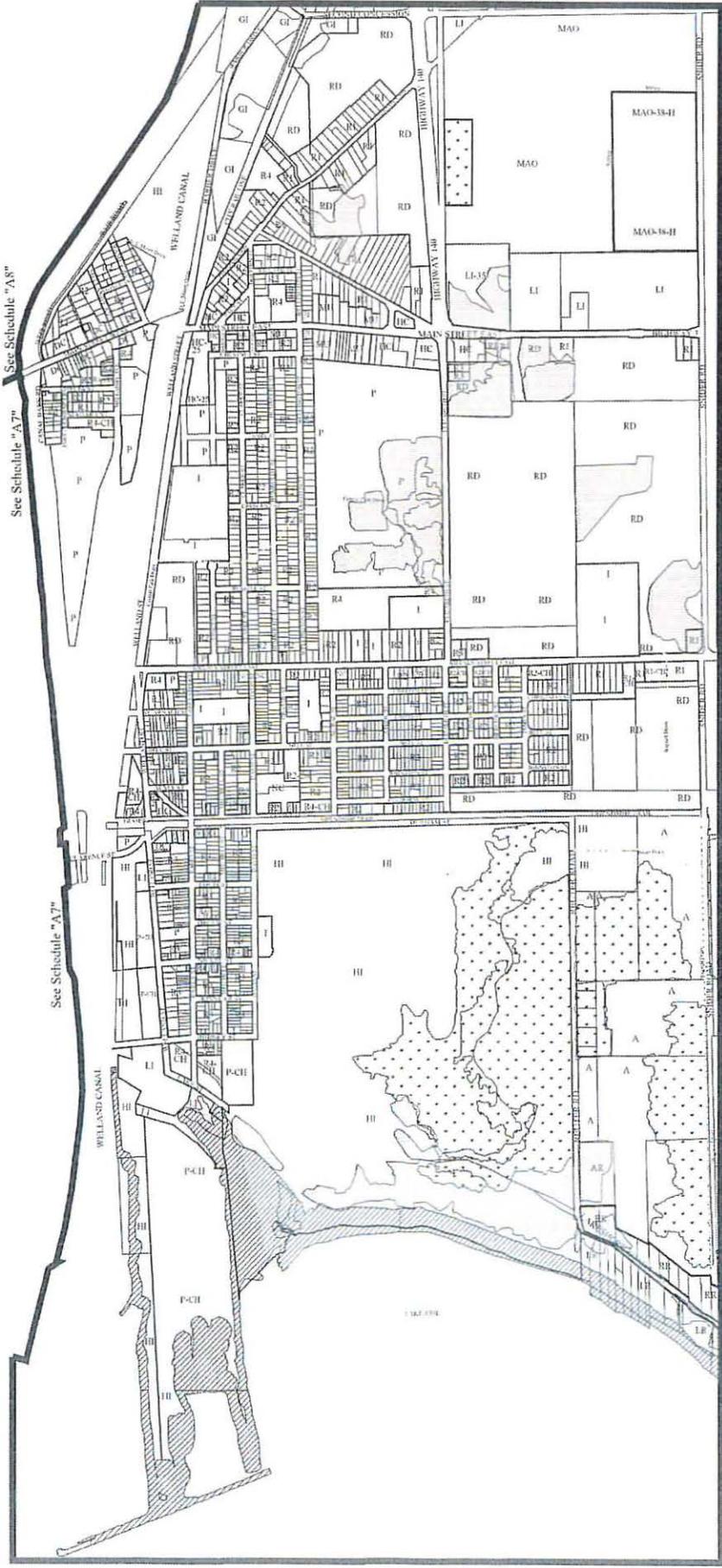


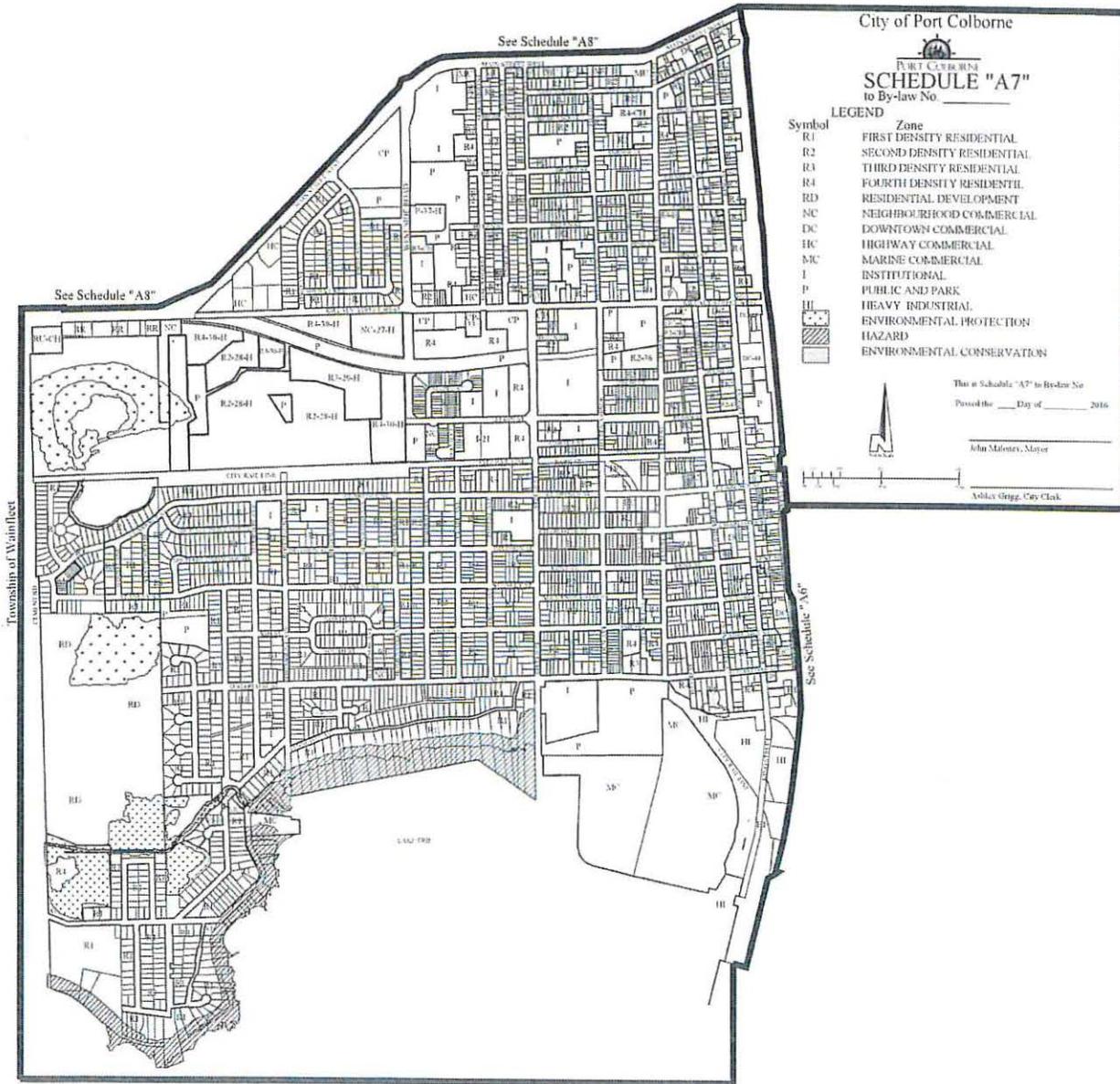
John Maloney, Mayor

Ashley Gegg, City Clerk

See Schedule "A7"

See Schedule "A7"





City of Port Colborne

PORT COLBORNE  
**SCHEDULE "A7"**  
 to By-law No. \_\_\_\_\_

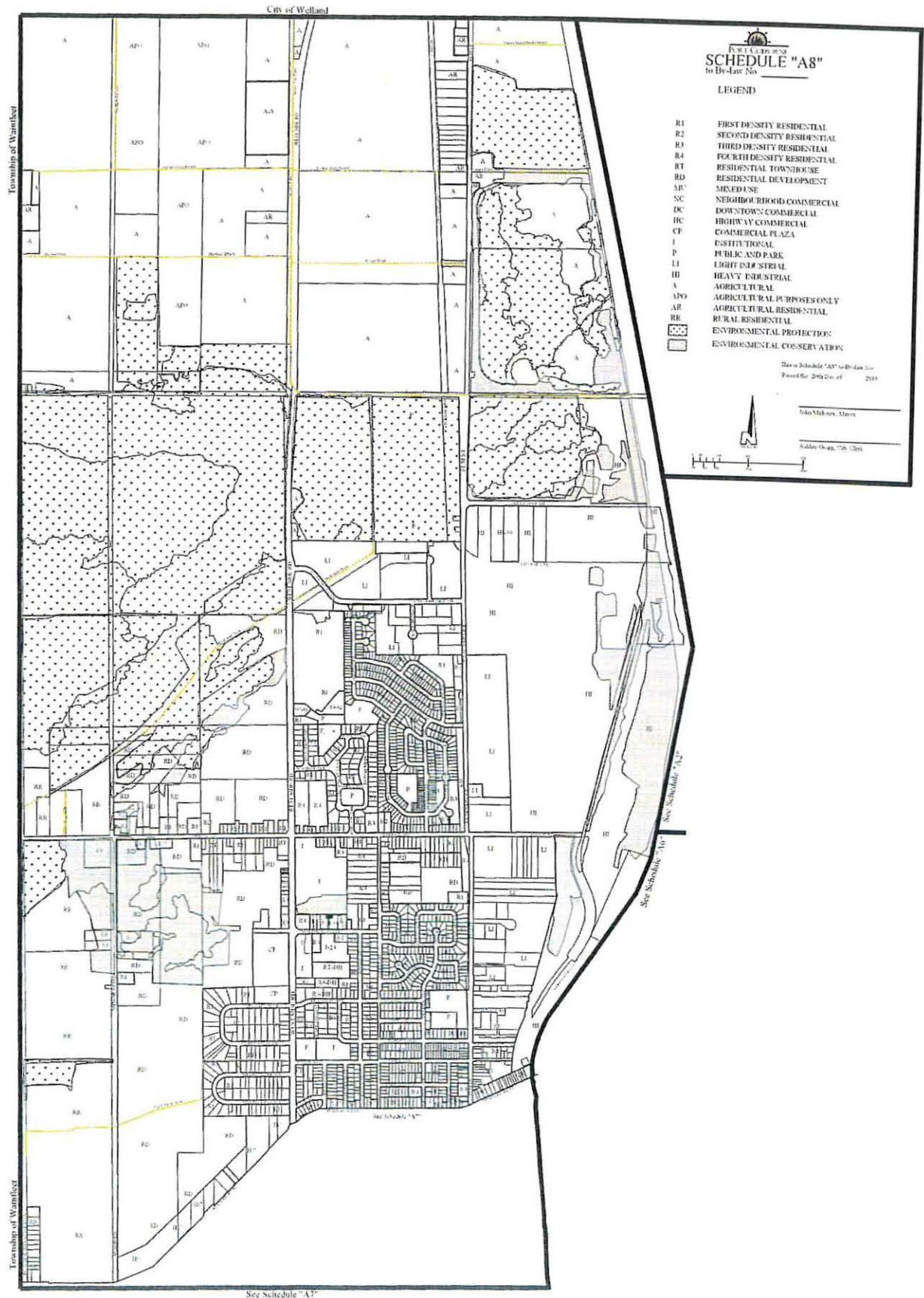
LEGEND

| Symbol | Zone                            |
|--------|---------------------------------|
| R1     | FIRST DENSITY RESIDENTIAL       |
| R2     | SECOND DENSITY RESIDENTIAL      |
| R3     | THIRD DENSITY RESIDENTIAL       |
| R4     | FOURTH DENSITY RESIDENTIAL      |
| RD     | RESIDENTIAL DEVELOPMENT         |
| NC     | NEIGHBOURHOOD COMMERCIAL        |
| DC     | DOWNTOWN COMMERCIAL             |
| HC     | HIGHWAY COMMERCIAL              |
| MC     | MARINE COMMERCIAL               |
| I      | INSTITUTIONAL                   |
| P      | PUBLIC AND PARK                 |
| HI     | HEAVY INDUSTRIAL                |
| EPH    | ENVIRONMENTAL PROTECTION HAZARD |
| EC     | ENVIRONMENTAL CONSERVATION      |

This is Schedule "A7" to By-law No. \_\_\_\_\_  
 Passed this \_\_\_\_ Day of \_\_\_\_\_ 2016.

John Maloney, Mayor

Adrian Grigg, City Clerk

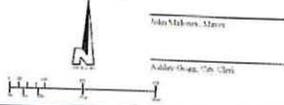


  
 PART 1 of the  
**SCHEDULE "A8"**  
 to By-Law No.

**LEGEND**

- R1 FIRST DENSITY RESIDENTIAL
- R2 SECOND DENSITY RESIDENTIAL
- R3 THIRD DENSITY RESIDENTIAL
- R4 FOURTH DENSITY RESIDENTIAL
- RT RESIDENTIAL TOWNHOUSE
- RD RESIDENTIAL DEVELOPMENT
- AP<sup>1</sup> MIXED USE
- NC NEIGHBOURHOOD COMMERCIAL
- DC DOWNTOWN COMMERCIAL
- HC HIGHWAY COMMERCIAL
- CP COMMERCIAL PLAZA
- I INSTITUTIONAL
- P PUBLIC AND PARK
- LI LIGHT INDUSTRIAL
- HI HEAVY INDUSTRIAL
- A AGRICULTURAL
- AP0 AGRICULTURAL PURPOSES ONLY
- AR AGRICULTURAL RESIDENTIAL
- RK RURAL RESIDENTIAL
-  ENVIRONMENTAL PROTECTION
-  ENVIRONMENTAL CONSERVATION

This is Schedule "A8" to By-Law No.  
 Passed by the Council on 20th day of 2010



Township of Wainfleet

Township of Wainfleet

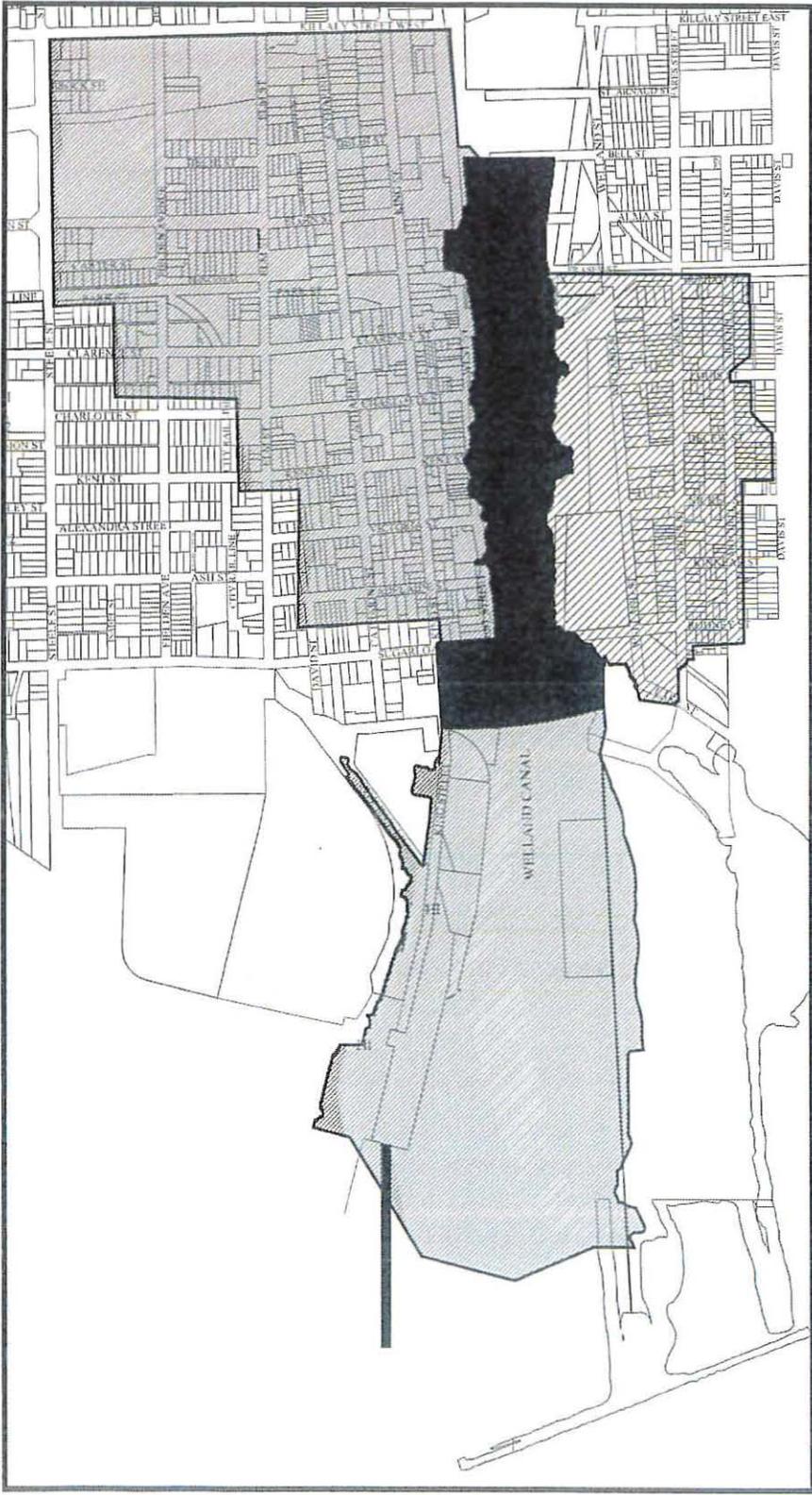
City of Welland

See Schedule "A7"

See Schedule "A10"

See Schedule "A11"

See Schedule "A7"



City of Port Colborne

  
 PORT COLBORNE  
**SCHEDULE "A9"**  
 to By-law No. \_\_\_\_\_

Legend

| Symbol                                                                              | Zone  |
|-------------------------------------------------------------------------------------|-------|
|  | IPZ-1 |
|  | IPZ-2 |



Not to Scale



This is Schedule "A9" to By-law No. \_\_\_\_\_  
 Passed the \_\_\_\_ Day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
 John Maloney, Mayor

\_\_\_\_\_  
 Ashley Grigg, City Clerk



Report Number: 2018-14

Date: February 12, 2018

**SUBJECT: Recommendation Report – Proposed New Comprehensive Zoning By-law**

**1) PURPOSE**

The purpose of this report is to provide Council with information regarding recommended approval of a new draft Comprehensive Zoning By-law for the City.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The City's current Zoning By-law (ZBL) was approved on February 25, 1982. The *Planning Act* requires the municipality's Zoning By-law to be brought into conformity with the approved 2013 Official Plan (OP).

The ZBL has approximately 400 amendments since 1982 and as such, staff have been internally drafting a new ZBL since 2014 to bring it into conformity with the new OP.

The City hosted a public open house on March 30, 2017 where draft mapping and text of the new draft ZBL was made available, as well as online.

On June 12, 2017, a public meeting under the *Planning Act* occurred at City Council for the new draft ZBL where Planning and Development Report 2017-94 was presented and is attached as Appendix D.

**3) STAFF COMMENTS AND DISCUSSIONS**

The public has been made aware of the endeavour to create a new ZBL for well over a year. Public involvement is important when creating any planning document. Staff are satisfied that the public has been engaged through the open house, public meeting and review up to January 20, 2018.

The draft ZBL review and update has led to the creation of a set of modern simplified zoning regulations universally applied throughout the City. The draft ZBL includes 9 new zone schedules (maps) and 150 pages of text. The completion of the ZBL "in house" has saved the City tens of thousands of dollars from hiring a consultant and has resulted in the creation of a sound comprehensive document.

Staff is satisfied that the draft Zoning By-law received agency and public comments and encompasses many of these comments, that it complies with all applicable high level policy documents, implements the objectives and policies of the City's Official Plan and represents good planning practices.

A copy of the final Draft Comprehensive Zoning By-law is attached as Appendix A and B to this report. Staff's complete review is attached as Appendix C.

The changes being made after review of public and agency comments since the draft Zoning By-law was presented on June 12, 2017 are highlighted for Council's attention, as follows:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Butch Gordon, 970 Empire Road, requesting that zoning for golf cart sales and service be deleted and replaced with Hamlet Residential as a required condition from the Committee of Adjustment: That the "HD-365" (Golf Cart Sales) zone be re-zoned back to a "HR" (Hamlet Residential) zone.</p>                                                                                                                                                                                      | <p>Schedule A3 has been changed to replace the HD-365 zone to Hamlet Residential.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Harry Wells of 548 Highway 3. Mr. Wells advised of a grammatical error on p.11 2.4(d) where the word "even" should be "event". Under S.26 Light Industrial "obnoxious" and "dangerous" uses are not defined. Adjectives should be defined. S.26 &amp; 27 defines separation for sensitive land use for MOE setbacks but not for HI &amp; LI uses. With regards to the quarry there should be more detailed requirements for setbacks. Rehabilitation of the quarry should be added.</p> | <p>The grammatical error has been corrected. A noxious use is defined.<br/>         Noxious Use: means:</p> <ul style="list-style-type: none"> <li>a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or</li> <li>b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or</li> <li>c) any use that is not lawfully permitted in the Province of Ontario; or</li> <li>c) a combination thereof; but</li> <li>d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry</li> </ul> <p>The zoning by-law has regard for sensitive land uses when a medical marihuana facility is proposed and is not based on MOE setbacks. Rehabilitation is not a matter that is regulated by the zoning by-law. The existing zoning by-law regulates setbacks to quarry property lines: "No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street."</p> <p>Port Colborne Quarries already received planning approvals for their existing operations and any changes to the zoning provisions can't be supported at this time. If expansion of quarry operations is proposed then matters regarding greater setbacks can be reviewed and considered together with provincial licensing.</p> |
| <p>Gerald Gervais, vacant lot at corner of Amelia street and Port Colborne drive "to be zoned R3 so we can build a future fourplex on it".</p>                                                                                                                                                                                                                                                                                                                                             | <p>Lot size sufficient to accommodate a fourplex dwelling. Zoning changed from Second Density Residential to Third Density Residential as supported by the Official Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Terry &amp; Sherry Shisler, 577 Empire Road. Requests change to Rural from Rural Residential, "we would like the property to remain RU-Rural".</p>                                                                                                                                                                                                                                                                                                                                      | <p>Schedule A3 has been edited. Staff have also edited Shisler Brothers Landscaping RR-14 zoning based on actual use and property lines.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <p>Earl Ruston &amp; Shelley Campbell, 3332 Highway No. 3 &amp; 876 Cedar Bay Road. Request that "Motor Vehicle Repair Garage" be allowed on 3332 Highway No. 3 and a single detached dwelling be allowed on 876 Cedar Bay Road.</p> | <p>Staff have deleted the proposed HMC-22 zone for 3332 Highway No. 3 and have added vehicle sales which allows vehicle repair to the Hamlet Commercial Zone. Staff have also created a site specific zone for 876 Cedar Bay Road that recognizes the existing RU-34 zone and have replaced it with HMC-22:</p> <p>"Special Provision: HMC-22 Formerly: RU-34<br/>In addition to the uses permitted in the Hamlet Commercial (HMC) Zone, this land may also be used for a single detached dwelling and the buying, selling and storing of industrial equipment and supplies, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:</p> <ul style="list-style-type: none"> <li>i) Minimum Lot Frontage 68m</li> <li>ii) Minimum Lot Area 1.25 ha.</li> <li>iii) Maximum Lot Coverage 15 per cent</li> <li>iv) Minimum Front Yard 60m</li> <li>v) Minimum Side Yard 35m</li> <li>vi) Minimum Rear Yard as existing</li> <li>vii) Maximum Height 11m"</li> </ul> |
| <p>Mike Crough, IBI Group for Seawaves Development, vacant land on Franklin Avenue - status of Environmental Conservation Overlay zone..</p>                                                                                         | <p>Staff have reviewed all Environmental Conservation Overlay zones proposed and have deleted those not identified in the City's Official Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Garry Fraser, for Rankin Construction, 18 West Street, various provisions in the Downtown Commercial zone regarding accessory residential units above ground floor commercial.</p>                                                | <p>Rankin Construction is looking to develop six stories of residential units above ground floor commercial. The Official Plan supports mix use development and intensification of residential uses in the downtown core. Staff have made edits to the Downtown Commercial zone regarding maximum gross floor area, building height and yard setbacks to allow for greater residential intensification.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Ron Baarda, 5474 Firelane 22 - requests an increase to the accessory lot coverage.</p>                                                                                                                                            | <p>Staff have reviewed and will increase the accessory lot coverage to 5% from 3% for lots with no municipal services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                      | <p>Staff have increased the overall lot coverage to 15% from 10% in the Lakeshore Residential, Hamlet Residential, Rural Residential and Agricultural Residential zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

The completion of the new ZBL includes:

- The creation of more applicable zone categories and the deletion or renaming of existing zones to better suit the needs of the community;
- Updated mapping of the hamlet areas, rural employment lands, natural heritage and all other zone boundaries;
- Eliminating disrespectful terminology;
- Ensuring the document is in compliance with current legislation, planning policy and good planning principals;
- Ensuring compliance with the Ontario Human Rights Code (specifically the removal of terminology that dictates specific types of housing i.e. low-income, seniors housing);
- Updating setbacks and other requirements to support growth and development;
- Creating new and updated permitted uses (including uses such as Food Vehicles and Brew Pubs) to be more in keeping with current trends and more general terminology to encourage a more flexible approach to zoning;

- Updating parking provisions to be more in keeping with current conditions and trends; and
- Updating general provisions that are more clear and concise.

The proposed ZBL contains the following which explains the purpose of each Section:

### **Description of By-law Components**

This by-law contains 39 sections which, taken together, provide the standards applicable to all lots within the municipality.

The purpose of each of these sections is described below.

### **Section 1: Administration and Interpretation**

This section of the by-law specifies:

- What lots are governed by the By-law;
- That every lot in the area covered by this by-law shall conform and comply with this by-law; and
- What penalties can be levied against a person or corporation if this by-law is contravened.

### **Section 2: General Provisions**

This section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the municipality or in what zone they are located. For example, this section contains provisions dealing with the construction of accessory buildings and provisions that regulate the operation of home based business.

### **Section 3: Parking Provisions**

This section provides regulations dealing with the number of parking spaces required for uses, accessible parking spaces, minimum parking space size, bicycle parking facilities, and the location of parking facilities on a lot.

### **Section 4: Establishment of Zones**

This section sets out the zones and a list of the uses permitted in each zone. If a use is not specifically listed as a permitted use in a zone then it is not permitted. In some zones, certain uses are only permitted under specific circumstances or only together with other uses.

### **Section 5 to 36: Zone Provisions**

These sections list the uses that are permitted in each zone and layer and contain a number of regulations that control the location and character of buildings and structures, and includes, among other things, regulations governing lot size, lot frontage and building height.

### **Section 37: Special Provisions**

This section provides a consolidated list of lots with special zoning provisions that are exceptions to the normal zone requirements of this by-law. Lots subject to special provisions are identified on the map schedules in Section 39.

### **Section 38: Definitions**

Definitions in this section provide clarity and consistency in the implementation of this by-law.

### **Section 39: Map Schedules**

This section contains maps of the City showing the zoning of each lot and site specific lot information where applicable.

In conclusion, the approval of a new Comprehensive Zoning By-law for the City that replaces a 36-year-old by-law and completed by staff is a proud milestone moment for the Planning and Development Department.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

N/A

##### **b) Other Options**

N/A

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

Note: Appendix A and Appendix B to Report 2018-14 were removed from attachments to avoid duplication. A red-lined copy is available as Appendix A to Report 2018-37.

#### **6) ATTACHMENTS**

Appendix A: Draft Comprehensive Zoning By-law Text

Appendix B: Draft Zoning Schedules

Appendix C: Staff review of agency and public comments

Appendix D: Planning and Development Public Meeting Report 2017-94

Appendix E: Public Meeting Minutes from June 12, 2017

Appendix F: Draft Approving By-law

**7) RECOMMENDATION**

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;

That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved;

That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;

That pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law;

**8) SIGNATURES:**

Prepared on February 2, 2018:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Niagara Region Comments – August 31, 2017

| General Comments                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | City Staff Review                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | <ul style="list-style-type: none"> <li>• City staff may wish to consider adding a legend to the draft Zoning By-law for ease of readability.</li> <li>• The City should confirm that the proposed urban residential zones (i.e. First Density Residential (R1), Second Density Residential (R2) Third Density Residential (R3), Fourth Density Residential (R4) and Residential Townhouse (RT)) conform to the appropriate density targets outlined within the City's Official Plan. In particular, based on Regional staff's calculations, the minimum lot area needed per unit for triplexes, fourplexes, and apartment buildings may not meet the minimum density targets for Medium and High Density Residential uses.</li> <li>• Section 10.3 a) of the Regional Official Plan (ROP) requires a minimum lot frontage of 46 metres for residential lots created within the Rural Areas. As such, Regional staffs recommend that this requirement be reflected in Section 15.5 of the draft Zoning By-law. Further, as properties within the Rural Area are expected to rely on private servicing, Regional staff recommends that the minimum lot area for residential lots created within the Rural Area be 0.4 hectares (or 1 acre) as this is the minimum lot area required to support a private septic system.</li> <li>• The Niagara Peninsula Conservation Authority (NPCA) had provided comments regarding the draft Zoning By-law on June 28, 2017, which includes comments regarding Chapter 7 of the Regional Official Plan, including mapping/policies related to Source Protection Plan. Please refer to NPCA comments regarding conformity with the environmental policies of the ROP</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Legend added.</li> <li>• Staff are satisfied with lot areas.</li> <li>• Lot frontage corrected.</li> <li>• NPCA comments addressed and reported on under NPCA comments.</li> </ul>                                                                                                                                                                            |
| <p><b>Mapping Comments</b></p> <p><b>General</b></p> | <ul style="list-style-type: none"> <li>• In their comments dated June 28, 2017, the NPCA had identified specific Environmental Protection Areas and Hazard Land features that have not been included within the draft Zoning By-law mapping schedules. These features are either identified in the Schedules of the Regional Official Plan or by mapping provided by the Ministry of Natural Resources and Forestry (MNRF). Further, the mapping schedules should outline the location of the Intake Protection Zones within the ROP and the Source Protection Plan for the Niagara Peninsula Source Protection Area. Please refer to the comments and direction of the NPCA for the appropriate mapping schedule revisions.</li> <li>• In several of the mapping schedules, the legend did not include all of the zones that were contained within them. Please ensure that all legends are consistent and reflect all zones outlined within the mapping schedule (including any Holding symbols).</li> <li>• Clearer delineation is recommended for the mapping schedules, especially for parcels containing multiple overlays (i.e. land use zone(s), Hazard (H) Zone, Environmental Protection (EP) Zone, and/or Environmental Conservation (EC) layer). Further, many of the existing lots/parcels within the mapping schedules do not contain a zone symbol, making it difficult to discern their applicable zone. The City may wish to consider the use of colour coding for zones or other forms of delineation which clearly identify the land use provisions for each lot/parcel within the City of Port Colborne.</li> <li>• As discussed in the Region's comments for Policy 5.B.7 below, the Agricultural Residential (AR) Zone appears to be used on portions of larger agricultural parcels, that are otherwise zoned Agricultural (A), in the approximate location of existing single detached dwellings. As the Agricultural (A) Zone allows for the use of a single detached dwellings on exiting lots of record, Regional staff recommends that the Agricultural Residential (AR) zone in Schedules "A1" to "A5" and Schedule "A8" be removed from properties that are already zoned Agricultural (A).</li> </ul> | <ul style="list-style-type: none"> <li>• NPCA comments addressed and reported on under NPCA comments.</li> <li>• Legend corrected.</li> <li>• Staff are satisfied with final schedules.</li> <li>• No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> </ul> |

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| <p><b>Schedule A1</b></p> | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) Zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> </ul>                                                                                                                                            |
| <p><b>Schedule A2</b></p> | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> </ul>                                                                                                                                            |
| <p><b>Schedule A3</b></p> | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> <li>The mapping provided on the City's website shows that Schedule "A3" contains the same properties and zoning information as Schedule "A4". Either the title or contents for this schedule should be corrected.</li> <li>A parcel south of the Friendship Trail and west of Empire Road is zoned within the Rural (RU) Zone. However, the northern portion of this lot is located within the Good General Agricultural Area according to the Regional Official Plan. Regional staff recommend that the portion of the property designated within the Good General Agricultural Area be zoned Agricultural (A).</li> <li>Several lots to the west of Silver Bay Road, north of Firelane 9 (i.e. 631 Silver Bay Road, 625 Silver Bay Road, 639 Silver Bay Road, 647 Silver Bay Road, 3463 Firelane 7, 3572 Firelane 7, 3596 Firelane 7, and three unidentified lots) are either completely or partially designated within the Good General Agricultural Area. Regional staff recommend that the properties or portions of the properties designated within the Good General Agricultural Area be zoned Agricultural (A).</li> </ul> | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> <li>Mapping corrected.</li> <li>Mapping corrected.</li> <li>No change - the mapping follows Schedule "A" of the City's Official Plan.</li> </ul> |
| <p><b>Schedule A4</b></p> | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> <li>Corrections are needed for the northern and western boundaries of this schedule. Specifically, the northern boundary currently references Schedule "A1", but should also reference Schedule "A2", while the western boundary currently references Schedule "A4", but should actually reference Schedule "A5".</li> <li>The western portion of the parcels fronting onto Cedar Bay Road from the south of Friendship Trail to north of Firelane 5 are partially designated within the Good General Agricultural Area according to the Regional Official Plan. Regional staff recommend that the portion of the property designated within the Good General Agricultural Area be zoned Agricultural (A).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> <li>Schedule corrected.</li> <li>No change - the mapping follows Schedule "A" of the City's Official Plan.</li> </ul>                            |

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| Schedule A5                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> </ul>                                                                                                                                                                                                                                                                                            |                                                                                              |
| Schedule A6                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Regional staff had provided comments on November 4, 2016 regarding Official Plan Amendment 3 (OPA) for the East Waterfront Secondary Plan. OPA 3 proposed that the lands east of the Welland Canal be re-designated from a Park and Open Space designation to an Industrial designation. Regional staff recommended that the land use change from Park and Open Space to Industrial should have consideration for the existing residential lands to the east of Welland Street either through specific zoning provisions related to the setback of the industrial or residential uses and/or restriction on the intensity of permitted uses on the designated Industrial sites as directed by the Ministry of the Environment and Climate Change (MOECC)'s D-Series Guidelines.</li> </ul> <p>The draft Zoning By-law currently identifies these lands as within a Heavy Industrial (HI) zone, which may have long term land use conflicts. Regional staff continues to recommend that City staff consider either a Light Industrial (LI) zone on these properties, a Holding (H) symbol to limit future development and/or expansions of industrial uses without a consideration for land use impacts, and/or site-specific setbacks which meet the recommended separation distances outlined in the MOECC'S D-6 Series Guideline.</p> <ul style="list-style-type: none"> <li>The Lock 8 Gateway Park in Port Colborne is currently designated Parks and Open Space according to the City's Official Plan. The mapping schedule, however, appears to zone this property as Heavy Industrial (HI). The zoning should be corrected to reflect the current land use designation under the City's Official Plan.</li> </ul> | <ul style="list-style-type: none"> <li>Mapping changed following City Council's approval that lands remain Park and Open Space.</li> <li>Mapping changed to a Public &amp; Park (Holding) zone outside of a 300' setback from the Welland Canal as Transport Canada will continue to retain lands for industrial use.</li> <li>Staff have always zoned Lock 8 as Public so uncertain why they believe it to be Heavy Industrial.</li> </ul>                                                                                           |                                                                                              |
| Schedule A7                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                              |
| Schedule A8                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>As noted above in the Region's comments for <b>General Mapping</b> above and <b>Policy 5.B.7</b> below, Regional staff recommends that the Agricultural Residential (AR) zone in <b>Schedules "A1" to "A5" and Schedule "A8"</b> be removed from properties that are already zoned Agricultural (A).</li> <li>Regional staff advises that the mapping schedule appears to contain some kind of copy and paste error to the south of Main Street west, which requires removal.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> <li>Mapping corrected.</li> </ul>                                                                                                                                                                                                                                                                |                                                                                              |
|                                                                                                                                                                                                                                                                       | <b>SECTION OF DRAFT ZONING BY-LAW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                              |
| <b>Accessibility</b><br><b>10.C.2.3.2</b> - The Region and local municipalities will ensure that new public and private facilities are designed in accordance with the Accessibility for Ontarians with Disabilities Act and other applicable Provincial legislation. | <b>Section 2.19:</b> Permitted Encroachments<br><br><b>Section 3.2:</b> Parking Space Dimensions<br><br><b>Section 3.3:</b> Accessible Parking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li><u>Ontario Regulation 191/11</u> (since amended by O.Reg 413/12) outlines requirements for accessible parking mandates that must be implemented by all Ontario municipalities by January 1, 2016.</li> <li>Section 3.3 of the draft Zoning By-law outlines the number of accessible parking spaces to be provided per number of required standard parking spaces. These criteria do not meet the requirements of O.Reg 191/11 Section 80.36 (1). <u>The chart should be revised</u></li> </ul> | <ul style="list-style-type: none"> <li>Accessible parking chart now incorporated.</li> </ul> |



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|  |  | <p>be removed as a permitted use in the Agricultural (A) Zone and that the definition of "agriculture use" be amended to remove the term "recreation".</p> <ul style="list-style-type: none"> <li>○ The Agricultural Purposes Only (APO) zone permits agricultural uses as well as uses, structures, and buildings accessory thereto, including greenhouses. As noted above, however, the definition of "agriculture use" in the draft Zoning By-law does not include value-retention uses/facilities, as is provided in the PPS, ROP and City's Official Plan. As such, these uses would not be permitted within the Agricultural Purposes Only (APO) zone as-of-right. <u>Regional staff recommends that value-retention uses/facilities be added to the definition of "agriculture use" under the draft Zoning By-law, or that the Agricultural Purposes Only (APO) zone include "accessory agricultural activities" as a permitted use.</u></li> <li>● It appears that the intent of the Agricultural Residential (AR) Zone is to recognize both residential lots created through surplus farm dwelling severances and existing lots of record which already or can only support the use of a single detached dwelling due to its size and location. However, the mapping schedules of the draft Zoning By-law appear to also use the Agricultural Residential (AR) Zone symbol on portions of larger agricultural parcels that are otherwise zoned Agricultural (A) in the approximate location of existing single detached dwellings. This may result in future restrictions for agricultural uses on the subject properties should the dwellings be removed/relocated. As the Agricultural (A) Zone allows for the use of a single detached dwellings on exiting lots of record,</li> </ul> | <ul style="list-style-type: none"> <li>● Agriculture definition changed.</li> <li>● No change. The AR zone recognizes existing single detached dwellings and want them identified and in some situations ensures that livestock is not permitted adjacent to abutting homes.</li> </ul> |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                       | <p><u>Regional staff recommends that the Agricultural Residential (AR) zone in Schedules "A1" to "A5" and Schedule "A8" be removed from properties that are already zoned Agricultural (A).</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                      |
| <p><b>5.B.24</b> - Value Added Marketing uses are intended to primarily serve the farm operation and surrounding local farming operations, and shall remain secondary to the principal farming operation, both in relation to the scale of the operation and its footprint. Within the Niagara Escarpment Plan Area, the Policies of the NEP apply. Local Official Plans shall establish limits on the scale of various types of marketing uses, within the following guidelines:</p> <ul style="list-style-type: none"> <li>● Roadside stands and "pick your own" facilities are limited to distribution of product produced from the farm operation, with parking areas and structures limited in area;</li> <li>● Agricultural retail facilities shall generally be small scale, and may be smaller in Specialty Crop Areas;</li> <li>● Bed and breakfast facilities shall not exceed 6 bedrooms;</li> <li>● Restaurant facilities shall be accessory to existing farming operations and shall be small scale, but may be smaller in Specialty Crop Areas.</li> </ul> | <p>Section 2.9.2: Home Based Business</p> <p>Section 2.9.2.4: Bed and Breakfast</p> <p>Section 15: Rural Zone</p> <p>Section 17: Agricultural Zone</p> <p>Section 38: Definitions</p> | <p>Both the ROP and the City's Official Plan provides broad based policy directives for the establishment of on-farm diversified uses within the Agricultural Area. To implement these policies, the Agricultural (A) Zone and Rural (RU) Zone should (1) specifically identify and define those uses that will be permitted as-of-right, (2) regulate the number of farm diversification and secondary uses that may be permitted within a single agricultural operation and (3) provide land use controls for the scale, impact and design of such uses.</p> <p>(1) In its definition, the following activities are provided as examples of "agri-tourism and value-added uses": farm markets, restaurants related to a winery, road side produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities. While some of these examples are specific and can be assumed to be permitted as-of-right, others, such as "farm markets", "agriculture related special event facilities" and "agriculture education and research facilities" refer to a broad set of land uses which are currently undefined within the draft Zoning By-law. To ensure that these uses are value-added and meet the intent and requirements of the ROP and the City's Official Plan, <u>Regional staff recommend that definitions of these uses be provided in the draft Zoning By-law in addition to zoning provisions related to the size, scale and duration of these uses.</u></p> <p>(2) There does not appear to be any zoning</p> | <ul style="list-style-type: none"> <li>● No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone.</li> </ul> |

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|  |  | <p>requirements or provisions which state the number of value-added uses permitted per agricultural operation. Due to potential impacts on the surrounding area depending on the location and scale of activity occurring on a given lot, <u>Regional staff recommend that the City consider provisions which limits the number of agri-tourism and value-added uses permitted as-of-right for a single agricultural operation.</u></p> <p>(3) Except for a maximum floor area limit of 55 square metres in the Agricultural (A) zone, the draft By-law does not provide any additional provisions which specifically regulate agri-tourism and value-added uses within the Agricultural (A) or Rural (RU) zones that ensure that the impact and scale of development is appropriate for the agricultural activities on-site and is compatible with the surrounding area. <u>Regional staff recommends that more specific criteria regarding the size, location and set backs of "agri-tourism and value-added uses" on a lot be provided within the draft Zoning By-law.</u></p> <ul style="list-style-type: none"> <li>• General provisions could also be included in the draft Zoning By-law that require site specific amendments for specific "agri-tourism and value-added uses" which would require an appropriate level of development with regards to the scale and impact of the land use on the surrounding area.</li> <li>• The draft Zoning By-law should generally be consistent with the recent "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" document prepared by the Ministry of Agriculture, Food, and Rural Affairs.</li> </ul> | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> <li>• Agriculture definition changed.</li> </ul> |
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| <p><b>10.B.2.8-</b> Creative cultural industries that may not be directly related to agriculture but benefit from a farm location and are consistent with the farm diversification policies and definition in this Plan may be recognized and regulated in Agricultural Areas by the local municipality. Any activity considered under this policy shall be subject to the following:</p> <ul style="list-style-type: none"> <li>• The scale of the operation is limited and appropriate to the site and the surrounding area;</li> <li>• The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural uses;</li> <li>• The use is serviced by sustainable private water and wastewater services;</li> <li>• The use does not cause off site impacts related to infrastructure or transportation/traffic;</li> <li>• The use does not take farmland out of production; and,</li> <li>• The use complies with all other applicable provisions of the Regional Official</li> </ul> | <p><b>Section 2.9.2:</b> Home Based Business</p> <p><b>Section 15:</b> Rural Zone</p> <p><b>Section 17:</b> Agricultural Zone</p> | <p>- Section 2.9.2 of the draft Zoning By-law allows for the use of home occupations within all zones, subject to the specific requirements and criteria for that zone. As stated in <b>Policy 5.B.24</b>, except for a maximum floor area limit of 55 square metres in the Agricultural (A) zone, the draft By-law does not provide any additional provisions which regulate farm diversification uses within the Agricultural (A) or Rural (RU) zones that ensure that the impact and scale of development is appropriate for the agricultural activities on-site and is compatible with the surrounding area. <b><u>Regional staff recommends that more specific criteria regarding the size, location and setbacks of farm diversification uses on a lot be provided within the draft Zoning By-law.</u></b></p> <p>-The zoning requirements related to accessory buildings and structures within the Agricultural Area are limited to those that are accessory to a dwelling within the Agricultural (A), Agricultural Residential (AR), and the Rural (RU) zones. These zoning requirements provide that the maximum lot coverage for accessory buildings and structures to dwellings shall be one (1) percent of the lot area, provided all buildings and structures on the lot do not exceed 10 percent. Given the potential size of agricultural lots, it is possible that this policy would permit the construction of relatively large accessory structures. To regulate such uses, <b><u>Regional staff recommends that the City consider limits in terms of square metres/feet</u></b></p> <p>-The draft Zoning By-law should generally be consistent with the recent "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" document prepared by the Ministry of Agriculture, Food, and Rural Affairs.</p> | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> <li>• No change. Staff are satisfied with the maximum lot coverage amounts as the AR zone recognizes existing smaller lots and larger agricultural properties contain supportable percentages for agricultural uses.</li> </ul> |
| <p><b>5.B.20</b> Local municipalities through their Official Plans and Zoning By-laws should define and categorize farm diversification uses and provide specific performance criteria for various types of uses, in accordance with the provisions of the Regional Official Plan. Local Official Plans can be more restrictive regarding their diversification and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                   | <p>As stated above in Policy 5.B.24, the ROP and the City's Official Plan provides broad based policy directives for the establishment of on-farm diversified uses within the Agricultural Area. To implement these policies, the By-law should (1) specifically identify and define those uses that will be permitted as-of-right, (2) regulate the number of farm diversification and secondary uses that may be permitted within a single agricultural operation and (3)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> </ul>                                                                                                                                                                                                                           |

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| <p>value added agricultural use policies and still conform to the Regional Policy Plan. Some uses may be permitted "as of right" through local documents; other uses may be recognized through a process that involves site specific zoning. "As of Right" uses may include such agriculture related uses that are small scale and directly related to the farm operation, or secondary uses that are also small scale and are compatible with the principal agricultural operation on the property and surrounding agricultural lands. Uses that have potential to generate off site impacts will be evaluated and assessed for <u>compatibility</u> with the principal agricultural operation and surrounding agricultural lands through a rezoning process that will also impose controls to mitigate the impacts. Larger scale agriculture related uses or secondary uses may require site specific zoning amendment, where their impact is evaluated and determined to be compatible with the principal agricultural operation and surrounding agricultural lands.</p> |                                                                                                                                    | <p>provide land use controls for the scale, impact and design of such uses. Please refer to the specific comments described in <b>Policy 5.B.24</b>.</p> <p>The draft Zoning By-law should generally be consistent with the recent "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" document prepared by the Ministry of Agriculture, Food, and Rural Affairs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Agriculture definition changed.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>5.B.22</b> - Farm diversification uses are small scale in relation to the principal farming operation. Preference is given to defining scale on the basis of size of the facilities and relationship to other uses rather than less enforceable criteria such as number of employees or value of product purchased. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the Specialty Crop Areas (Tender Fruit or Grape Areas) or in the other Prime Agricultural Areas (Good General Agricultural Areas).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Section 15:</b> Rural Zone<br/><b>Section 16:</b> Agricultural Residential Zone<br/><b>Section 17:</b> Agricultural Zone</p> | <p>As stated above in Policy 5.B.24, except for a maximum floor area limit of 55 square metres in the Agricultural (A) zone, the draft By-law does not provide any additional provisions which regulate agri-tourism and value-added uses within the Agricultural (A) or Rural (RU) zones that ensure that the impact and scale of development is appropriate for the agricultural activities on-site and is compatible with the surrounding area.</p> <p>Regional staff recommends that more specific criteria regarding the size location and setbacks of "agri-tourism and value-added uses" on a lot be provided within the draft Zoning By-law.</p> <p>As stated in Policy 10.B.2.8, the zoning requirements related to accessory buildings and structures within the Agricultural Area are limited to those that are accessory to a dwelling within the Agricultural (A), Agricultural Residential (AR), and the Rural (RU) zones. These zoning requirements provide that the maximum lot coverage for accessory buildings and structures to dwellings shall be one (1) percent of the lot area, provided all buildings and structures on the lot do not exceed 10 percent. Given the potential size of agricultural lots, it is possible that this policy would permit the</p> | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> <li>• No change. Staff are satisfied with the maximum lot coverage amounts as the AR zone recognizes existing smaller lots and larger agricultural properties contain supportable percentages for agricultural uses.</li> </ul> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                 | construction of relatively large accessory structures. To regulate such uses, <b>Regional staff recommends that the City consider limits in terms of square footage (e.g. "1 percent of the lot area to a maximum of square metres/feet").</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                              |
| <p><b>5.B.15</b> - New dwellings on existing lots and proposed new lots must be separated from existing livestock operations on adjacent properties. Similarly, new or expanded livestock operations must be separated from existing dwellings on adjacent properties. It is required that local official plans and zoning by-laws use the Minimum Distance Separation Formula of the Agricultural Code of Practice as their standard for livestock operations. Exceptions may be made for farm buildings under the same ownership. Also, as set out in the Agricultural Code of Practice, other nonfarm uses shall comply with the Minimum Distance Separation Formula.</p> <p>Notwithstanding the above, in areas shown as Good General Agricultural Area on the Agricultural Land Base Map, new lots suitable for residential dwellings must be separated from existing livestock operations by 1000 feet or the distance determined by the MDS formula whichever is greater.</p> | <p><b>Section 2.10.3:</b> Reconstruction of Agricultural Buildings and Structures</p> <p><b>Section 2.20:</b> Minimum Distance Separation (M.D.S.) Formulae</p> | <p>Section 2.10.3 of the By-law requires that the reconstruction of agricultural buildings and structures in the agricultural and rural zones meet the applicable Minimum Distance Separation (MDS) Requirements found in Section 2.20. Further, Section 2.20 of the draft Zoning By-law states that the minimum acceptable separation distance shall be the distance determined in the application of MDS Formula 1 or Formula 2. A definition of the MDS was not provided in the draft Zoning By-law nor do these policies explicitly provided which types of structure this setback shall apply to.</p> <p><b><u>Regional staff recommend that the policies of Section 2.20 specifically refer back to the guidelines developed by the Province, as amended from time to time and that the draft Zoning By-law include a definition for Minimum Distance Separation Formulae, such as the definition provided in the 2014 PPS (i.e. "formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities").</u></b></p> | <ul style="list-style-type: none"> <li>• The definition of MDS will be provided and will follow the PPS formulae.</li> </ul> |
| <p><b>6.C.4</b> - Only those uses permitted under Chapter B, Policies for Agriculture, and Niagara Escarpment Plan policies within the Niagara Escarpment Plan area, should be considered for areas adjacent to either licensed pits and quarries or possible aggregate areas which are outside the urban areas boundaries of local municipalities as shown in this Plan.</p> <p>Also, in areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or the expansion of existing operations or access to the resources shall only be permitted if:</p> <p>Resource use would not be feasible; or<br/>The proposed land use or development serves a greater long- term public interest; and</p>                                                                                                                                                                            | <p>Section 28<br/>Mineral Aggregate Operation Zone (MAO)</p>                                                                                                    | <p>The PPS and ROP contain policies that protect mineral aggregate operations from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. City staff should, therefore, consider the best use of lands adjacent to the Mineral Aggregate Operation (MAO) Zone to reduce land use incompatibility and ensure that mineral resource extraction activity can continue unimpeded. For instance, City staff may consider adding Holding provisions to adjacent sensitive land uses (within the Urban Area Boundary) so that future re-development and its impacts can be properly assessed.</p>                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• No Change. Lands adjacent to the MAO zone are limited in development.</li> </ul>    |

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| Issues of public health, public safety and environmental impact are addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>6.C.10</b> - Wayside pits and quarries which are to be operated by a public authority or under agreement by an agent of a public authority for public road purposes may be permitted temporarily in all parts of the Region except in environmentally sensitive areas as shown in this Plan. In addition, within the Niagara Escarpment Plan area any wayside pit and quarry application shall conform with the Niagara Escarpment Plan policies. Such public authority should inform the area municipality and the Region of its intentions and respond to any comments made before the opening of a wayside pit or quarry.</p> | <p><b>Section 2.2</b><br/>Uses Permitted in All Zones</p>                                   | <p>The City of Port Colborne does not currently have a wayside pit and quarry in operation. The City may consider adding wayside pits and quarries operated by a public authority as a permitted use in specific zones (e.g. the Agricultural (A) Zone, the Rural (RU) Zone, etc.) or provide a general provision addressing wayside pits and quarries in Section 2.2 (Uses Permitted in All Zones).</p> <p><u>Regional staff recommends that the draft Zoning By-law include a definition for "wayside pits and quarries", such as the definition provided in the 2014 PPS (i.e. "a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.")</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• "wayside pits and quarries" defined and added.</li> </ul>                                                                                                                                                                                                                                                                          |
| <p><b>6.C.12</b> – The Region will request area municipalities to establish land use designations and by-laws for pits and quarries to conform with the policies and maps in this plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                             | <p>Regional staff recommends that the draft Zoning By-law include a definition for "mineral aggregate operation", such as the definition provided in the 2014 PPS or ROP (i.e. "(a) an operation, other than "wayside pits and quarries", conducted under a license or permit under the Aggregate Resources Act or successors thereto; and (b) associated accessory facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products").</p> <p>The land uses permitted under the Mineral Aggregate Operation (MAO) Zone permits "agricultural uses" with the exception of "intensive animal operations". There is no definition for "intensive animal operations" within the draft Zoning By-law nor are there any zoning provisions which provide further information or criteria that determines whether an animal operation is "intensive". For clarity, Regional staff recommend that either a definition for "intensive animal operation" is added to the draft Zoning By-law or zoning provisions are added to the Mineral Aggregate Operation (MAO) Zone that outline criteria for this use.</p> | <ul style="list-style-type: none"> <li>• "mineral aggregate operation" defined and added.</li> <li>• "intensive animal operations" defined and added.</li> </ul>                                                                                                                                                                                                            |
| <p><b>5.B.25</b>- Agri-tourism uses that are directly related to agriculture may be recognized and regulated by the local municipality. The activities shall be subject to the following criteria:</p> <p>The scale of the operation is limited and appropriate to the site and the surrounding area;</p>                                                                                                                                                                                                                                                                                                                              | <p>Section 15: Rural Zone<br/>Section 17: Agricultural Zone<br/>Section 38: Definitions</p> | <p>As stated above in Policy 5.B.24, the ROP and the City's Official Plan provides broad based policy directives for the establishment of on-farm diversified uses within the Agricultural Area. To implement these policies, the By-law should (1) specifically identify and define those uses that will be permitted as-of-right, (2) regulate the number of farm diversification and secondary uses that may be permitted within a single agricultural operation and (3)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied with the use of Agri-tourism and Value Added Uses being defined and listed as a permitted use in the Rural and Agricultural zone for the City compared to municipalities that promote and conditions support agri-tourism (eg. wineries). A maximum floor area permitted is a provision.</li> </ul> |

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| <p>The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;<br/> The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;<br/> The use does not cause off site impacts related to infrastructure or transportation/traffic;<br/> The use does not generate potentially conflicting off-site impacts;<br/> The use complies with all other applicable provisions of the Regional Policy Plan.</p>                                                                                                                                                                                                                                |                                                                                                                                                                                               | <p>provide land use controls for the scale, impact and design of such uses. Please refer to the specific comments described in Policy 5.B.24.</p> <p>General provisions could also be included in the draft Zoning By-law that require site specific amendments for specific "agri-tourism and value- added uses" which would require an appropriate level of development with regards to the scale and impact of the land use on the surrounding area. With regards to permissions for "agriculture related special events facilities", <u>the City should consider including the policies limiting the duration of such events as the ROP directs special event facilities to be temporary in nature.</u></p> <p>The draft Zoning By-law should generally be consistent with the recent "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" document prepared by the Ministry of Agriculture, Food, and Rural Affairs.</p> |                                                                                                                                         |
| <p><b>5.B.6</b> - In the Unique and Good General Agricultural Areas, the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. In Unique Agricultural Areas, all existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect, are permitted. Also, in Unique Agricultural Areas single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of a severance granted prior to December 14, 2003 but which did not proceed.</p> | <p>Section 15: Rural Zone<br/> Section 16: Agricultural Residential Zone<br/> Section 17: Agricultural Zone<br/> Section 18: Agricultural Purposes Only Zone<br/> Section 38: Definitions</p> | <p>The Agricultural (A) Zone and Agricultural (AR) Zones permit the use of single detached dwellings on existing lots of record as a primary use. Further, forestry and conservation of plant and wildlife have been permitted within the Agricultural (A) Zone and Rural (RU) Zone. <u>The City may wish to consider adding conservation uses as permitted uses within the Agricultural Purposes Only (APO) Zone as well.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Conservation uses added to the APO zone.</li> </ul>                                            |
| <p><b>5.B.8.1</b>- In Good General Agricultural Areas consents to convey may be permitted only in those circumstances set out in the following provisions. Policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan:<br/> The consent to convey is required for existing agriculturally related uses provided the parcel size is limited to the minimum size needed to accommodate the use.</p>                                                                                                                                                                                                                                                                                                                                                                       | <p>Section 16: Agricultural Residential Zone<br/> Section 17: Agricultural Zone<br/> Section 18: Agricultural Purposes Only Zone<br/> Section 38: Definitions</p>                             | <p>The Agricultural Purposes Only (APO) Zone and the associated Agricultural Residential (AR) Zone appear to apply to lots created through the surplus farm dwelling severances. The Agricultural Purposes Only (APO) Zone does not permit the use of residential dwellings or other non- agricultural uses and/or structures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• No change. The APO zone recognizes lands that have had a dwelling severed off from.</li> </ul> |

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| <p>The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels: is appropriate for the farming activities proposed, is suited to the particular location and common in the area, and provides some flexibility for changes in the agricultural operation.</p> <p>The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.</p> <p>The consent to convey is for a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.</p> <p>The consent is for a lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.</p> |                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                       |
| <p>5.B.9 - Proposed residential lots being considered for a consent under the criteria in Policies 5.B.8 and must also meet the following conditions:</p> <p>a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private waste disposal system in compliance with the requirements of the Ministry of the Environment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Section 16: Agricultural Residential Zone</p> <p>Section 17: Agricultural Zone</p> <p>Section 18: Agricultural Purposes Only Zone</p> <p>Section 38: Definitions</p> | <p>As stated in Policy 5.B.7 and Policy 5.B.8.1, it appears that the intent of the Agricultural Residential (AR) Zone is to recognize both residential lots created through surplus farm dwelling severances. The zoning provisions for the Agricultural Residential (AR) Zone states that the minimum lot size requirement for the use of single detached dwellings is 0.4 hectares unless a larger lot area is required to accommodate private services, however, this should also be the maximum lot size requirement. <u>Regional staff recommend that Section 16.3 b) be revised to state "Minimum and Maximum Lot Area". It is also recommended that "as determined through consultation with Regional Private Sewage</u></p> | <ul style="list-style-type: none"> <li>• No change. A severance within the agricultural area will be subject to preconsultation and requirements for private sewage would be addressed regarding lot area.</li> </ul> |

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| <p>b) Any new lot has an adequate ground or other water supply, in compliance with the requirements of the Ministry of the Environment and the Medical Officer of Health.</p> <p>c) Any new lot has sufficient frontage on an existing publicly-maintained road.</p> <p>d) Where possible, joint use should be made of the existing road access to the farm operation.</p> <p>e) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.</p> <p>f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment.</p> <p>g) The proposed lot should be located to minimize the impact on the remaining farm operation.</p> |                                       | <p><u>System staff</u> be added to this zoning provision in order to qualify any additional lands permitted for this use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                     |
| <p><b>5.B.11</b> - Additional permanent or portable farm-related dwellings may be permitted without severance for full time farm help where the size and/or nature of the farm operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the or its viability</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Section 38:</b> Definitions</p> | <p>There are no specific provisions permitting the use of additional permanent or portable farm related dwellings in the draft Zoning By-law. Further, as stated in Policy 5.B.7, the accommodation for full-time farm labour when the size and nature of the operation requires additional employment is not included in the definition of "agricultural use", "accessory agricultural activities", "agriculture farm related commercial or industrial", or "agri-tourism and value-added use". <u>Regional staff recommend that the "agricultural use" definition in the draft Zoning By-law include "the use of additional permanent or portable farm related dwellings" and that applicable zones within the Agricultural ( A) Area include specific zoning provisions for their use (e.g. the number of such uses permitted on a lot, the size and placement of such dwellings, etc.).</u></p> | <ul style="list-style-type: none"> <li>• Agriculture definition changed.</li> </ul> |
| <p><b>Group Homes</b><br/><b>11.A.18-</b> The following types of group homes administered under Provincial legislation shall be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section 2.11: Group Home</p>       | <p>Section 2.11 of the draft Zoning By-law permits all of the required types of group homes in any Residential Zone as of right, and permits a series of transition housing for individuals who are socially disadvantaged (i.e.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Correct.</li> </ul>                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                        |
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| <p>permitted to establish in any residential zone or residence in the Niagara Region:</p> <ul style="list-style-type: none"> <li>a) Approved homes</li> <li>b) Homes for special care</li> <li>c) Supportive housing programs</li> <li>d) Accommodation for adult mental health programs</li> <li>e) Accommodation services for individuals with a developmental disability</li> <li>f) Satellite residences for seniors</li> <li>g) Homes for individuals who have physical disabilities when the Province licenses, funds or approves such a group home program</li> <li>h) Transitional housing for individuals who are socially disadvantaged and community resource centre will require a rezoning unless a local municipality decides that such a zoning is not necessary.</li> </ul> |                                                                                      | <p>alcoholics, ex-offenders, and community resource centres) through a site specific amendment to the By-law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                        |
| <p><b>Heritage</b><br/> <b>10.C.2.1.7</b> - The local municipalities shall adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected properties will conserve the heritage attributes of the protected heritage property.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>N/A</p>                                                                           | <p>Although the draft Zoning By-law does not contain any zoning tools to regulate designated properties, this is achieved by way of regulation under the Ontario Heritage Act. The City may wish to consider additional tools to control for the impact of development and re-development on designated heritage properties (e.g. Holding (H) symbols on lots adjacent to designated properties that require the submission of a Heritage Impact Statement as a condition of its removal).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• No change. Any change to a designated property is reviewed by the Heritage Port Colborne Committee and inspected annually. City Council then makes a decision under the Heritage Act.</li> </ul>                                                              |
| <p><b>Home Occupations</b><br/> <b>10.B.2.7</b> -Local municipalities through their Official Plans and Zoning By-laws should define and categorize creative cultural industries in Urban Areas to address, among other local issues, the following:</p> <ul style="list-style-type: none"> <li>- The appropriate size, scale and location of creative cultural industries;</li> <li>- The appropriate location for live-work spaces with a focus on adaptive re-use, brownfield and greyfield remediation;</li> <li>- The relationship between creative cultural industries and downtowns; and</li> <li>- The appropriate use of employment lands for creative</li> </ul>                                                                                                                   | <p><b>Section 2.9.2: Home Based Business</b><br/> <b>Section 38: Definitions</b></p> | <p>Section 2.9.2 of the draft Zoning By-Law permits home based businesses within a dwelling unit of any zone subject to the criteria outlined in Section 2.9.2.1, which includes limits to the floor area space, number of employees, types of uses, outdoor storage, and the number of customers permitted at a given time. Regional staff notes that these provisions are generally more restrictive than the home occupation/industry provisions provided for in other municipalities (e.g. St. Catharines, Brant County, Milton). <u>City staff may wish to consider more flexible criteria for home occupations/industries so as to further support their establishment and continued use.</u></p> <p>Regional staff also recommend that distinctions are made between the policies and definitions for home occupations (or "home based businesses") and home industries. As such, <u>City staff may wish to consider adding a definition</u></p> | <ul style="list-style-type: none"> <li>• No change. Staff are satisfied that the definition and criteria are in place to be flexible and promote their establishment and home industry permitted in St. Catharines can be considered accessory agricultural and permitted in Port Colborne.</li> </ul> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                    | for "home industry" in the draft Zoning By-law and/or including specific provisions for the use of home industries. Please refer to the Niagara Escarpment Plan and the Town of Milton Zoning By-law for examples/reference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                             |
| <p><b>Secondary Suites</b></p> <p>P2G 2.2.3.6.(j) encourage the creation of secondary suites throughout the built-up area</p>                                                                                                                                                                                                                                                                                                                                                          | Section 2.9.1: Accessory Dwelling Unit                                                             | Section 2.9.1 of the draft Zoning By-law permits any single-detached dwelling in any zone to include an accessory dwelling unit (whether it is internally converted or by way of addition to the existing dwelling, or creation of a standalone structure). However, this would limit the use of accessory dwelling units/secondary suites for other housing types as directed by the Planning Act. <u>This Section should be revised to allow for accessory dwelling units within semi-detached dwellings and street townhouse dwelling units, and their ancillary structures.</u>                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• Accessory dwelling units expanded to be also permitted in semi-detached and street townhouse dwellings.</li> </ul> |
| <p><b>Public Use</b></p> <p>5.B.12 - Water supply and sewage treatment facilities and essential public uses such as utility, communication, and transportation facilities which are of a linear nature and cannot reasonably locate outside agricultural areas may be permitted within them and should be located so as to minimize the effects on surrounding unique and good general agricultural lands, farm operations, surface drainage, and natural environmental resources.</p> | Section 2.2: Uses Permitted in All Zones                                                           | Section 22 of the draft Zoning By-law allows for the use of essential public uses on behalf of the City, Region, and Province.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Correct.</li> </ul>                                                                                                |
| <p><b>Trails</b></p> <p>2.B.2.11 - The Region encourages the local municipalities to identify and protect the Greater Niagara Circle Route, the Lake Ontario Waterfront Trail and the Trans Canada Trail and the uncompleted portions of the Welland Canals Parkway system, including the Welland Canals East Side Trail, in their Official Plans, Zoning By-Laws and planning decisions.</p>                                                                                          | <p>Section 32<br/>Public and Park</p> <p>Section 38: Definitions</p> <p>Schedules "A1" to "A8"</p> | <p>The City of Port Colborne forms part of the Greater Niagara Circle Route, the Trans Canada Trail, and the Welland Canals Parkway system. Although portions of these trail systems have been formerly recognized in the mapping schedules of the draft Zoning By-law (i.e. the "Friendship Trail"), this has not been applied comprehensively over the entire system. The City may wish to consider protecting those lands within the above noted trail systems through the application of the Public and Park (P) Zone or other applicable zoning.</p> <p>Regional staff note that the Public and Park (P) Zone does not specifically list "trails" as a permitted use, nor are trails included in the definition of "conservation use", "park", "public use", or "recreation facility". Regional staff recommend that trails be included as a permitted use under the Public and Park (P) Zone or included in the definition for "conservation use", "park", "public use" and/or "recreation facility".</p> | <ul style="list-style-type: none"> <li>• Schedules will include all sections.</li> </ul>                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• The MTO would be circulated.</li> </ul>                                                                            |

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| <p><b>Transportation/Parking Loading</b><br/> <b>9.C.3</b> - Where it is anticipated that a local street will ultimately be assumed as a Regional Road or where it is planned to extend Regional Roads, the rights-of-way shall be protected from development. In cases where such rights-of-way are required in growth areas, the development or subdivision plans shall make provision for these future roadways and all Regional requirements shall be adhered to. Where proposals are not finalized or alternatives are still under study, the protection must be maintained at least in and near urban areas until definite decisions are made. Road reserves identifiable at this time are shown on the accompanying map, "Interim Road Proposals". Provision shall also be made in local official plans to illustrate the location of these rights-of-way reserves and to protect them from any additional development. In addition, within the Niagara Escarpment Plan area, the policies of the Niagara Escarpment Plan shall be adhered to in considering right-of-way reserves.</p> | <p><b>Section 32</b><br/> Public and Park<br/> <b>Schedules "A1" to "A8"</b></p>   | <p>The Region's Transportation Master Plan (2017) does not identify any future Regional expansion and/or active transportation projects in the City of Port Colborne at this time. Regional staff notes, however, that the Niagara-Greater Toronto Area (NGTA) East Corridor is a Provincial Corridor as designated by the Ministry of Transportation. As such, proposed development within the designated corridor area may be subject to circulation to the Province.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                          |
| <p><b>9.C.8</b> - The Regional Road allowances identified in this Plan shall be protected from encroachment by acquiring the lands if possible prior to or at the time of development or redevelopment of the adjacent lands and by ensuring that building setbacks abutting Regional Roads are adequate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>Section 5 to Section 37</b></p>                                              | <p>Sections 5 to 37 of the draft Zoning By-law outline the front yard setbacks for each of the land use zones within the City of Port Colborne. Regional staff notes that setbacks are taken from the centre line of the roadway, and in some situations, such as Main Street West (Regional Road 3), the building setback from centre line is located within the right-of-way and may result in an encroachment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• All setbacks are taken from property lines - never from the centre line of a street.</li> </ul> |
| <p><b>9.C.14</b> Road widening requirements for site triangles and turning lanes are as follows:</p> <p>a) The maximum length of the side of an additional triangle at an intersection or entranceway shall be 15 metres in an Agricultural or Rural Area and 4.5 metres along a road in an Urban Area. Some variations may occur in unusual circumstances;</p> <p>b) To meet safety and design standards, additional land may be required for auxiliary turning lanes in front of major traffic generators. In most circumstances the additional land shall not exceed 4 metres in width; and</p> <p>c) At each corner of a crossing of a Regional</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Section 1.3:</b> Interpretation<br/> <b>Section 2.13:</b> Sight Triangle</p> | <p>Section 2.13 outlines the requirements for site triangles. Specifically, Section 2.13.1 outlines the required area within a sight triangle from the point of the intersection of the front and corner side lot lines on a corner lot to a point along each such lot line. Further, Section 2.13.2 exempts the Downtown Commercial (DC) Zone from the requirements of Sections 2.13 and Section 2.13.1.</p> <p>Regional staff recognize that Section 1.3 states that nothing in the By-law shall "serve to relieve any person from any obligation to comply with the requirements of...any other regulation, requirement or standard of upper tier governments and agencies including but not limited to the Regional Municipality of Niagara...", which would include the required sight triangle widths/distances on Regionally owned roads and infrastructure as outlined in the Policy of the Regional Official Plan. However, it is</p> | <ul style="list-style-type: none"> <li>• No change. Site triangle dimensions exceed the Region's requirement.</li> </ul>                 |

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| Road and a railway line the maximum length of the site triangle along the Regional Road shall be 17 metres and the maximum width of the site triangle measured from the Regional Road shall be 15 metres.                                                                                                                                    |                                                               | suggested that language is included in Section 2.13 which either lists the Region's required dimensions (4.5 metres) or clarifies that the sight triangle area/distance is subject to Regional requirements to assist with clear implementation.                                                                                                                                                                                                                                                     |                                                                                                                                              |
| 9.C.17 - The Region in conjunction with the local municipalities shall establish and require compliance to minimum setbacks, loading and parking facilities, access control, and design requirements and policies consistent with the function of Regional Roads.                                                                            | Section 3: Parking Provisions<br>Section 3.10: Loading Spaces | Section 3 and Section 3.10 of the draft Zoning By-law contains suitable provisions for parking and loading.                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• No change. Section 3 provides parking space size and gives load space size requirements.</li> </ul> |
| 9.C.18 - The Region shall request and encourage the local municipalities:<br><br>c) to prevent encroachments upon proposed Regional Road allowances through appropriate protection policies in their official plans and zoning by-laws.                                                                                                      |                                                               | As stated in Policy 9.C.3, the Region's Transportation Master Plan (2017) does not identify any future Regional expansion and/or active transportation projects in the City of Port Colborne at this time. Regional staff notes, however, that the Niagara-Greater Toronto Area (NGTA) East Corridor is a Provincial Corridor as designated by the Ministry of Transportation. As such, proposed development within the designated corridor area may be subject to circulation to the Province.      | <ul style="list-style-type: none"> <li>• The MTO would be circulated.</li> </ul>                                                             |
| 9.C.40 - In order to reduce the impact of the removal of on-street parking on Regional Roads and to ensure that an adequate supply of parking is available where needed, local municipalities will be encouraged to make suitable provisions in their zoning by-laws and to develop and implement comprehensive off-street parking programs. | Section 3: Parking Provisions                                 | Section 3 outlines the parking requirements within the City. Regional staff note that there are no areas in the City currently that have a required parking exemption in place (i.e. in the downtown, or major commercial area). As such, there is no direction on providing off-site parking for certain areas. <u>If the City chooses to enact a parking exemption in the future, it is recommended that direction on how and where parking will be provided is included in the Zoning By-law.</u> | <ul style="list-style-type: none"> <li>• To be considered in the future as necessary.</li> </ul>                                             |
| 9.F.2.7- Request minimum provisions for safe and secure bicycle parking and end-of-trip change facilities in high activity areas, such as work places and public facilities in Regional and local policies and regulations                                                                                                                   | Section 3.13: Bicycle Parking Spaces                          | Section 3.13 and Section 3.13.1. provide direction for the provision of bicycle parking. Regional staff note that there currently are no specific bicycle parking requirements for elementary or secondary schools. It is suggested that the minimum standard be increased to support the use of active transportation by youth.                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Bicycle parking is already addressed for non residential uses.</li> </ul>                           |

**Niagara Peninsula Conservation Authority Comments - July 28, 2017**

| <b>Niagara Peninsula Conservation Authority</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>City Staff Review</b>                                                                                                                                                                                                                                                                                                                            |
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| Schedule A appears to reflect NPCA regulation mapping with respect to evaluated wetlands (both non-provincially significant and provincially significant wetlands (PSWs)).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Mapping based on available information.                                                                                                                                                                                                                                                                                                             |
| The NPCA regulated shoreline is generally correct , however, there is portion missing on the west side of the Weiland Canal, along Lake Eire. This needs to be included. It is also noted that Schedule A does not include the 100 year flood plain associated with the NPCA regulation mapping. This needs to be incorporated into the Hazard (H) zone to properly reflect known hazards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Mapping corrected.                                                                                                                                                                                                                                                                                                                                  |
| While the NPCA has mapping available for slopes associated with valleylands, the accuracy of this mapping is such that it would not be recommended for use in a Zoning By-law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Valleylands are not identified.                                                                                                                                                                                                                                                                                                                     |
| Section 1.3 of the draft Zoning By-law requires compliance with other legislation/regulations (explicitly noting the NPCA). NPCA staff support the inclusion of this wording.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NPCA included in Section 1.3.                                                                                                                                                                                                                                                                                                                       |
| Section 1.3.5 (b) pertains to interpreting zone boundaries along a shoreline and top of bank. The NPCA makes a distinction between the physical top of bank and stable top of bank, the latter of which requires a geotechnical report to determine. Also, the NPCA- regulated shoreline consists of different features e.g. 100 year flood level, dynamic beach, erosion hazard, etc. The City should consider defining these terms for greater clarity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Staff have included a definition of "setback from top of bank".                                                                                                                                                                                                                                                                                     |
| The text of the draft ZBL includes an H zone, however, the wording of Section 35.3 (b) is for an overlay (layer). NPCA staff have no objection to the use of an overlay for natural hazards as NPCA policies allow for some mitigation of hazards. The wording of Section 35 should more clearly reflect whether Section 35 is a zone or layer. In addition, the wording of this Section requires an owner to obtain a Permit from the NPCA prior to any development or site alteration. NPCA staff support the inclusion of this wording.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No change. Section 35 is for the Hazard zone.                                                                                                                                                                                                                                                                                                       |
| <p>The delineation of Environmental Protection (EP) zone and Environmental Conservation (EC) layer on Schedule A are intended to reflect the EPA and ECA designations in the ROP. While the EP zone appears to accurately reflect the EPA designation with respect to PSWs and the EC zone appears to accurately reflect the ECA designation with respect to significant woodlands and non-PSWs, there are several components missing. The following features do not appear to be included in the zone maps or have not been accurately mapped:</p> <p>The Empire Beach Backshore Forest Basin, a Provincial Life Science Area of Natural and Scientific Interest (ANSI)- EPA;<br/>                     The Onondaga Escarpment, a Regional Earth Science ANSI;<br/>                     The Port Colborne Quarry, a Provincial Earth Science ANSI;<br/>                     The Lake Erie Shoreline - ECA; and<br/>                     The waterfowl habitat, Significant Wildlife Habitat - ECA, at the north end of Schedule A8, between Elm Street and the Recreational Canal</p> | <p>Staff have included to the Port Colborne Quarry, a Provincial Earth Science ANSI as it is shown in the City's Official Plan on Schedule A. All other features need to be identified in the City's Official Plan and can be included in the next Official Plan update.</p> <p>Continued requests for mapping of features were never provided.</p> |
| Section 2.8.1 (a) permits accessory buildings in any zone. NPCA staff note that the wording of this Section ensures that the regulations of the EP zone apply, which includes the requirement for an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | No comment.                                                                                                                                                                                                                                                                                                                                         |

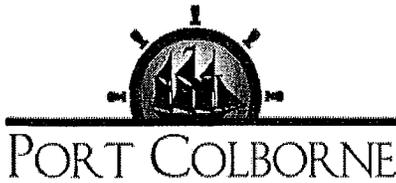
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| <p>environmental impact study (EIS). Since accessory buildings can only be accessory to a permitted use, NPCA staff consider Section 2.8 .1 (a) to conform to Policy 7.B.1.10 of the ROP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                       |
| <p>The uses listed in the EP zone include several uses listed in Policy 7.B.1.10 of the ROP. NPCA staff, however, have concerns with two of the permitted uses: "park" and "existing dwelling ". The definition of park included in the draft ZBL is very broad and goes beyond what would be considered passive recreation (e.g. sports field would not be considered passive recreation). NPCA staff recommend that the term park be replaced with "passive recreation use" and that a definition of passive recreation be provided</p>                                                                                                                                                                                                                                                                                                                    | <p>Staff have added a definition of passive recreation to mean the use of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar uses involved in the enjoyment of the natural environment.</p> |
| <p>Explicitly including an existing dwelling and enlargement thereof and existing uses, buildings and structures accessory thereto would cease to make these uses/structures legal non-conforming. The intent of legal non-conforming uses is that they are eventually to cease and be replaced by a use more in conformity with the zone. Policy 7.B.1. 10 of the ROP does not include residential uses as a permitted use in the EPA designation. NPCA staff do not consider the aforementioned use (Section 34.2 (f)) to conform with Policy 7.B.1.10. The Planning Act includes procedures to extend legal non-conforming uses, which also include a public consultation process. NPCA staff consider this the more appropriate means to evaluate expansion of legal non-conforming residential uses as opposed to legalizing them in the draft ZBL.</p> | <p>Staff have removed an existing dwelling as a permitted use.</p>                                                                                                                                                                                                                                                                                    |
| <p>The EC Layer also recognizes legal non-conforming residential uses (Section 36.2 (f)). NPCA staff note that because the ROP contemplates development within an ECA designation where it has been demonstrated that there will be no negative impact to the feature or its functions over the long term (Policy 7.B.1.11). As the EC Layer requires the completion of an EIS before a permitted use can be established, which is consistent with the requirements of the ROP, NPCA staff have no objection to the permitted uses of the EC Layer.</p>                                                                                                                                                                                                                                                                                                      | <p>No comment.</p>                                                                                                                                                                                                                                                                                                                                    |
| <p>The NPCA is also a Source Protection Authority under the Clean Water Act. Within the City there are areas identified as Intake Protection Zones (IPZ) 1 and 2, through the approved Source Protection Plan (SPP) that place limitations on uses/activities within these areas. NPCA staff note that there does not appear to be any specific regulations in the Zoning By-law relating to Source Protection. It is recommended that the IPZs as mapped in the SPP be included as a separate Schedule and that Table 1.3 from the SPP be incorporated into Section 2 (General Provisions) of the Zoning By-law. NPCA staff can provide assistance with drafting appropriate wording.</p>                                                                                                                                                                   | <p>Staff have now identified both Intake Protections Zones on Schedule A9.</p>                                                                                                                                                                                                                                                                        |

**PUBLIC COMMENTS**

**STAFF REVIEW**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>Doug Darbyson on behalf of William Gordon of 970 Empire Rd. This property is currently under construction. Mr. Darbyson expressed concern about down zoning the property. They would like their "use" recognized in the Zoning By-law.</p>                                                                                                                                                                                                                                              | <p>The Committee of Adjustment has granted the limited sales and service of golf carts. The Official Plan does not support farm machinery sales and service in the agricultural designation and directs this commercial use to settlement areas (hamlets).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Butch Gordon, 970 Empire Road, requesting that zoning for golf cart sales and service be deleted and replaced with Hamlet Residential as a required condition from the Committee of Adjustment: That the "HD-365" (Golf Cart Sales) zone be re-zoned back to a "HR" (Hamlet Residential) zone.</p>                                                                                                                                                                                      | <p>Schedule A3 has been changed to replace the HD-365 zone to Hamlet Residential.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Harry Wells of 548 Highway 3. Mr. Wells advised of a grammatical error on p.11 2.4(d) where the word "even" should be "event". Under S.26 Light Industrial "obnoxious" and "dangerous" uses are not defined. Adjectives should be defined. S.26 &amp; 27 defines separation for sensitive land use for MOE setbacks but not for HI &amp; LI uses. With regards to the quarry there should be more detailed requirements for setbacks. Rehabilitation of the quarry should be added.</p> | <p>The grammatical error has been corrected. A noxious use is defined.<br/>Noxious Use: means:</p> <ul style="list-style-type: none"> <li>a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or</li> <li>b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or</li> <li>c) any use that is not lawfully permitted in the Province of Ontario; or</li> <li>c) a combination thereof; but</li> <li>d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry</li> </ul> <p>The zoning by-law has regard for sensitive land uses when a medical marihuana facility is proposed and is not based on MOE setbacks. Rehabilitation is not a matter that is regulated by the zoning by-law. The existing zoning by-law regulates setbacks to quarry property lines: "No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street."</p> <p>Port Colborne Quarries already received planning approvals for their existing operations and any changes to the zoning provisions can't be supported at this time. If expansion of quarry operations is proposed then matters regarding greater setbacks can be reviewed and considered together with provincial licensing.</p> |
| <p>Ron Saxon of 640 Second Concession. Wants to be notified on the approval of the zoning by-law.</p>                                                                                                                                                                                                                                                                                                                                                                                      | <p>Mr. Saxon will receive notice.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Gerald Gervais, vacant lot at corner of Amelia street and Port Colborne drive "to be zoned R3 so we can build a future fourplex on it".</p>                                                                                                                                                                                                                                                                                                                                             | <p>Lot size sufficient to accommodate a fourplex dwelling. Zoning changed from Second Density Residential to Third Density Residential as supported by the Official Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Terry &amp; Sherry Shisler, 577 Empire Road. Requests change to Rural from Rural Residential, "we would like the property to remain RU-Rural".</p>                                                                                                                                                                                                                                                                                                                                      | <p>Schedule A3 has been edited. Staff have also edited Shisler Brothers Landscaping RR-14 zoning based on actual use and property lines.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p>Earl Ruston &amp; Shelley Campbell, 3332 Highway No. 3 &amp; 876 Cedar Bay Road. Request that "Motor Vehicle Repair Garage" be allowed on 3332 Highway No. 3 and a single detached dwelling be allowed on 876 Cedar Bay Road.</p>                                                                                                                                                                        | <p>Staff have deleted the proposed HMC-22 zone for 3332 Highway No. 3 and have added vehicle sales which allows vehicle repair to the Hamlet Commercial Zone. Staff have also created a site specific zone for 876 Cedar Bay Road that recognizes the existing RU-34 zone and have replaced it with HMC-22:</p> <p>"Special Provision: HMC-22 Formerly: RU-34<br/> In addition to the uses permitted in the Hamlet Commercial (HMC) Zone, this land may also be used for a single detached dwelling and the buying, selling and storing of industrial equipment and supplies, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:</p> <ul style="list-style-type: none"> <li>i) Minimum Lot Frontage 68m</li> <li>ii) Minimum Lot Area 1.25 ha.</li> <li>iii) Maximum Lot Coverage 15 per cent</li> <li>iv) Minimum Front Yard 60m</li> <li>v) Minimum Side Yard 35m</li> <li>vi) Minimum Rear Yard as existing</li> <li>vii) Maximum Height 11m"</li> </ul> |
| <p>Rankin Construction is looking to develop six stories of residential units above ground floor commercial. The Official Plan supports mix use development and intensification of residential uses in the downtown core. Staff have made edits to the Downtown Commercial zone regarding maximum gross floor area, building height and yard setbacks to allow for greater residential intensification.</p> | <p>Rankin Construction is looking to develop six stories of residential units above ground floor commercial. The Official Plan supports mix use development and intensification of residential uses in the downtown core. Staff have made edits to the Downtown Commercial zone regarding maximum gross floor area, building height and yard setbacks to allow for greater residential intensification.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Mike Crough, IBI Group for Seawaves Development, vacant land on Franklin Avenue - status of Environmental Conservation Overlay zone..</p>                                                                                                                                                                                                                                                                | <p>Staff have reviewed all Environmental Conservation Overlay zones proposed and have deleted those not identified in the City's Official Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Ron Barda, 5474 Firelane 22 - requests an increase to accessory lot coverage.</p>                                                                                                                                                                                                                                                                                                                        | <p>Staff have reviewed and will increase the accessory lot coverage to 5% from 3% for lots with no municipal services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Staff have increased the overall lot coverage to 15% from 10% in the Lakeshore Residential, Hamlet Residential, Rural Residential and Agricultural Residential zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



**City of Port Colborne  
Regular Meeting of Committee of the Whole 08-18  
Monday, March 26, 2018  
following the Special Meeting of Council  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum and Delegation Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Committee of the Whole 06-18, held on March 12, 2018
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Presentations:**
9. **Delegations (10 Minutes Maximum):**
  - (a) Joseph Moore Regarding a Condition of Severance for 2731 Vimy Ridge Road requesting to Waive the Parkland Dedication Condition with Respect to an Application made to the Committee of Adjustment (Page No. 215)
10. **Mayor's Report:**
11. **Regional Councillor's Report:**
12. **Councillors' Items:**
  - (a) Councillors' Issues/Enquiries
  - (b) Staff Responses to Previous Councillors' Enquiries
13. **Consideration of Items Requiring Separate Discussion:**
14. **Notice of Motion:**
15. **Adjournment:**

| <b>Upcoming Committee of the Whole and Council Meetings</b> |                                            |
|-------------------------------------------------------------|--------------------------------------------|
| Monday, April 9, 2018                                       | Committee of the Whole/Council – 6:30 P.M. |
| Monday, April 23, 2018                                      | Committee of the Whole/Council – 6:30 P.M. |
| Monday, May, 14, 2018                                       | Committee of the Whole/Council – 6:30 P.M. |
| Monday, May 28, 2018                                        | Cancelled                                  |
| Monday, June 11, 2018                                       | Committee of the Whole/Council – 6:30 P.M. |
| Monday, June 25, 2018                                       | Committee of the Whole/Council – 6:30 P.M. |

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

**Committee Items:**

| Notes               |          |                              | Item                                  | Description / Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Page     |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |     |
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| JDM                 | BB       | RB                           | 1.                                    | <p><b>Planning and Development, By-law Enforcement Division, Report No. 2018-42, Subject: Parking and Traffic – Pleasant Beach Road</b></p> <p>That the following amendments to By-law 89-2000 Being a By-law Regulating Traffic and Parking on City Roads be approved; and</p> <p>That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by deleting therefrom the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> <th>Column 4</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Day</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>lakeshore</td> <td>A point approx. 138 m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table> <p>That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> <th>Column 4</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Day</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>lakeshore</td> <td>A point approx. 169 m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table> <p>That Schedule “F” Angle Parking to By-law 89-2000, as amended be further amended by deleting therefrom the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>138 m north of the lakeshore</td> <td>55 m north therefrom</td> </tr> </tbody> </table> <p>That Schedule ‘F’ Angle Parking to By-law 89-2000, as amended be further amended to adding thereto the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>169 m north of the lakeshore</td> <td>24 m north therefrom</td> </tr> </tbody> </table> | Column 1 | Column 2 | Column 3 |  | Column 4 | Highway | Side | From | To | Times/Day | Pleasant Beach Road | West | lakeshore | A point approx. 138 m north therefrom | Anytime | Column 1 | Column 2 | Column 3 |  | Column 4 | Highway | Side | From | To | Times/Day | Pleasant Beach Road | West | lakeshore | A point approx. 169 m north therefrom | Anytime | Column 1 | Column 2 | Column 3 |  | Highway | Side | From | To | Pleasant Beach Road | West | 138 m north of the lakeshore | 55 m north therefrom | Column 1 | Column 2 | Column 3 |  | Highway | Side | From | To | Pleasant Beach Road | West | 169 m north of the lakeshore | 24 m north therefrom | 219 |
| Column 1            | Column 2 | Column 3                     |                                       | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |     |
| Highway             | Side     | From                         | To                                    | Times/Day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |     |
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|                 |                |                |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |
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| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 2. | <p><b>Community and Economic Development, Events Division, Report No. 2018-33, Subject: Request to host the 40<sup>th</sup> Annual Canal Days Concerts at H.H. Knoll Lakeview Park, August 3 to 6, 2018</b></p> <p>That the 40<sup>th</sup> Annual Canal Days Concerts be hosted in H.H. Knoll Lakeview Park, as outlined in Community and Economic Development, Events Division Report 2018-33; and</p> <p>That the Director of Community and Economic Development be directed to present a further report authorizing necessary road closures approval of the associated by-law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 225 |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 3. | <p><b>Community and Economic Development, Events Division, Report No. 2018-40, Subject: 2018 Budweiser CanAm Walleye Challenge, June 23, 2018</b></p> <ol style="list-style-type: none"> <li>1. That City sponsorship of the 2018 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows:             <ol style="list-style-type: none"> <li>a. Waiving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park;</li> <li>b. Waiving of permit fees for the use of the pavilion at Sugarloaf Marina;</li> <li>c. Provision and installation of snow fencing, and waiving of associated fees;</li> <li>d. Provision of security;</li> <li>e. Provision of portable washroom facilities and waiving of associated fees;</li> <li>f. City assistance with event promotion and marketing on social media;</li> <li>g. Waiving of boat ramp fees for tournament participants;</li> <li>h. Provision of Marina non-service dock discount rate of 35% for tournament participants.</li> </ol> </li> <li>2. That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 21, 2018, and that RV camping/parking be cleared from Park by Sunday, June 24 at 6:00 p.m.; and</li> <li>3. That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as additional insured.</li> </ol> | 239 |

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

|                 |                |                |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |
|-----------------|----------------|----------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 4. | <p><b><u>Community and Economic Development, Events Division, Report No. 2018-39, Subject: Updated Municipal Alcohol Management Policy</u></b></p> <p>That the revised Municipal Alcohol Management Policy, attached as Appendix "A" to Community &amp; Economic Development Report No. 2018-39, Subject: Updated Municipal Alcohol Management Policy, be approved; and</p> <p>That the appropriate by-law be presented for approval.</p>                                                                                                                                                                                                                                                                          | 247 |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 5. | <p><b><u>Community and Economic Development, Parks Division, Report No. 2018-38, Subject: Request for Quotation 2017-17: Parks Solar Lighting</u></b></p> <p>That Project 2017-17, Supply &amp; Installation of Parks Solar Lighting, be awarded to Wiens Underground Electric, of Niagara-on-the-Lake, for the total quoted price of \$51,325, excluding taxes; and</p> <p>That the additional funding for this project, in the amount of \$6,325, be allocated from the General Capital Reserve; and</p> <p>That the Director of Community and Economic Development be authorized to issue a purchase order to Wiens Underground Electric; and</p> <p>That the appropriate by-law be presented for approval.</p> | 265 |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 6. | <p><b><u>Corporate Services, Finance Division, Report No. 2018-43, Subject: Statement of Remuneration and Expenses 2017</u></b></p> <p>That Corporate Services Department, Finance Division Report 2018-43 with respect to Remuneration and Expenses for 2017 be received for information purposes as per Section 283 and 284 of the <i>Municipal Act, 2001</i>, as amended.</p>                                                                                                                                                                                                                                                                                                                                   | 267 |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 7. | <p><b><u>Corporate Services, Finance Division, Report No. 2018-44, Subject: Municipal Asset Management Program Funding</u></b></p> <p>That the City Treasurer be directed to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for Port Colborne's Roadmap Phase II; and</p> <p>That the City of Port Colborne commits to conducting the following activities in its proposed project submitted to the Federation of</p>                                                                                                                                                                                                                            | 271 |

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

|                                     |                |                |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |
|-------------------------------------|----------------|----------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                     |                |                |     | <p>Canadian Municipalities' Municipal Asset Management Program to advance the City's asset management program:</p> <ul style="list-style-type: none"> <li>• New Data Sets, Data Synchronization, Consolidation and Refinement;</li> <li>• Risk and Criticality Modeling Development, Lifecycle Framework Development and Asset Management Training on Risk, Lifecycle and Condition; and</li> <li>• Work Order Management Software Module with Data Migration and Implementation and Training; and</li> </ul> <p>That the City of Port Colborne has committed \$49,600 in its 2018 budget toward the costs of this initiative.</p> |     |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 8.  | <p><b>Engineering and Operations, Operations Division, Report No. 2018-26, Subject: Port Colborne Distribution System – Annual Summary Report</b></p> <hr/> <p>That Engineering and Operations Department, Operations Division Report 2018-26 with respect to the Port Colborne Distribution System Annual Summary Report, prepared in accordance with O. Reg. 170/03, be received for information.</p>                                                                                                                                                                                                                            | 273 |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 9.  | <p><b>Engineering and Operations, Operations Division, Report No. 2018-27, Subject: 2017 Sherkston Community Centre System Annual Drinking Water Quality Report</b></p> <hr/> <p>That Engineering and Operations Department, Operations Division Report 2018-27 with respect to Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O. Reg. 170/03, be received for information.</p>                                                                                                                                                                                                      | 293 |
| <b>Miscellaneous Correspondence</b> |                |                |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 10. | <p><b>Richard Rybiak, Chair, Niagara Central Airport Commission Re: Request to Appoint and Elected Representative and a Staff Member to the Niagara Central Dorothy Rungeling Airport Ad Hoc Committee</b></p> <hr/> <p>That Council appoints Scott Luey, Chief Administrative Officer and _____, member of Council to the Niagara Central Dorothy Rungeling Airport Ad Hoc Committee.</p> <p><b>Note.</b> This item needs to be pulled for separate consideration.</p>                                                                                                                                                            | 305 |

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

| Outside Resolutions – Requests for Endorsement |    |    |     |                                                                                                                                                                                                                                    |  |     |
|------------------------------------------------|----|----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
| JDM                                            | BB | RB | 11. | <b>City of Welland Re: Letter to Minister of Health and Long Term Care regarding Additional New Long Term Care Beds in the City of Welland</b>                                                                                     |  | 307 |
| AD                                             | FD | YD |     |                                                                                                                                                                                                                                    |  |     |
| DE                                             | BK | JM |     | That the resolution received from the City of Welland regarding Additional New Long Term Care Beds in the City of Welland, be received for information.                                                                            |  |     |
|                                                |    |    |     | <b>Note:</b> At its meeting of February 12, 2018 Council supported the resolution of the Town of Fort Erie concerning Health Care Services in the Niagara Region.                                                                  |  |     |
| JDM                                            | BB | RB | 12. | <b>City of Welland Re: Long Term Care Facilities – Increased Funding to meet the Increase Care needs of Residents in Ontario’s Long Term Care Facilities</b>                                                                       |  | 309 |
| AD                                             | FD | YD |     |                                                                                                                                                                                                                                    |  |     |
| DE                                             | BK | JM |     | That the resolution received from the City of Welland in support of the Regional Municipality of Niagara’s resolution regarding increased funding for Long Term Care Facilities in Ontario, be received for information.           |  |     |
|                                                |    |    |     | <b>Note:</b> At its meeting of March 12, 2018 Council supported the resolution of Niagara-on-the-Lake.                                                                                                                             |  |     |
| JDM                                            | BB | RB | 13. | <b>City of Thorold Re: Request for Financial Assistance in Development of a Human Trafficking Program</b>                                                                                                                          |  | 311 |
| AD                                             | FD | YD |     |                                                                                                                                                                                                                                    |  |     |
| DE                                             | BK | JM |     | That the resolution received from the City of Thorold in support of the resolution from the Town of Fort Erie Re: Request for Financial Assistance in the Development of a Human Trafficking Program, be received for information. |  |     |
|                                                |    |    |     | <b>Note:</b> At the Budget Meeting of March 6, 2018 Council received the above resolution from the Town of Fort Erie.                                                                                                              |  |     |

| Responses to City of Port Colborne Resolutions |    |    |     |                                                                                                                                                                                                                                                                                                            |  |     |
|------------------------------------------------|----|----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
| JDM                                            | BB | RB | 14. | <b>Amarjeet Sohi, P.C., M.P., Minister of Infrastructure and Communities Re: Response to the City of Port Colborne’s Resolution Regarding Federal Investments dedicated to Municipalities for Storm Water Management and Drainage Improvements</b>                                                         |  | 313 |
| AD                                             | FD | YD |     |                                                                                                                                                                                                                                                                                                            |  |     |
| DE                                             | BK | JM |     | <p>That the correspondence received from Amarjeet Sohi, Minister of Infrastructure and Communities Re: Response to the City of Port Colborne’s resolution regarding Federal Investments dedicated to Municipalities for Storm Water Management and Drainage Improvements, be received for information.</p> |  |     |

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the “Consideration of By-laws” section of the Council agenda.

From: Joseph Moore <[REDACTED]>  
To: cityclerk@portcolborne.ca  
Date: 2018-03-16 11:11 AM  
Subject: Council meeting March 26,2018

Hello Amber

My name is Joseph R Moore from 2731 Vimy Ridge Road Port Colborne and I am requesting to speak to council on March 26,2018 in regards to a condition of severance place on 2731 Vimy Ridge Road. I have been directed by the committee of adjustment to take this matter before council. I will have the planning department forward information to you in regards to this matter.

Thank you

Joe Moore  
[REDACTED]



Property Sales  
Site Plan Comments  
Read Receipts  
Joseph Moore

to:

danaquilina@portcolborne.ca, evanacs@portcolborne.ca, heathermahon@portcolborne.ca  
02/21/2018 05:28 PM

Hide Details

From: Joseph Moore <[REDACTED]>

To: "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>,  
"evanacs@portcolborne.ca" <evanacs@portcolborne.ca>, "heathermahon@portcolborne.ca" <heathermahon@portcolborne.ca>

Hello Heather;

I am writing to you to request a change to the conditions of the severance granted to myself (Joe Moore) for the address 2731 Vimy Road Port Colborne now known as 2731 Vimy Ridge Road Port Colborne.

The condition I am asking to have change is the Parkland Fee Contribution. The reason why I am asking to have this condition remove as I had meetings starting as early June 2016 as recent February 21,2018 with the planning, building departments, NPCA and Niagara Region, which at that time we discuss options of the severance of that lot, current building conditions, demolitions of buildings, set backs which planning and building departments really stress upon as well fee structures and how to achieve all this. I then had to apply for demolition permit, building permit and severance. On the site plan I was submitting and on the demolition application I was showing that all buildings on the west side of the future severance (2 main residence and 7 shacks) to be demo. On the east side of the future severance I was leaving the 3rd residence standing (yellow house) to leave options wide open. The planning and building departments inform me I should demo the home of the east side at the same time for many reasons and they would take into consideration of the 3rd house on the east side when I apply for the severance and building permits in regards to the fee structures.

Unfortunately KLM my consultant was not aware of these meetings therefore he did not request for the park fee to be omitted from the severance conditions.

So I would like the town to take into consideration that there was always a free standing home on the east side of the propose (future) now granted severance. If the home was still standing I had many options and a different fee structures but I was ensured by planning and building group at the same time in June 2016, that the demolition of the east house at the same time as others they would allow me to keep the same options open.

I enjoy working with the planning, building and Niagara Region group to beautify the property from what it was to what it is now and what it will become. It is a win win for all. As values has gone up, it has encouraged others to build as well as beautify their properties which will increase their property values. As well you will have two tax bases versus one.

I hope the committee will grant this change as it has already help increase their revenue stream and beautify the area.

I will attend the March 12,2018 meeting as Evan has inform me he is placing it on the docket.

Thank you

Joe Moore

[REDACTED]  
2731 Vimy Ridge Road  
Port Colborne  
Sent from my iPhone

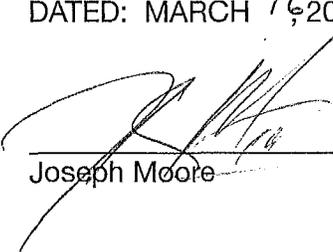
UNDERTAKING

TO: The Corporation of the City of Port Colborne  
RE: Joseph Moore - 2731 Vimy Ridge Road

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In consideration of the issuing of the final certificate of consent for the above noted application I Joseph Moore confirm that I am aware of the requirements of By-law 4748/130/05 which the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before the insurance of the permit. I reserve the right to request counsel to waive the fee due to meetings held with staff prior to demolition and construction of first home. I had a request from the staff to have the building on east side of the lot demo at the same time as buildings on the west side. Staff would keep in mind the old structure on east side been in place at the time of application for severance and building permit, etc (for fees). I had a meeting with Dan then Evan which they directed me to have a meeting with committee adjustments which took place on March 13, 2018 to request the condition remove. The committee of adjustments directed me to put before council the request to have condition waive on March 26, 2018 counsel meeting. The undersigned further undertake to advise any future purchasers of this requirement.

DATED: MARCH 16, 2018



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Joseph Moore

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Planning and Development Department  
By-law Enforcement Division

Report Number: 2018-42

Date: March 26, 2016

Subject: Parking and Traffic – Pleasant Beach Road

**1) PURPOSE**

This report, prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development, provides an update to Council about Pleasant Beach Road parking.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Council requested that staff provide a report after reviewing the erection of the garbage enclosure to determine if any changes are required to the parking at the end of Pleasant Beach Road.

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff inquired of the Niagara Region regarding the garbage enclosure access and the requirements for garbage pick up and staff from the By-law Enforcement Division and the Engineering Division met to review the requirements.

Engineering Comments

The Engineering and Operations Department reviewed the recommendations contained in this report:

- We support the removal of the angle parking and implementation of parking restrictions on the west side of the road to ensure appropriate access to the garbage enclosure on Pleasant Beach Road.

Region Comments

- The access doors are located at the southeast corner of the garbage enclosure.
- Access will be manual and the carts removed from the enclosure on collection day to empty. The truck will be equipped with a cart tipper to empty the carts into the truck.
- The collection truck should not need to back up more than the required distance to turnaround to a maximum of 15 metres.
- Parking is not permitted in the area required by the collection vehicle to turnaround.
- The garbage truck will have a driver and a pitchman. The pitchman acts as a spotter when the truck is required to reverse. The recycling truck is operated by one person and therefore has no spotter available.

## By-law Enforcement Division Comments

After reviewing Region and staff comments, the By-law Enforcement Division offers the following:

- The dead end section on the west side of Pleasant Beach Road should be added to Schedule "C-2" Parking Prohibitions Tow Away Zone, except directly in front of the restaurant (see amendments below).
- The only parking on the west side of the road will be in front of the commercial business.
- The By-law Enforcement Division parking patrol schedule will include daily inspections of this area.

The below listed by-law amendments are required:

That Schedule "C-2" Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by deleting therefrom the following:

| <b>Column 1</b>     | <b>Column 2</b> | <b>Column3</b> |                                       | <b>Column 4</b> |
|---------------------|-----------------|----------------|---------------------------------------|-----------------|
| Highway             | Side            | From           | To                                    | Times/Day       |
| Pleasant Beach Road | West            | lakeshore      | A point approx. 138 m north therefrom | Anytime         |

That Schedule "C-2" Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:

| <b>Column 1</b>     | <b>Column 2</b> | <b>Column3</b> |                                       | <b>Column 4</b> |
|---------------------|-----------------|----------------|---------------------------------------|-----------------|
| Highway             | Side            | From           | To                                    | Times/Day       |
| Pleasant Beach Road | West            | lakeshore      | A point approx. 169 m north therefrom | Anytime         |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by deleting therefrom the following:

| <b>Column 1</b>   | <b>Column 2</b> | <b>Column3</b>               |                      |
|-------------------|-----------------|------------------------------|----------------------|
| Highway           | Side            | From                         | To                   |
| Pleasant Beach Rd | West            | 138 m north of the lakeshore | 55 m north therefrom |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to adding thereto the following:

| <b>Column 1</b>   | <b>Column 2</b> | <b>Column3</b>               |                      |
|-------------------|-----------------|------------------------------|----------------------|
| Highway           | Side            | From                         | To                   |
| Pleasant Beach Rd | West            | 169 m north of the lakeshore | 24 m north therefrom |

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

There would be a cost of \$20 for the “No Parking Tow Away” signage and a cost of \$25 for any posts required.

**a) Do Nothing**

Leaving the status quo will not resolve the issues with access to the garbage enclosure.

**b) Other Options**

This section is not applicable at this time.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**

Appendix 1 – Aerial view of Pleasant Beach Rd

**7) RECOMMENDATION**

That the following amendments to By-law 89-2000 Being a By-law Regulating Traffic and Parking on City Roads be approved:

That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by deleting therefrom the following:

| Column 1            | Column 2 | Column3   |                                       | Column 4  |
|---------------------|----------|-----------|---------------------------------------|-----------|
| Highway             | Side     | From      | To                                    | Times/Day |
| Pleasant Beach Road | West     | lakeshore | A point approx. 138 m north therefrom | Anytime   |

That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:

| Column 1            | Column 2 | Column3   |                                       | Column 4  |
|---------------------|----------|-----------|---------------------------------------|-----------|
| Highway             | Side     | From      | To                                    | Times/Day |
| Pleasant Beach Road | West     | lakeshore | A point approx. 169 m north therefrom | Anytime   |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by deleting therefrom the following:

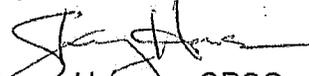
| Column 1          | Column 2 | Column3                      |                      |
|-------------------|----------|------------------------------|----------------------|
| Highway           | Side     | From                         | To                   |
| Pleasant Beach Rd | West     | 138 m north of the lakeshore | 55 m north therefrom |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by adding thereto the following:

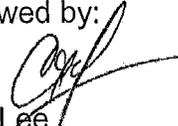
| Column 1          | Column 2 | Column3                      |                      |
|-------------------|----------|------------------------------|----------------------|
| Highway           | Side     | From                         | To                   |
| Pleasant Beach Rd | West     | 169 m north of the lakeshore | 24 m north therefrom |

**8) SIGNATURES**

Prepared on March 19, 2018 by:

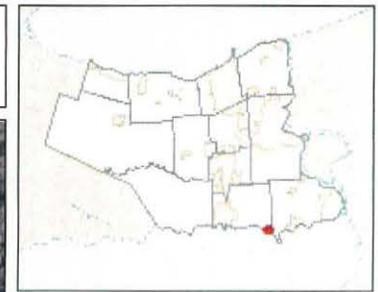
  
 Sherry Hansen, CPSO  
 Supervisor, By-law Enforcement Division

Reviewed by:

  
 Chris Lee  
 Director of Engineering and Operations

Reviewed and respectfully submitted by:

  
 C. Scott Luey  
 Chief Administrative Officer



### Legend

-  Parcel Fabric
-  Streets Labels
-  Provincial
-  Regional
-  Municipal/Private Roads
-  Unimproved Roads
-  Future/Planned Roads

127.0          0          63.50          127.0      Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes

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**Community and Economic Development Department  
Events Division**

**Report Number: 2018-33**

**Date: March 26, 2018**

**SUBJECT: Request to host the 40<sup>th</sup> Annual Canal Days Concerts at H.H. Knoll Lakeview Park, August 3 to 6, 2018.**

**1) PURPOSE**

The purpose of this report is to seek approval, on behalf of the Canal Days Advisory Committee, to host the 40<sup>th</sup> Annual Canal Days Concerts at H.H. Knoll Lakeview Park.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

This year marks 40<sup>th</sup> year of the Canal Days Marine Heritage Festival ("Canal Days"). As a result, the Canal Days Advisory Committee (the "Committee") and TNR Productions (the company responsible for booking performance entertainment for the festival) have worked to secure a renowned Canadian musical group to headline the concert series. Due to the popularity of the headliner, the potential for a large-scale audience to attend the Canal Days concert series has significantly increased. Staff and the Committee have therefore worked to ensure the size of the concert venue aligns with the festival's growth. In order to accommodate a significantly increased number of attendees, the Committee has recommended relocating the Canal Days concert venue to H.H. Knoll Lakeview Park.

**3) STAFF COMMENTS AND DISCUSSIONS**

H.H. Knoll Lakeview Park has hosted a number of other municipal events, including Flavours from 2007 to 2014. It is therefore known that H.H. Knoll Lakeview Park is capable of hosting concerts of a large capacity. Canal Days has outgrown several concert venues over time. In the past, concerts have been held on Clarence Street, Charlotte Street, and most recently, Market Square.

For several years, staff and internal and external stakeholders, have undertaken event planning through a working group known as the Special Event Resource Team (SERT). This group consists of the City's Event Coordinator, the Director of Community and Economic Development, the Chief Administrative Officer, the Director of Corporate Services, the Director of Engineering and Operations, representatives of the Parks Division and Roads Division, By-law Enforcement Division, Fire and Emergency Services Department, Alcohol and Gaming Commission of Ontario, the Niagara Regional Police Service, and security services. SERT reviews every aspect of the event including, but not limited to, emergency response, staffing, parking and traffic control, public safety, waste collection. The relocation of the concert venue to H.H. Knoll Lakeview Park has been reviewed and approved by the Committee, staff, and SERT.

Relocating the concert venue to H.H. Knoll Lakeview Park will allow the City to increase the capacity of the concert venue. Market Square accommodates approximately 6,000 attendees, whereas H.H. Knoll Lakeview Park accommodates approximately 10,000.

Relocating the concert to H.H. Knoll Lakeview Park would also accommodate parking on a portion of Clarence Street, Charlotte Street, Catharine Street, and Market Square. Festival attendees would also be able to park in close proximity to the West Street festival area.

In the past, hosting the concerts in Market Square has presented a challenge since set up and staging the venue had to take place within a short amount of time since it took place following the Farmer's Market at noon. Each year, new ways are investigated to lessen the high demand on staff to accomplish a safe and secure venue within Market Square. Relocating the concert venue to H.H. Knoll Lakeview Park will provide increased time to safely set up and stage the concert venue. A site plan of the concert venue is attached as Appendix "A".

Relocating the concert venue to H.H. Knoll Lakeview Park would have an impact on the Port Colborne Hospital, Northland Pointe, New Port Centre, and surrounding residents. Staff has sought comments from the Hospital, Northland Pointe and the New Port Centre (as outlined below). In accordance with established practice for events taking place in the Park, should this report be approved, residents adjacent to the venue would receive advance notice of the event.

Typically, the Car Show and Kite Show have taken place at H.H. Knoll Lakeview Park. Each of these events will be impacted with the relocation of the concert venue. However, staff is working closely with both organizers to relocate and accommodate their events.

Should relocating the concert venue to H.H. Knoll Lakeview Park be approved, staff will present a subsequent report at an upcoming Council meeting seeking approval of associated road closures.

**Venue Summary:**

The following is an overview of the proposed layout, should the concert series be relocated to H.H. Knoll Lakeview Park (as outlined in Appendix "A"):

**Stage Placement:**

The stage will be located at bottom of the hill, or the north end of the park with the speakers facing to the south, or the open lake. This will help with the noise factor and offer optimal viewing.

**Accessibility:**

There will be a designated area within the existing bandshell. This will allow for assistive devices and or chairs and offer optimal viewing both on the stage and in front. Entrance is on the pathway and accessible washrooms will be available within this area.

**Playground:**

Due to the nature of the event and associated crowds, if the concert venue is relocated, closing the playground on Friday and Saturday beginning at 4:00 p.m., is recommended.

**Parking:**

The gravel lot would be available for parking by staff of Northland Pointe, the Port Colborne Hospital, and the City. Access to the boat launch ramp would be limited, and

later closed at 4:00 p.m. on both Friday and Saturday. There would be no parking available in the gravel lot after 4:00 p.m., on Friday. This will only be for Friday and Saturday. Monday's concert takes place during the day, and the number of attendees is lower than that of evening performances. Security will be placed at the entrances/exits of the park and will assist patrons of Sugarloaf Marina and Don Cherry's, as in the past.

**Weather:**

The Park has a number of low-lying areas. Staff have worked to identify these areas and will have measures in place to ensure these areas are built-up prior to the event, in case of rain. In addition, all infrastructure will be secured against Lake Erie winds.

**Road Closures:**

If relocating the concert venue is approved, staff and Niagara Regional Police Service ("NRPS") have determined that a portion of Sugarloaf Street will need to be closed to vehicular traffic from 4:00 p.m. through to midnight on the Friday and Saturday evening. It also recommended that parking restrictions be in effect on Elm Street, Fielden Avenue, and Steele Street. In addition, Isabel Street and Laneways, Breakwater Laneway, Lockmaster Laneway, Schooner Laneway, Harbour Laneway, Foghorn Laneway and Lighthouse Lane are recommended for parking restrictions. These restrictions will ensure that the Fire & Emergency Services Department will have adequate access and will also ensure pedestrian safety for those walking to the concert. This perimeter is similar to that which takes place to accommodate the fireworks display on Sunday. An outline of road closures is attached as Appendix "B".

**Transportation:**

Staff has confirmed the St. Catharines Transit Commission will once again provide complimentary shuttle service for the Festival. As in previous years, such arrangements have included discussion pertaining to pedestrian safety, accessibility, scheduling and traffic concerns. A direct shuttle stop will be located at the corner of Elm and Sugarloaf Streets.

In previous years, transit routes were impacted by the closure of Charlotte Street. If the recommendation of this report is approved, the Port Colborne Community Bus and Regional Transit routes will not be impacted. If the concert venue is relocated to the Park, transit services will not be impacted and routes will remain as they are throughout the year.

**Traffic Control:**

Traffic control has been addressed with staff and the NRPS. If the concert venue is relocated, NRPS staff would be stationed on Sugarloaf Street and Elm Street, Sugarloaf Street and Fielden Avenue and Sugarloaf Street. These two main intersections will likely see a high volume of pedestrians.

**Budget:**

Relocating the concert venue to the Park will increase police, security, medical, and other expenses. Nevertheless, the increased venue capacity will likely result in a corresponding increase in revenue. Council has increased the festival budget by \$15,000 to accommodate increased expenses and has also increased the entertainment budget by \$40,000. In addition, police and security qualify as expenses under the grant funding for the festival. Additional expenses are estimated as follows:

| <b>Expense</b>                           | <b>Approximate #'s</b>                                   | <b>Approximate Value (\$)</b>        |
|------------------------------------------|----------------------------------------------------------|--------------------------------------|
| Additional NRPS                          | Undetermined                                             | TBD<br>has not been provided by NRPS |
| Additional Security                      | Minimum 12                                               | \$3,660                              |
| Additional Fencing                       | Additional 2010 linear feet of scrim & 1030 feet fencing | 3,235                                |
| Additional Washrooms & Handwash stations | 10                                                       | 520                                  |
| Additional Lighting                      | 4                                                        | 900                                  |
| Additional Infrastructure                | pylons, barricades                                       | TBD<br>has not been provided         |
| Medical Services concert area            |                                                          | 3,500                                |

**Medical Services:**

Medical services will be provided by a third party. The third party will not only cover the concert portion of the festival, but the main part (West Street and surrounding area) as well. This will be a change from past years where the festival has utilized the services of the Fire and Emergency Services Department.

**Existing Partnerships:**

The Kite show and Car show both operate within the park. One being Saturday during the day and the night fly Saturday evening. The Car show operates on Sunday morning and afternoon. Staff continues to work with both partners of the festival to ensure the transition to another location is a smooth one. In fact, staff is working cooperatively with event organizers to provide enhanced experiences for both events.

**Stakeholder/Staff Comments:**

The following section outlines comments received from stakeholders impacted by the relocation, and City staff.

**Niagara Health – Port Colborne Site:**

The following comments were received from Michael Curtiss, Regional Manager, Parking and Security, for Niagara Health:

“It appears from the drawing you supplied that patients and visitors will still be able to access the hospital parking area immediately east of the building during the affected time. As long as there is appropriate signage indicating alternate routes and access points, there should not be an issue beyond mere inconvenience.

We certainly appreciate the support of the By-law Enforcement people in keeping our property and services accessible to the appropriate people. In the past, it was difficult to keep event participants from using our very limited parking resources. Whatever can be done to maintain access to our site is positive.”

**Northland Pointe:**

The following comments were received from Leslie Hancock, Administrator, Northland Pointe:

“Thank you for making me aware of the plans for the Canal Days events at H.H. Knoll Park. We will need to give direction to our staff and visitors for those days and time periods. I see that access to the hospital and Northland Pointe will be restricted to Steele Street, with security checking cars at the junction of Steele, so to avoid confusion I can post notices beforehand to alert our staff and visitors to these changes.”

**New Port Centre:**

The following comments were received from Brenda Yeandle, Manager of Addiction Services, New Port Centre:

“It was a pleasure to talk with you today about collaborating to ensure the success of Canal Days. New Port is situated right next to the park and is directly impacted by Canal Days and the changes that will take place this year. I appreciate your ability to assign three parking spots to the New Port staff from Friday at 15:45 until Tuesday morning. Our team consists of three staff at any time during the course of Canal Days and it is imperative that they have ready access to their work environment. Shifts are varied and ease of access aids in staff safety in moving to and from work.

Wishing you every success in the planning of Canal Days. Please contact me if there is any way we can assist in this exciting event.”

**Building Division:**

No further comments were provided to include in the report.

**By-law Enforcement Division:**

The By-law Enforcement Division along with Fire Services and the Niagara Regional Police met regarding parking and traffic concerns at the proposed new location for Canal Days. Parking restrictions would be required on both sides of three (3) main arterial roads to ensure emergency access to the surrounding areas, that being Elm Street, Fielden Avenue and Steele Street between Clarence Street and Sugarloaf Street. After reviewing the area, Elm Street and Steele Street currently have a portion of the area established as “no parking”; however, Fielden Avenue has no prior restrictions.

- Elm Street would require twenty-four (24) “no parking” signs and twelve (12) posts
- Fielden Avenue would require thirty-two (32) “no parking signs and sixteen (16) posts
- Steele Street would require sixteen (16) “no parking signs and 16 posts

Parking and Traffic By-law 89-2000 Section 205.02.11 states as follows:

“Where the Chief of Police or City Engineer is of the opinion that, for some temporary period, the safety of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City of Port Colborne

requires the prohibition or limited parking.”

Therefore, the Director of Engineering and Operations could sign a Prohibition Certificate restricting the parking in the above noted areas for a specified duration.

There are six (6) laneways within this area, they are as follows:

- Lockmaster Laneway
- Schooner Laneway
- Harbour Laneway
- Breakwater Laneway
- Foghorn Laneway
- Lighthouse Laneway

The above noted laneways would not require the erection of “no parking” signage as they are very narrow ranging from four to eight metres and any parking in the laneway would impede the free flow movement of traffic. Parking and Traffic By-law 89-2000 Section 203.01.03 states as follows:

“No person shall stop any vehicle or permit any vehicle to remain stopped on any highway: Adjacent to or across the roadway from any obstruction in the roadway when such action would impede the free flow of traffic;” The fine for this infraction is \$50.

While Community Services staff recommended leaving the boat ramp launch pad open, but closing the boat ramp parking lot, this would create an impact on parking on the side streets. The By-law Enforcement Division recommends closing the ramp launch pad and parking lot for this two (2) day event to avoid any complications with traffic and parking in and around the festival site.

The By-law Enforcement Division will schedule two (2) Municipal Law Enforcement Officers, the Planning Student and the By-law Student to patrol the festival and surrounding areas during Canal Days.

**Clerk’s Division:**

No adverse comments received.

**Engineering & Operations Department:**

No further comments were provided to include in the report.

**Fire and Emergency Services Department:**

No further comments outside of a discussion were provided to include in the report.

**Niagara Regional Police Service:**

“I have reviewed the draft Report to Council document received on March 13, 2018 and in an effort to work cooperatively with City officials in the planning for this year’s event, offer the following considerations/concerns:

Special Duty Police Officers:

With the change in the concert venue from Market Square to H.H. Knoll Park, it is expected that the number of Special Duty police officers would need to be increased from past years. Previously, operational planning for Canal Days was able to coordinate resources between the West Street area and the Market Square.

With the proposed geographic separation for this year's event between West Street and H.H. Knoll Park, each venue requires specific staffing requirements and operational planning to take into account the distance between them. These plans would include a review of the hours, locations and numbers of Special Duty police officers who are required at each venue. The increase in capacity for the concert events to 10,000 persons for this year's event would require an increased number of police officers compared to concert staffing in previous years.

Road closures in the vicinity would also require Special Duty police officers in order to facilitate the safe and orderly movement of traffic and pedestrians across roadways. Provisions of the *Highway Traffic Act* prescribe that only a police officer may direct traffic and pedestrians on a roadway. In addition to police officers deployed specifically within venue itself, additional officers may be required for areas exterior to the venue in order to mitigate crowd related issues, resident complaints of unruly behavior from persons en route to the venue and/or traffic management of major intersections leading into the area.

As noted above, the change in venue location and the expected increase in attendance, an increased number of Special Duty police officers will be required for this year's event. A definitive staffing number for Special Duty police officers cannot be determined without further discussion based on operational planning, which would include discussion to determine the number of private security personnel on scene at the event. As a result, an estimate for cost increases associated to policing is not available at this time but is expected to exceed last year's costs.

#### Traffic/Pedestrian Congestion:

With an anticipated attendance of 10,000, it is expected that considerable traffic congestion will occur within the residential neighbourhoods adjacent to H.H. Knoll Park. The influx of vehicles entering into the area hoping to find parking spots is likely to impact traffic routes and create congestion not only for visitors to the area but also for the residents living within this zone. This congestion may restrict the access of emergency vehicles attempting to access this area or persons attempting to reach the Niagara Health System facility on Sugarloaf Street. Mitigation of this concern includes parking restrictions and road closures as noted in the report, however, it is expected that a large amount of congestion will still occur and parking availability will be limited in this area. People who are fortunate to find a place to park in the residential area have the potential to create a further hazard as they walk to and from the concert venue.

With the increase in people in this area, some of whom may be under the

influence of alcohol, the potential exists for complaints from citizens in regards to unruly/disruptive behaviour of these attendees. Using Special Duty police officers within this area may be a consideration to assist with maintaining a proactive presence to deter disruptive behavior.

#### Site Security/Safety Considerations:

With the larger venue, a sufficient number of emergency exits must be placed along the perimeter fencing. The locations of these exits have been identified on the site plan and must be staffed with security personnel in order to prevent unauthorized persons from using these entrances. Although the event does not have an entrance fee, it is an event licensed under the Alcohol and Gaming Commission of Ontario, thus requires controlled exits in order to ensure that liquor is not removed from the authorized area. This may be accomplished through the use of private security, in addition to their other prescribed duties.

The site plan indicates unobstructed/uncontrolled access for persons to access the area of H.H. Knoll Park adjacent to Sugarloaf Street and the walking path that exists in this area. It is likely that persons will attend to view/listen to the concert from this vantage point. As a result, a significant number of persons may congregate in this area which would not be factored into the venue attendance.

Combined with the potential for alcohol consumption, this congregation of persons could create additional safety issues for the venue. Access to this area needs to be considered in order to implement appropriate strategies to minimize large congregations of persons in this area.

In previous years, the booths for the purchase of beverage tickets were located a short distance from City Hall. As a result, a secure facility existed in close proximity to the area where large amounts of cash were collected. With the change in venue, this cash is held in a less secure area. Further, the transfer of potentially large sums of cash from this year's venue to a secure location would present safety challenges that did not previously exist for those persons responsible for the transfer of the money collected during the course of beverage sales at the event. Measures to mitigate this concern should be considered to address this safety/security issue.

With the concert venue located adjacent to an accessible body of water, and the potential for persons consuming an excess amount of alcoholic beverages, safety concerns exist due to the potential for such persons to inadvertently fall into the water undetected and come into distress. Given that the concert occurs during hours of darkness this concern is heightened somewhat due to the restricted visibility. It is suggested that measures to mitigate this risk be implemented.

The area of Sugarloaf Street between Elm Street and Fielden Avenue has been identified to be closed to vehicular traffic in both directions while the eastbound lane of Sugarloaf between Steele Street and Fielden Avenue has been identified to be closed to vehicular traffic. Laneways accessing this area of Sugarloaf would also be closed at Sugarloaf Street. Barricades would be

required to facilitate these closures and should be of a type and design that is sufficient to effectively block motor vehicles from intentionally or unintentionally entering the closed portion of this roadway yet still allow access to emergency services vehicles. In order to facilitate the safe and orderly movement of vehicular and pedestrian traffic. Special Duty police officers would be required at these locations (as outlined above) as well.

#### Boat Ramp/Parking - Considerations Adjacent to the Venue:

With the presence of the public boat ramp adjacent to the venue, the potential exists for traffic congestion to occur on the laneway between Sugarloaf Street and the boat ramp and its parking lot. This laneway is identified as an access point for one of the entrances to the concert and would likely experience a large number of pedestrians. Combining vehicle traffic with a large number of pedestrians in this area will create a safety concern for the pedestrians and could create a large amount of traffic congestion if not mitigated. In the event that the boat ramp remains open but parking for the boat ramp is restricted, boat operators would be required to park their vehicles at an alternative location, likely within the residential area that is subject to the influx of concert goers. This scenario may contribute to an already congested situation within the residential neighbourhoods. Conversely, allowing boaters to park vehicles and boat trailers in the boat ramp parking lot could create congestion along the Fielden Avenue extension as noted above. The complete closure of the boat ramp on Friday and Saturday would eliminate the concerns associated to the operation of the boat ramp during days of the concerts at H.H. Knoll Park. As a result, serious consideration should be given for the complete closure of the boat ramp each day of the concerts (Friday and Saturday).

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do Nothing**

Council may choose not to relocate the concert venue to H.H. Knoll Lakeview Park. If the concerts are not relocated to H.H. Knoll Lakeview Park, staff will not be able to properly secure the grounds within and surrounding Market Square. The concerts taking place within pose a much higher risk of accident and/or injury to participants, staff and places the municipality at risk due to the potential number of attendees for the particular artists that have been secured this year. This option is not recommended.

##### **b) Approve the relocation**

Staff recommends approval to relocate the Canal Days concerts to H.H. Knoll Lakeview Park. Approval will provide compliance with the City's own Municipal Alcohol Policy and AGCO compliance and ensure a quality area for festival entertainment and enjoyment by residents and tourists alike as well as allow for an increased capacity. Increasing the capacity will increase the amount of tickets sales within the venue and will also allow for a VIP area in the front of the stage where tickets can be sold for this experience. The rest of the spectator area will remain free to access. These will be a revenue generator increase.

Staff will also be changing the standard donations accepted at the gate of \$2-\$5 to a new format of Pay What You Can. This terminology concept is changing the way unique events, such as Canal Days, offer free concerts or attractions. It is being used throughout Ontario and has proven to provide increased revenue generation. The concept is readily used within the GTA and is making its way to Niagara. The secured artists will draw attendees from the GTA and surrounding area.

Staff is aware of the increase in security and policing for the increased capacity. This has been factored into the grant request. Staff is also working with the Fire and Emergency Services Department

#### 5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Engaged and vibrant community organizations contributing to the overall health and well-being of the community and showcases the City of Port Colborne Cultural Heritage. Supporting local business and providing assistance towards enterprising festivals and events in collaboration with the City of Port Colborne.

#### 6) ATTACHMENTS

Appendix "A"- Proposed Concert Site Plan at H.H. Knoll Lakeview Park  
Appendix "B"- Road Closure Site Plan

#### 7) RECOMMENDATION

That the 40<sup>th</sup> Annual Canal Days Concerts be hosted in H.H. Knoll Lakeview Park, as outlined in Community and Economic Development, Events Division Report 2018-33; and

That the Director of Community and Economic Development be directed to present a further report authorizing necessary road closures approval of the associated by-law.

#### 8) SIGNATURES

Prepared on February 5, 2018 by:



Gina Tartaglia  
Event Coordinator  
Community Services

Reviewed by:



Ashley Grigg  
Director of Community and Economic  
Development

Reviewed by:

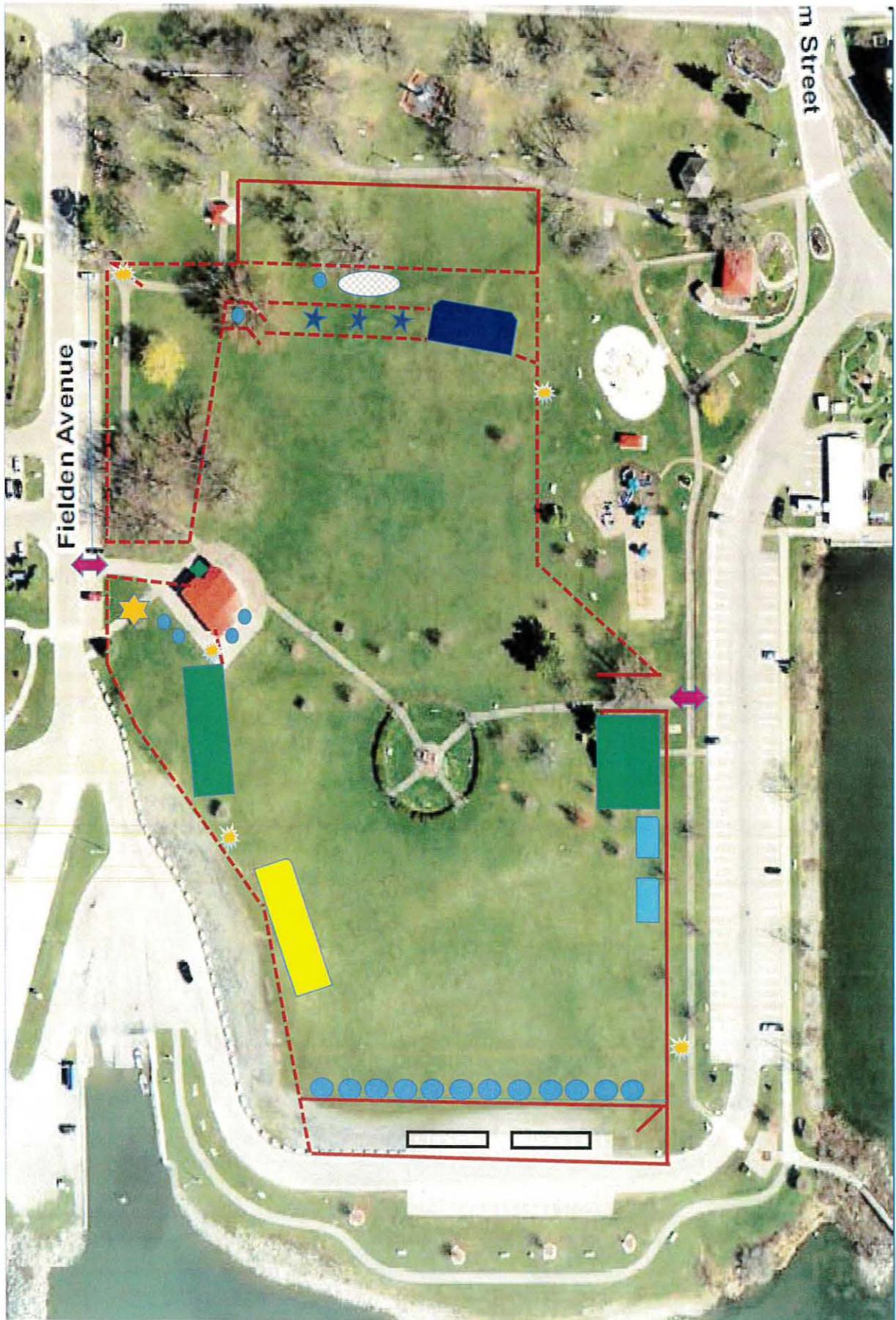


Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

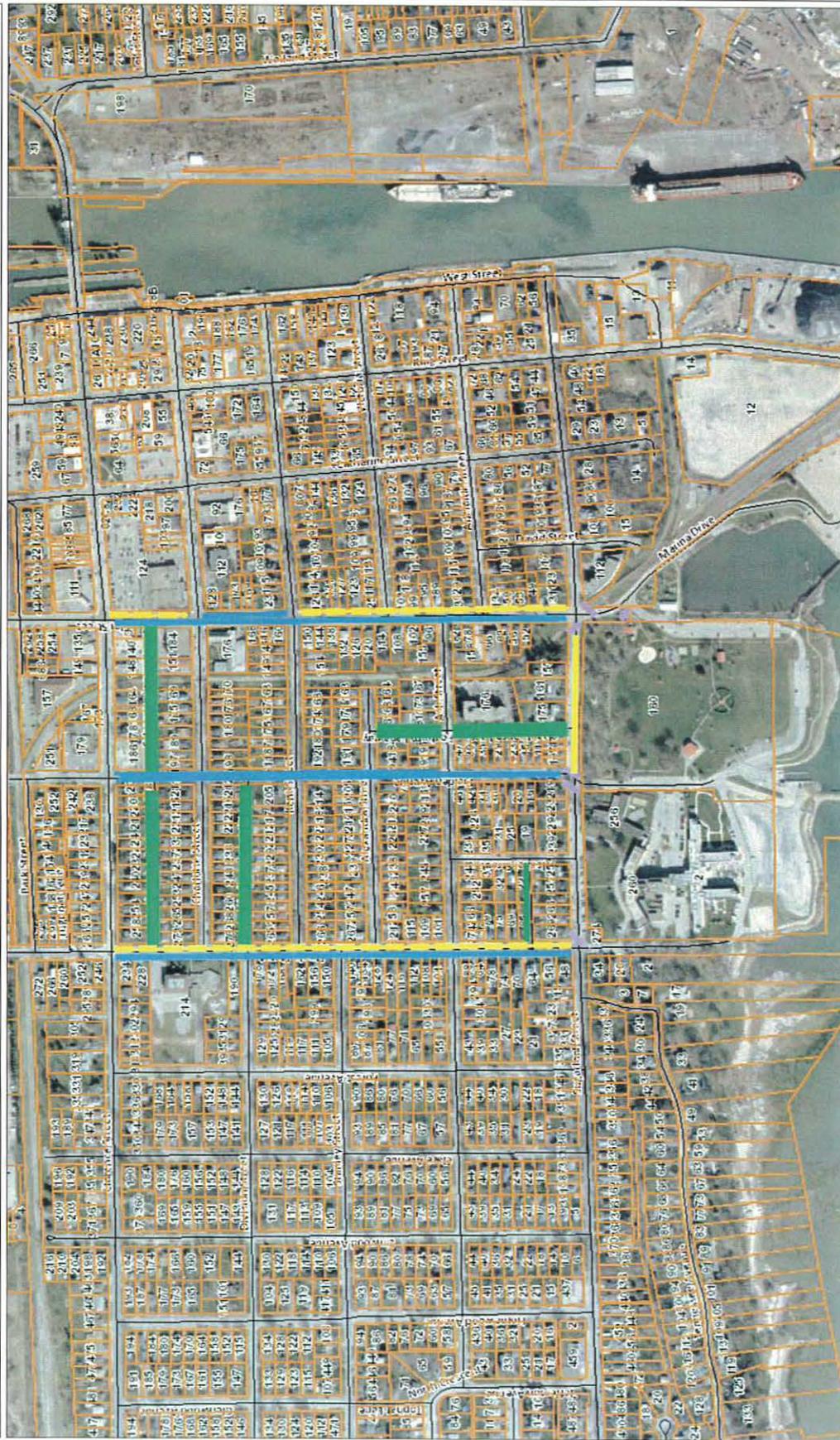


|                                                                                   |                       |                                                                                   |                   |                                                                                   |                         |                                                                                     |                       |
|-----------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------|-------------------------|-------------------------------------------------------------------------------------|-----------------------|
|  | Washrooms             |  | Bar Tents         |  | Ticket Tents            |  | 8 Ft fence with scrim |
|  | Food Area             |  | Meet & Greet Tent |  | Stage                   |  | 6 Ft fence            |
|  | Accessibility Seating |  | Dumpsters         |  | Emergency/Private Exits |  | Sponsor Area          |
|  | ATM                   |  | Police Compound   |  | Entrance/Exit           |                                                                                     |                       |

Canal Days Concert Parking Map



- Legend**
- Parcel Fabric
  - Streets Labels
  - Provincial
  - Regional
  - Municipal/Private Roads
  - Unimproved Roads
  - Future/Planned Roads



254.0 0 127.00 254.0 Meters



**Notes**  
 Blue - create no parking  
 Yellow - existing no parking  
 Green - required no parking lanes

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This map is a computer-generated data output from an internet mapping site and is for reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.

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**Community and Economic Development Department  
Events Division**

**Report Number: 2018-40**

**Date: March 26, 2018**

**SUBJECT: 2018 Budweiser CanAm Walleye Challenge, June 23, 2018**

**1) PURPOSE**

The purpose of this report is to present a request from Dave Malloy, Erie Tracker Outfitters, seeking support to host the Budweiser CanAm Walleye Challenge on June 23, 2018 at Sugarloaf Marina and H.H. Knoll Lakeview Park.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In January, the Event Coordinator, Marina Supervisor, Assistant Marina Supervisor, and Director of Community and Economic Development met with Mr. Malloy. During that meeting, Mr. Malloy requested the City's support to host this year's Budweiser CanAm Walleye Challenge. As a result, staff reviewed the event requirements with Mr. Malloy, including infrastructure and logistical support (similar to the level of support provided by the City for other fishing tournaments). Historically, the Budweiser CanAm Walleye Challenge has not requested any form of endorsement or support from the City. This year, the Budweiser CanAm Walleye Challenge will be entering its fourth year. In past years, the event has taken place in July with the Big Fish Friday event taking place on the Friday.

The Port Colborne & District Conservation Club recently advised staff that it will not be hosting the 444 International Walleye Tournament in 2018. Staff will be in communication with the Conservation Club regarding their desire to host the tournament in 2019, however, this has left an opening for another fishing tournament to take place at Sugarloaf Marina in 2018 on the dates typically reserved for the 444 International Walleye Tournament. As a result, Mr. Malloy is hopeful Council will approve support and direct staff to work with the Budweiser CanAm Challenge to administer and facilitate logistical needs for the event.

The City has provided infrastructure and logistical support for other tournaments in the past, which in turn has helped event organizers promote and maintain manageable tournament participation fees. If Council approves the request for sponsorship, the Budweiser CanAm Challenge will recognize the City as an event sponsor.

The Budweiser CanAm Challenge is distinct from other Walleye events as it is a one-day tournament, with a Big Fish Friday, where other tournaments have been two days. The Budweiser CanAm Challenge also allows two to five persons per team. The Challenge also has an eight-rod maximum and is limited to 100 entries, with all entry fees directed back into the prize allotments. In the past, the Budweiser CanAm Challenge has attracted fishing enthusiasts from the United States and throughout Southern Ontario.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Budweiser CanAm Challenge promotes sport fishing tourism in the City and enhances the City's recognition as an "Ultimate Fishing Town" destination (a designation

awarded to the City of Port Colborne in 2013/2014). As with other City sponsored events, should Council approve the City's support, staff would provide oversight and would manage the necessary infrastructure and logistical support, and would ensure related expenses do not exceed the approved budget.

In addition to infrastructure needs, the event organizers are requesting discounted dock fees at Sugarloaf Marina, valued at approximately \$1,500 (excluding tax). The event organizers are also requesting the supply of portable washrooms, a waiver of park permit fees (to allow camping in the park), and assistance with marketing the event on social media. An overview of each request and the implications is outlined below.

### **Marina Dock Fee Waiver:**

As noted above, the Budweiser CanAm Challenge is requesting a discount on dock fees at Sugarloaf Marina. During past Marina events, group discount rates for non-service dock fees have been provided. Traditionally the discount rates are applied to an average boat length of 23 feet.

The current discount rates for non-service docks are as follows: 10 to 24 boats for a discount rate of 15%, 25 to 49 boats for a discount rate of 25%, and for 50+ boats for a maximum discount rate of 35%. These discounted rates have been provided by the City to major fishing tournaments and regattas in the past and have proven to promote the Marina as a destination for such events.

The Budweiser CanAm Challenge is requesting the Marina dock fees be discounted at the 50+ boat rate of 35% off regular transient dock fees. The Budweiser CanAm Challenge is also requesting boat ramp fees be waived for event participants. This is consistent with other fishing tournaments at the Marina, at which the ramp fees have also been waived.

### **Camping/Parking and Waste Management:**

To facilitate early arrival of participants, event organizers have requested permission for RV camping/parking at H.H. Knoll Lakeview Park beginning at 12:00 p.m. on June 21, 2018. Staff recommend the designated RV camping/parking site be defined using snow fencing. As per the Fire and Emergency Services Department, fires are not permitted in the Park.

The event organizer will be responsible for waste management and for ensuring the event is supplied with sufficient waste receptacles and recycling containers. Waste collection will be managed by the Budweiser CanAm Challenge volunteers and will be augmented by security services.

Using photographs, staff will document the state of the park and designated RV camping/parking site before and after the event to document any damage claim. The City has accommodated camping in the park for other events and the City has not received complaints from the public regarding camping in the park in prior years.

### **Security and Fencing:**

As part of the City's risk management practices, security personnel must be scheduled to

patrol the park and ensure participants comply with park by-laws. The event organizers have requested the City's sponsorship include security costs. Should Council approve this report, the Event Coordinator will coordinate security arrangements and fencing. The City has adequate snow fencing. The sponsorship request includes the waiving of snow fence installation fees. Prior to the installation of the snow fencing, the Event Coordinator will work with the City technician to ensure compliance with Ontario One Call in order to obtain locates at the site.

**Certificate of Insurance:**

The event organizers are required to provide a certificate of liability insurance in the amount of \$5,000,000, naming the City as additional insured, for the duration of the event, and must comply with the City's Festival & Event Insurance Requirements.

**Summary of Sponsorship and Associated Costs:**

The following is a summary of the requested sponsorship and the City costs associated with the provision of same:

| <b>Sponsorship Type</b>                                              | <b>Approximate Value (\$)</b> |
|----------------------------------------------------------------------|-------------------------------|
| Waive Park Permit and Camping Permit Fees (H.H. Knoll Lakeview Park) | 150                           |
| Waive Pavilion Permit Fee (Sugarloaf Marina)                         | 150                           |
| Snow Fencing and Install                                             | 400                           |
| Security                                                             | 280                           |
| Portable Washrooms                                                   | 180                           |
| Waive Boat Ramp Fees                                                 | 1,300                         |
| Marina Non-service Dock Discount of 35%                              | 1,500                         |
| Promotion on Social Media                                            | Staff time.                   |

**Staff Comments:**

**By-law Enforcement Division:**

The following by-laws govern the activities listed in this report:

- By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks - Section 29(2):

"No person shall in any Park, unless expressly authorized by a Permit that is clearly displayed in the driver's side front windshield of the vehicle in such a manner as to be readable from the exterior of the Vehicle:

Park or leave a Vehicle, except during the times the Park is open to the public,

as defined in Section 4 of this By-law or in an area designated for such overnight parking.”

If parking of vehicles is within the Permit camping area, no additional permit would be required under the Parks By-law (see Camping By-law). If parking within the boat ramp launching area, permits will be provided by the event organizer.

- By-law 5642/73/11, Being a By-law to Provide for Permission to Camp and to Establish Rules and Regulations for Camping in H.H. Knoll Park, Lions Park, Nickel Beach and Centennial Park (Section 5(xviii)):

“The Camping Organization that has been issued a permit to camp in a municipal park shall be responsible for and comply with the following:

Permit any tent in excess of 60 m<sup>2</sup> to be set up/installed or used within the camp area, however the Camping Organization may apply to the Chief Building Official for a tent larger that may be used for purposes of the Camping Organization; however such tent may not be used for overnight accommodation”.

Waiving of Building Permit fees for tents on City property at City sanctioned events has normally been granted in the past. Unless expressly authorized by Council this privilege may change (Section 8):

“Unless expressly permitted or provided for by a permit pursuant to the Camping By-law and authorized by the Council of the City of Port Colborne, in accordance with various other municipal by-laws concerning conduct on municipal property, any person or group permitted to camp in a municipal park shall not:

Section 8(xix) - Park vehicles in area other than those designated for camping,  
Section 8(xx) - Park overnight except in an area designated for overnight parking and camping.”

If Council approves the recommendation of this report, Council would be expressly permitting the camping and parking of vehicles, therefore no additional permits would be required.

#### **Fire & Emergency Services Department:**

Parking in and around event is to be controlled to ensure access for emergency vehicles.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do Nothing**

Council may receive and file this report, which would effectively deny the sponsorship request; however, this would negatively impact the viability of the event. The City has provided support for other fishing tournaments in the past. Such support has proven to contribute to the success of other tournaments and has served to promote the Marina as a fishing destination. As a result, this option is not recommended.

**b) Other Options**

Council may choose to provide an alternative level of support than that requested by the event organizer. This option is not recommended.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This report supports the City's goal of strengthening festivals and events, which in turn provides economic benefits and serves to provide recreation opportunities for citizens and visitors alike. Forming viable collaborative partnerships, engaging community organizations, and supporting sport tourism are important components of in achieving this goal.

**6) ATTACHMENTS**

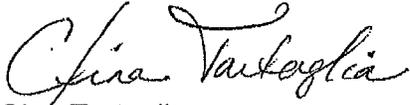
Appendix "A" - Budweiser CanAm Challenge Fact Sheet  
Appendix "B" - Site Plan of Camping Area

**7) RECOMMENDATION**

1. That City sponsorship of the 2018 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows:
  - a. Waving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park;
  - b. Waiving of permit fees for the use of the pavilion at Sugarloaf Marina;
  - c. Provision and installation of snow fencing, and waiving of associated fees;
  - d. Provision of security;
  - e. Provision of portable washroom facilities and waiving of associated fees;
  - f. City assistance with event promotion and marketing on social media;
  - g. Waiving of boat ramp fees for tournament participants;
  - h. Provision of Marina non-service dock discount rate of 35% for tournament participants.
2. That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 21, 2018, and that RV camping/parking be cleared from Park by Sunday, June 24 at 6:00 p.m.; and
3. That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as additional insured.

8) SIGNATURES

Prepared on March 8, 2018, by:



Gina Tartaglia,  
Event Coordinator

Reviewed by:



Ashley Grigg,  
Director of Community and Economic  
Development

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer

Reviewed by:



Mark Minor,  
Marina Supervisor

Reviewed by:



Peter Senese,  
Director of Corporate Services



# 2018 BUDWEISER CANAM WALLEYE CHALLENGE

## Saturday June 23rd, 2018



- ▶ One-day tournament; \$500.00 entry fee (CAD)
- ▶ 2-5 people per team; 8 rod maximum
- ▶ Total weight of four (4) walleye
- ▶ Limited to 100 entries



The 2018 Budweiser CanAm Walleye Challenge returns with a new date. Although we have assumed the historical date of the '444' International Walleye Tournament, the Budweiser CanAm will remain a one-day tournament to be held on Saturday June 23rd, 2018 (with Sunday June 24th, 2018 as the blow day).

The tournament format allows 2-5 people per team using a maximum of eight (8) rods to weigh in four (4) walleye for the day. Prize money will also be awarded for Big Fish of the Day. The entry fee for the Main Event is \$500.00 (CAD) per team and we will be accepting the first one hundred (100) entries.

We will also be holding our Big Fish Friday event on Friday June 22nd, 2018. This event is optional and the entry fee of \$100.00 will be due with the main event registration. Once again there will be two optional calcuttas on tournament day, one for Biggest Fish and one for Biggest Box. The entry fee for each calcutta will be \$100.00.

Within the next few weeks detailed tournament information will be sent out by email and will also be posted on Erie Tracker Outfitters' Facebook page.

**We will begin taking registrations for this tournament on March 1st, 2018.**

| MAIN EVENT PRIZE MONEY |             |
|------------------------|-------------|
| 1st Place              | \$15,000.00 |
| 2nd Place              | \$5,000.00  |
| 3rd Place              | \$4,000.00  |
| 4th Place              | \$3,000.00  |
| 5th Place              | \$2,000.00  |
| 6th Place              | \$1,500.00  |
| 7th Place              | \$1,400.00  |
| 8th Place              | \$1,300.00  |
| 9th Place              | \$1,200.00  |
| 10th Place             | \$1,100.00  |
| 11th Place             | \$1,000.00  |
| 12th Place             | \$900.00    |
| 13th Place             | \$800.00    |
| 14th Place             | \$700.00    |
| 15th Place             | \$600.00    |

| BIG FISH of the DAY |            |
|---------------------|------------|
| 1st Place           | \$3,000.00 |
| 2nd Place           | \$2,000.00 |
| 3rd Place           | \$1,000.00 |
| 4th Place           | \$750.00   |
| 5th Place           | \$500.00   |



# Save the date...Saturday June 23rd, 2018.





Report Number: 2018-39

Date: March 26, 2018

**SUBJECT: Updated Municipal Alcohol Management Policy**

**1) PURPOSE**

The purpose of this report is to present updates to the City's Municipal Alcohol Management Policy and to request Council's approval of a newly revised and consolidated Policy.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The City's existing Municipal Alcohol Management Policy (the "Policy") was first enacted in 1993. Eleven amendments have been made to the Policy since that time. The Policy governs the consumption of alcohol at various municipally owned facilities.

The Alcohol and Gaming Commission of Ontario is responsible for issuing Special Occasion Permits ("SOP") under the *Liquor Licence Act*. A SOP is required when serving alcohol during an event held at a municipally owned facility.

**3) STAFF COMMENTS AND DISCUSSIONS**

Significant legislative changes to alcohol management practices have taken place since the time the Policy was originally adopted. As a result, updates to the current Policy, as amended, are required to reflect the current legislative parameters, as well as to ensure the list of applicable municipal facilities governed by the Policy are accurately captured. In addition, due to the number of amendments made, the adoption of a new consolidated Policy is recommended. The following is a brief outline of the updates made to the existing Policy.

In order to be eligible to utilize a City owned property and/or facility for a SOP function, the SOP Permit Holder must demonstrate that there are sufficient controls in place to prevent intoxicated or rowdy patrons from entering the event. This section of the Policy sets out the requirements that event organizers must follow leading up to and during an event. The requirements under this section have been updated to reflect the City's current practices.

Insurance requirements have been updated to reflect the obligation of the SOP Permit Holder to submit a certificate of liability insurance, naming the City as an additional insured, in the amount of five million dollars.

Lastly, formatting and grammatical corrections have also been made. A copy of the revised Municipal Alcohol Management Policy is attached as Appendix "A".

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

Council may choose to receive and file this report. In this case, no further action would be taken and the Policy would not be updated. This option is not recommended.

**b) Other Options**

Council may choose to provide additional and/or alternative direction regarding the Policy.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

**6) ATTACHMENTS**

Appendix "A" – Revised Municipal Alcohol Management Policy

**7) RECOMMENDATION**

That the revised Municipal Alcohol Management Policy, attached as Appendix "A" to Community & Economic Development Report No. 2018-39, Subject: Updated Municipal Alcohol Management Policy, be approved; and

That the appropriate by-law be presented for approval.

**8) SIGNATURES**

Prepared on March 7, 2018 by:

Reviewed by:



Gina Tartaglia  
Event Coordinator



Ashley Grigg  
Director of Community & Economic  
Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Schedule "A" to By-law \_\_\_\_\_

THE CORPORATION OF  
THE CITY OF PORT COLBORNE

**ALCOHOL MANAGEMENT POLICY**

History:

First enacted by **BY-LAW 2871/50/93**

May 10<sup>th</sup>, 1993

Amended by- **BY-LAW 2991/25/94**

February 14<sup>th</sup>, 1994

Amended by- **BY-LAW 3148/19/95**

February 27<sup>th</sup>, 1995

Amended by-**BY-LAW 3598/24/98**

March 9<sup>th</sup>, 1998

Amended by- **BY-LAW 3916/61/00**

May 23<sup>rd</sup>, 2000

Amended by-**BY-LAW 4090/85/01**

June 25<sup>th</sup>, 2001

Amended by-**BY-LAW 4458/131/03**

November 24<sup>th</sup>, 2003

Amended by-**BY-LAW 4607/138/04**

November 22<sup>nd</sup>, 2004

Amended by-**BY-LAW 4819/44/06**

March 27<sup>th</sup>, 2006

Amended by- **BY-LAW 5050/105/07**

September 10<sup>th</sup>, 2007

Amended by-**BY-LAW 5220/126/08**

November 24<sup>th</sup>, 2008

Amended by- **BY-LAW 6004/110/13**

October 15<sup>th</sup>, 2013

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**1. PREAMBLE:**

- 1.1 The Corporation of the City of Port Colborne ("the City") owns and manages properties and/or facilities that, for the purpose of this policy, are categorized into the following areas:
- (a) Those where alcohol consumption is not permitted; and
  - (b) Those where alcohol consumption is permitted under the authority of a Special Occasion Permit.
- 1.2 This policy has been adopted in order to prevent potential harms that may arise from alcohol consumption at these locations and to promote a safe and enjoyable environment for facility users.

**2. POTENTIAL HARMS:**

- 2.1 A range of potential harms can arise as a result of alcohol consumption. These harms can affect not only those consuming alcohol, but also other facility users.
- 2.2 Such harms include, but are not limited to the following:
- (a) injury to the person consuming alcohol or others;
  - (b) police response required at a municipal property/facility;
  - (c) liability arising from alcohol related injury or death;
  - (d) increased insurance premiums as a result of alcohol related incidents;
  - (e) loss of insurability should the insurer's risk assessment escalate;
  - (f) charges against the City or the Special Occasion Permit holder(s), under the *Liquor Licence Act*;
  - (g) suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario;
  - (h) vandalism and/or destruction of City property/facilities;
  - (i) loss of enjoyment for those who do not consume and/or moderately consume alcohol;
  - (j) complaints and/or action lodged by offended parties;
  - (k) withdraw from use of City facilities by persons or groups concerned about alcohol consumption;
  - (l) loss of City revenue due to reduced participation; and
  - (m) increased public concern about alcohol consumption.
- 2.3 Such harms are generally not attributable to those who responsibly consume alcohol and to those who observe the rules regarding alcohol consumption. Generally, the majority of such harms arise when persons engage in four unsafe alcohol consumption practices:
- (a) Drinking to the point of intoxication;
  - (b) Drinking and driving;

- (c) Underage drinking; and
- (d) Drinking in prohibited areas.

2.4 Preventing engagement in such practices will correspondingly diminish the occurrence of alcohol related harms. This policy will be minimally intrusive to those that do not engage in the unsafe consumption of alcohol. This policy does not inhibit the legal and responsible consumption of alcohol.

**3. PURPOSE:**

3.1 As the owner and operator of the properties and facilities outlined herein, the City has a responsibility to promote the responsible use of alcohol at special events. The City must also take appropriate initiatives to protect itself from liability associated with the consumption of alcohol on City properties and/or facilities.

3.2 This policy has been adopted in order to prevent the occurrence of alcohol related harms and to preserve and protect the public's enjoyment of City properties and facilities. By reducing the potential for alcohol related harms, the City concurrently reduces a user's loss of enjoyment of City facilities, and minimizes the risk of injury and death, and the risk of liability.

3.3 To this end, this policy establishes methods intended to reduce engagement in the unsafe consumption of alcohol, as outlined above.

**4. LICENSED FACILITIES:**

4.1 The following City facilities are designed as being eligible for hosting a Special Occasion Permit ("SOP") function:

- (a) Vale Health & Wellness Centre, 550 Elizabeth Street;
- (b) Sugarloaf Harbour Marina, 3 Marina Road;
- (c) Port Colborne Historical and Marine Museum, 280 King Street;
- (d) Roselawn Centre for the Arts, 296 Fielden Avenue, (Licence No. 40291);
- (e) Port Colborne Municipal Offices, 66 Charlotte Street;
- (f) Port Colborne Engineering & Operations Centre, 1 Killaly Street West;
- (g) Port Colborne Fire Hall, 3 Killaly Street West;
- (h) Fire Station No. 2, 126 Bell Street;
- (i) Port Colborne Bocce Club, 550 Elizabeth Street.
- (j) Port Colborne Visitor Information Centre, 6 Main Street West;
- (k) Bethel Community Centre, 2703 Chippawa Road;
- (l) Sherkston Community Centre, 4893 Sherkston Road;
- (m) Port Colborne Tennis Club Building, 41 Helen Street;
- (n) Port Colborne Lion's Field Park, 148 Killaly Street West;
- (o) Municipal Street Events (various locations, as approved by Council); and
- (p) Parks and Pavilions (various locations, as approved by Council).

4.2 The following City owned properties and/or facilities shall not be used to host SOP events:

- (a) Nickel Beach, as it is owned by Vale Canada Ltd., and it is against the company's corporate policy.
- (b) Westside Arena Baseball Fields, as it is a youth user oriented facility.

4.3 Eligible facilities known as the Bethel Community Centre, Sherkston Community Centre, and Port Colborne Visitor Information Centre are permitted to host SOP functions, as the management organization/group/City of Port Colborne, Council deems acceptable.

## 5. **CONTROLS:**

5.1 In order to be eligible to utilize a City owned property and/or facility for a SOP function, the SOP Permit Holder must demonstrate to the satisfaction of the Department Director, or designate, that there are sufficient controls in place to prevent intoxicated or rowdy patrons from entering the event.

5.2 Further, the SOP Permit Holder must ensure that any intoxicated and/or rowdy patrons shall be refused service and shall be removed safely from the event, forthwith.

5.3 For the purpose of establishing and maintaining control, as outlined above, the Permit Holder shall be responsible for implementing and ensuring compliance with the following controls :

- (a) The person(s) whose name(s) appear on the SOP (the "Permit Holder") (being the person(s) responsible for the event) may identify a designate(s), however in doing so, the names of such designate(s) shall appear on the SOP, and such person(s) shall be made known to the City. Individuals/groups named on Special Occasion Permits and facility owners are responsible for the safety and sobriety of the people attending the event.
- (b) The Permit Holder and/or designate(s) shall possess a valid Smart Serve Certification.
- (c) The Permit Holder and/or designate(s) shall be present throughout the SOP event.
- (d) The Permit Holder and/or designate(s) shall familiarize themselves and comply with all requirements specified in the Special Occasion Permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO").

- (e) The SOP shall be posted in a conspicuous location at all times during the event, shall be readily available for presentation upon request by AGCO inspectors or police officers.
- (f) The only identification accepted for the purpose of establishing a patron's age shall be: valid provincial Driver's Licence, or out-of-province photo driver's licence, valid Passport, Government Issued Military Card, Canadian Citizenship Card (including Native Status Card), and/or photo identification issued by the AGCO.
- (g) The sale of alcoholic beverages shall be by ticket and the number of alcoholic beverages permitted to be purchased by one (1) person at any one time shall be limited to two (2), unless other restrictions specific to the event are established by the AGCO, in which case adherence shall be to that limit. Glass containers shall not be used for serving beverages at an SOP function.
- (h) At the time of purchase, servers shall open all alcoholic beverages prior to proffering same to the patron.
- (i) At least two (2) persons shall supervise all entrances, and at least one (1) person shall supervise exits. Those supervising the entrances and exists shall be the age of majority. Monitors shall not consume alcohol prior to or while undertaking their duties at the event.
- (j) For licensed venues with a capacity over 2,000 people, floor monitors shall be provided, including an appropriate number of licensed security guards and Special Duty Police Officers, with a minimum ratio of one (1) per two hundred participants.
- (k) All monitors shall be nineteen (19) years of age or older and shall hold a valid Smart Serve Certification.
- (l) Prepare and maintain a list that includes the names and Smart Serve Identification numbers, of all monitors and servers. This list shall be submitted to the Department Director, or designate, at the time the application for the special event is submitted to the City. This list shall be posted during the event in the same location as the SOP.
- (m) In accordance with the rules and regulations of the AGCO, in the case where the designated area must be enclosed by fencing, a minimum of one (1) monitor shall be utilized to "patrol" the area outside of the fenced area.
- (n) Staff and/or volunteers responsible for selling tickets to patrons for the purchase of alcohol must possess a valid Smart Serve Certification.

- (o) Those identified by this policy as requiring Smart Serve Certification shall carry their Smart Serve Identification Card on their person, at all times during the event.
- (p) "Last call" announcements are not permitted and shall not be made.
- (q) Any incident and/or occurrence that could reasonably be expected to endanger the health and safety of a patron or other participant, whether it be on or off the event premises, shall be the responsibility of the Permit Holder.
- (r) In the case where the AGCO provides approval under the SOP Permit for persons under the age of majority ("minors") to be present within the designated area identified under the Permit, single fencing with a minimum height of four (4) feet shall be securely erected
- (s) In the case where the AGCO, under the SOP Permit, indicates that minors are not allowed to be present within the designated area identified under the Permit, double fencing with a minimum height of four (4) feet, shall be securely erected.
- (t) Food shall be available for patrons at all times when alcohol is being served and at no greater price than the cost to purchase alcoholic beverages. Further, non-alcoholic beverages shall be available at all times and at no greater price than the cost to purchase alcoholic beverages.
- (u) Thirty (30) percent of the total amount of beer and draft beer available for sale shall be classified as "light" beer, and notice of same shall be posted.
- (v) Ensure adequate lighting is provided for the event, signs are visible, and stairs are clear. Adequate and accessible washroom facilities shall be available on site. As the occupier of the premises, the Permit Holder is required to ensure the physical setting is safe for persons who are and are not consuming alcohol. The Permit Holder may be held liable if an accident occurs due to the physical set-up of the event.
- (w) The Permit Holder shall ensure signs are displayed, near the serving area, indicating the following:
- It is a Provincial Offense to serve an intoxicated person, or serve anyone to the point of intoxication.
  - Provisions of the *Liquor Licence Act* authorize servers to cut off over indulgent consumers.
  - The Permit Holder has the right to refuse admittance to persons who are under the age of majority.

- (x) In the event a patron is intoxicated and/or sales have stopped to the patron, the patron shall be escorted out of the designated area and event. The patron shall then be left in the responsibility of someone who has not consumed alcohol. The Permit Holder and/or designate shall record such an occurrence in a logbook. Police may be called to assist in managing intoxicated or rowdy patrons.
- (y) The Permit Holder is responsible for ensuring at all times that no violation of the Criminal Code occurs within the licensed area. This includes, but is not limited to: drunkenness, violence, use of narcotics, mischief, nudity, lewd or lascivious action, defecation outside designated washroom areas, throwing objects, spitting at or on others, pick pocketing or theft, possession of concealed weapons, uttering threats, or trespass in restricted areas.

**6. RATIONALE:**

- 6.1 In accordance with the *Occupiers Liability Act*, special event participants must be protected from foreseeable harm.
- 6.2 Relevant case law: *Jacsonson v. Kinsmen Club of Nanaimo (1976) - Kinsmen Club of Nanaimo* sponsored a beer party in a large arena. During the party, patrons climbed one of the support beams. One patron lost his grip on the beam and fell onto the plaintiff, knocking him unconscious. Although thirty volunteers were supervising the event, the only step taken to discourage the climbers were shouts from certain volunteers. The court found that the Club breached its statutory obligation as an occupier by failing to prevent the patrons from climbing.

**7. STATEMENT OF INTOXICATION:**

- 7.1 The use of City owned property and/or facilities is primarily for the purpose of public enjoyment, recreation and social gatherings. An SOP event shall not pose an unreasonable risk to public safety, the public interest and the public, nor any unreasonable risk of non-compliance with the *Liquor Licence Act* or this policy.
- 7.2 It is against the *Liquor Licence Act* for licensed establishments to serve customers to the point of intoxication.
- 7.3 Servers in City facilities are required to obey the law and not serve anyone to the point of intoxication.
- 7.4 Should a patron wish to purchase a non-alcoholic beverage, they may request a soft drink, coffee or other alternative. Should a patron wish to purchase a smaller portion of alcohol, they may request a beer, cooler or other beverage with a lower alcohol content.

7.5 Should a breach of the *Liquor Licence Act* or the provisions of this policy be observed, or if there is an immediate threat to public safety, the Department Director, an AGCO inspector, or a police officer may revoke an SOP while the event is underway.

**8. PENALTY:**

8.1 An individual or group bringing alcohol onto designated municipal properties must have a SOP.

8.2 Permit Holders violating City policy and procedures and/or the *Liquor Licence Act* may be refused future rental privileges.

8.3 Future rentals to such individuals or groups will depend on them demonstrating to the Department Director or designate and/or City Council that all the rules will be followed at all future functions.

8.4 Policy violators will be penalized so as not to jeopardise the use of the facility by other responsible organizations or individuals. The AGCO has the authority to refuse to issue an SOP for a particular premise if there has been evidence that the laws have been violated during the event.

**9. ACCOUNTABILITY:**

9.1 Signs must be posted at all SOP events informing the public where they can direct their concerns. The sign will name the sponsor of the event, the name of the Permit Holder and the addresses and telephone number of the City's Community & Economic Development Department, the Niagara Regional Police, and the AGCO.

9.2 There shall be the uniformity in the signs outlining:

(a) Event Sponsor

(b) Name of Special Occasion Permit Holder

(c) Community & Economic Development Department, City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
(905) 835-2900

(d) Niagara Regional Police Service  
501 Fielden Avenue  
Port Colborne, Ontario  
(905) 735-7811 ext. 3270

- (e) Alcohol And Gaming Commissions Of Ontario  
55 Lakeshore Boulevard East  
Toronto, Ontario  
(416) 326-0431

9.3 It is not always possible for the police and Liquor Licence Inspectors to check on Special Occasion Permit functions. Therefore, the sign serves notice to the Permit Holder that while enforcement personnel may not attend the event, concerned participants will know where to lodge a complaint.

**10. APPLICATIONS – CONDITIONS OF APPROVAL:**

10.1 When considering endorsement of a Liquor Licence Application submitted to the AGCO, recommended approval by the City shall be contingent on the event sponsor agreeing, in writing, to conditions including, but not limited, to the following:

- (a) Adherence to the City's Alcohol Management Policy.
- (b) Certificate of Liability Insurance, naming the City as an additional insured (and any other applicable parties), in the amount of five million dollars.
- (c) Site plan drawing of the footprint of the facility or venue where alcohol will be served (including a depiction of fencing, security/police locations, entrances and exits).
- (d) Adherence to the *Liquor Licence Act* and the Rules and Regulations of the AGCO.

**11. PROMOTION:**

11.1 Once endorsed by the City, a presentation to the community will be set up. All previous event sponsors will be sent a letter recommending attendance, as it may affect future events sponsored by them.

11.2 The general public will be invited to attend through media advertisement.

11.3 All of the reviewing members of this policy will be present.

**12. SIGNS:**

12.1 Signage shall be posted at each venue where alcohol is being served.

12.2 Signage that is required by the AGCO and the *Liquor Licence Act* must be adhered to and posted at:

- (a) All entrances
- (b) All serving locations
- (c) All ticket sales locations, if applicable
- (d) All exits

12.3 Depending on the final designation sign size (minimum of 24 inches wide by 14 inches high).

12.4 Examples of signage is as follows:

Example 1:

**NO ALCOHOLIC BEVERAGES PERMITTED**  
*-Minimum 3 inches height-*  
**VIOLATORS IMMEDIATLEY FORFEIT ALL RIGHTS  
TO USE FACILITY**  
*Minimum 2 inches height-*

Example 2:

**ALCOHOLIC BEVERAGES BY PERMIT ONLY**  
*-Minimum 3 inches height-*  
**VIOLATORS IMMEDIATLEY FORFEIT ALL RIGHTS  
TO USE FACILITY**  
*-Minimum 2 inches height-*

### 13. SAFE TRANSPORTATION:

13.1 Only individuals, groups or organizations implementing a safe transportation strategy involving a designated driver program, combined with an additional alternate home transportation option (to prevent intoxicated participants from driving) shall be permitted rental/use privileges of facilities for SOP functions.

13.2 The City assumes no liability with any third party safe transportation means or services.

#### Examples:

- ✓ Designated Drivers Program to be advertised at the event
- ✓ Designated Drivers to be identified to servers and monitors
- ✓ Designated Drivers to receive free or low cost non-alcoholic drinks (i.e. coffee, pop, water)
- ✓ Intoxicated person(s) to be driven home by a sober friend whom will assume the responsibility of the intoxicated person(s) and shall be documented by the Permit Holder and/or designate, as outlined above.

**14. TRAINING:**

14.1 To be eligible for a facility rental for a SOP function, the sponsor must demonstrate to the satisfaction of the Department Director or designate, that the person signing the SOP, and all servers, floor and door monitors, ticket sellers and takers have completed the Smart Serve Ontario Certification training through the Hospitality Industry Training Organization of Ontario, or an equivalent course as endorsed by the AGCO (note: a serving Police Officer is considered to have the equivalent of a Smart Serve).

**15. INSURANCE:**

15.1 Individuals or group sponsoring a SOP function at a City owned property and/or facility, as previously listed, must provide the Department Director or designate, at least two (2) weeks prior to the event, a copy of the Certificate of Liability Insurance, naming the City (and any other applicable parties) as an additional insured, in the amount five million dollars.

**16. NOISE:**

16.1 The playing of music either by band, DJ, radio, or other form at events held outdoors, sanctioned by a SOP on City owned property MUST apply for and receive a Noise Variance, by application to the By-law Enforcement Division.

**17. MUNICIPAL ALCOHOL POLICY REVIEWING MEMBERS:**

| <b>Reviewing Member:</b>     | <b>Organization:</b>                                    |
|------------------------------|---------------------------------------------------------|
| Chief Administrative Officer | City of Port Colborne                                   |
| City Clerk                   | City of Port Colborne, Corporate Services               |
| Event Coordinator            | City of Port Colborne, Community & Economic Development |
| Fire Prevention Officer      | City of Port Colborne, Fire Department                  |
| Staff Sergeant               | Niagara Regional Police Services, District 6            |
| Inspector                    | Alcohol and Gaming Commission of Ontario                |

**CITY OF PORT COLBORNE  
SPECIAL OCCASION PERMIT HOLDER AGREEMENT**

Name of Team/Group/Organization/Individual/Event: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**CERTIFICATION:**

1. The Permit Holder has received and reviewed a copy of the Municipal Alcohol Management Policy.
2. The Permit Holder agrees to adhere to the conditions of this policy and the *Liquor Licence Act*.
3. The Permit Holder understands that if an infraction of the policy occurs, the City of Port Colborne may refuse future rentals. The length of the suspension will be determined by the municipality.
4. The Permit Holder understands they can be held liable for injuries and damage arising from failing to adhere to the *Liquor Licence Act*, or from otherwise failing to take action that will prevent foreseeable harm from occurring.
5. The Permit Holder understands that the Police and/or a Liquor Licence Inspector can lay charges for infractions of the *Liquor Licence Act* or other relevant legislation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

---

**OFFICE USE ONLY**

\_\_\_\_\_  
S.O.P. Permit No.

\_\_\_\_\_  
MUNICIPAL APPROVAL DATE (by resolution)

Agreement received by: \_\_\_\_\_  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: \_\_\_\_\_

### RESPONSIBILITIES OF SPECIAL OCCASIONS PERMIT HOLDER:

As the contact person of a Special Occasion Permit, your group can be held liable, among other things, for injuries and damages arising from failing to adhere to the *Liquor Licence Act*. These conditions include serving someone to intoxication, serving someone who is already intoxicated, serving a minor and failing to prevent impaired individuals from driving.

The City suggest that organizations pass by-laws specifically indemnifying directors for the costs arising from any law suits that might arise out of their work as a Director.

A typical by-law might read as follows:

*The Board of Directors shall indemnify all Directors or Officers for any expenses they might incur in the course of the defending themselves from, or from any damages arising from any legal actions taken against the Directors or Officers from any acts or omissions undertaken on behalf of the Board of Directors.*

While such a by-law might make a director feel more comfortable, it must be kept in mind that indemnification may serve little purpose if the organization does not have the funds necessary to indemnify. While indemnification provisions may protect directors in areas where directors liability will not (see Director's Liability, below), the Board does not likely have the power to indemnify a director against any and all acts that they might to in their capacity as director.

While indemnification by-laws are not pointless, directors are better served by making sure the organization has adequate insurance coverage.

#### **RATIONALE**

It is illegal for a non-profit organization to reimburse its members for expenses incurred through lawsuits unless so permitted by the organizations By-Law. The use of Off Duty Police Officers shall be recommended at events that are warranted.

CITY OF PORT COLBORNE AND  
SPECIAL OCCASION PERMIT HOLDER

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**EVENT EVALUATION FORM**

(To be completed by the Event Holder and the Municipal Staff Designate)

1) Name of Event: \_\_\_\_\_

2) Location of Event: \_\_\_\_\_

3) Date(s) of Event: \_\_\_\_\_

4) Time(s) for Alcohol Service: \_\_\_\_\_

5) Inventory Control:

| Product    | Quantity | Size/Kind<br>(bottle/can/tallboy/draft) | Purchased | Sold |
|------------|----------|-----------------------------------------|-----------|------|
| Beer       |          |                                         |           |      |
| Light Beer |          |                                         |           |      |
| Liquor     |          |                                         |           |      |
| Wine Red   |          |                                         |           |      |
| Wine White |          |                                         |           |      |
| Coolers    |          |                                         |           |      |
| Kegs       |          |                                         |           |      |
| Other      |          |                                         |           |      |

6) Types of Non-Alcoholic Beverages being served: (check all that apply)

- Water     Pop     Juice     Coffee/Tea     Other

7) Estimate number of paid participants attending and/or participating: \_\_\_\_\_

8) Estimate number of minor attending and/or participating: \_\_\_\_\_

9) Were there any areas of the facility that were difficult to monitor? If yes, explain briefly.

Exits:             No

Yes \_\_\_\_\_

Entries: No  
Yes \_\_\_\_\_

Washrooms: No  
Yes \_\_\_\_\_

Parking Lot(s): No  
Yes \_\_\_\_\_

10) Do you feel there were sufficient monitors in place?

No Yes

11) If you did not employ off-duty police officers, do you now feel that they would have been of benefit?

No Yes

Name of Event Person Completing This Evaluation:

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Signature of Person

Your evaluation form must be returned to the City of Port Colborne,  
Community & Economic Development Department no later than 48 Hours after the  
completion of your event.



Community and Economic Development Department  
Parks Division

Report Number: 2018-38

Date: March 26, 2018

**SUBJECT: Request for Quotation 2017-17: Parks Solar Lighting**

**1) PURPOSE**

The purpose of this report is to provide an update regarding the Request for Quotation issued for parks solar lighting and to request Council approval to award the associated contract.

**2) BACKGROUND, COUNCIL POLICY, PRACTICES**

In 2017, Council approved the allocation of \$45,000 from the 2017 Parks Capital Reserve Account toward this project. Subsequently, staff was directed to prepare a Request for Quotation for the supply and installation of the solar lighting. Five lights in total will be purchased for installation at the following five parks: Hawthorne Heights Park, Jacob E. Barrick Park, Humberstone Shoe Park, Rose Shymansky Park, and Sunset Park.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Request for Quotation closed on February 5, 2018 with four companies submitting quotations. The following provides an outline of the companies that submitted bids and the corresponding amounts:

- Canadian Solar Outfitters - incomplete bid;
- ProQuip International - \$46,775;
- Wiens Underground Electric - \$51,325;
- Sid Grabell Contracting - incomplete bid.

As outlined above, a budget of \$45,000 was allocated to this project from the 2017 Parks Capital Reserve Account; however, after completing a review of the bid submissions, it was determined that Wiens Underground Electric is the proponent that most adequately satisfies the required specifications and offers the best-finished product for the price quoted. This bid is considered most suitable because the battery pack and programmable electronics on the lighting unit is secured in the base of the lighting unit for easier access and security as opposed to the Proquip bid which has the battery pack mounted halfway up the pole, which creates a climbing and vandalism hazard. The Wiens bid also makes the lighting unit more aesthetically appropriate for a park setting.

As a result, staff recommends awarding the contract to Wiens Underground Electric for the total quoted price of \$51,325, excluding taxes. Staff also recommends that the additional funding for this project, in the amount of \$6,325, be allocated from the General Capital Reserve. Once the contract is awarded, an order for construction will be issued, with an anticipated completion date of May 11, 2018.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do nothing.**

Council may choose to receive and file this report. Under this option, no further action would be taken and the solar lighting at the above parks would not be installed. This option is not recommended.

**b) Other Options**

Council may choose an alternate proponent or may direct staff to re-tender the project. These options are not recommended.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

None.

**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That Project 2017-17, Supply & Installation of Parks Solar Lighting, be awarded to Wiens Underground Electric, of Niagara-on-the-Lake, for the total quoted price of \$51,325, excluding taxes;

That the additional funding for this project, in the amount of \$6,325, be allocated from the General Capital Reserve;

That the Director of Community and Economic Development be authorized to issue a purchase order to Wiens Underground Electric; and

That the appropriate by-law be presented for approval.

**8) SIGNATURES**

Prepared on March 7, 2018 by:



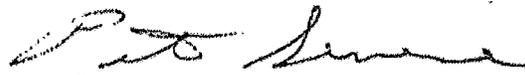
Mike Graybiel  
Parks Supervisor

Reviewed by:



Ashley Grigg  
Director of Community and Economic  
Development

Reviewed by:



Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



Corporate Services Department  
Finance Division

Report Number: 2018-43

Date: March 26, 2018

**SUBJECT: Statement of Remuneration and Expenses 2017**

**1) PURPOSE**

This report was written to provide to Council information for total remuneration, benefits and expenses paid, in respect of services as a member of Council as well as each person appointed by the municipality to serve as a member of any body, including a local board, for the year 2017.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Pursuant to Section 283 of the *Municipal Act, 2001*, as amended, a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality and of the officers and employees of the local board.

Pursuant to Section 284 of the *Municipal Act, 2001*, as amended, the City Treasurer shall on or before March 31 provide to Council an itemized Statement of Remuneration and Expenses paid in the previous year to each member of Council and each person appointed by the municipality to serve as a member of any body, including a local board, in respect of services as a member of Council or member of any body.

The following by-laws authorize the payment of such remuneration and expenses:

- By-law No. 4609/140/04 Being a By-law to Provide for the Remuneration of the Mayor and to Repeal By-law No. 2864/43/93
- By-law No. 4610/141/04 Being a By-law to Provide for the Remuneration of the Councillors and to Repeal By-law No. 2922/101/93
- By-law No. 4897/122/06, as amended, Being a By-law to Establish a Policy for Business Travel, Seminars and Conferences etc. for Appointees to Local Boards of the City of Port Colborne
- By-law No. 5141/47/08 Being a By-law to Amend By-law No. 4896/121/06 a By-law to Establish a Conference and Seminar Policy for Members of Council
- By-law No. 5719/150/11 Being a By-law to Establish Remuneration of Committee of Adjustment Members

**3) STAFF COMMENTS AND DISCUSSIONS**

The attached Statement of Remuneration and Expenses for the twelve-month period January 1 to December 31, 2017, was prepared pursuant to Sections 283 and 284 of The *Municipal Act, 2001*, as amended.

4) **OPTIONS AND FINANCIAL CONSIDERATIONS**

Not applicable.

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

6) **ATTACHMENTS**

Appendix A - Statement of Remuneration and Expenses 2017

Appendix B - Detail of Conference Expenses 2017

7) **RECOMMENDATION**

That Corporate Services Department, Finance Division Report 2018-43 with respect to Remuneration and Expenses for 2017 be received for information purposes as per Sections 283 and 284 of the *Municipal Act, 2001*, as amended.

8) **SIGNATURES**

Prepared on March 16, 2018 by:



Deborah Salmon  
Accounting Clerk

Reviewed & approved by:



Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted:



C. Scott Luey  
Chief Administrative Officer

**CITY OF PORT COLBORNE  
STATEMENT OF REMUNERATION AND EXPENSES 2017**

|                                                                 | Payroll<br>Remuneration | Fringe<br>Benefits | Car<br>Allowance | TOTAL             | Renumeration    | Membership/<br>Training | Conference<br>Expenses** | Travel          | Mobile/Tablet<br>Service | Per Diem*   | TOTAL            | GRAND<br>TOTAL    |       |
|-----------------------------------------------------------------|-------------------------|--------------------|------------------|-------------------|-----------------|-------------------------|--------------------------|-----------------|--------------------------|-------------|------------------|-------------------|-------|
| <b>Council</b>                                                  |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  |                   |       |
| Mayor John Maloney                                              | 34,916.96               | 6,532.34           | 1,260.00         | 42,709.30         |                 |                         | 237.20                   | 1,346.88        | 752.19                   |             | 2,336.27         | 45,045.57         |       |
| Councillor Ron Bodner                                           | 10,103.16               | 6,967.58           |                  | 17,070.74         |                 |                         |                          |                 | 396.86                   |             | 396.86           | 17,467.60         |       |
| Councillor Barbara Butters                                      | 10,103.16               | 7,031.43           |                  | 17,134.59         |                 |                         | 49.16                    |                 | 1,126.84                 |             | 1,176.00         | 18,310.59         |       |
| Councillor Frank Danch                                          | 10,103.16               | 7,031.43           |                  | 17,134.59         |                 |                         |                          |                 | 244.23                   |             | 244.23           | 17,378.82         |       |
| Councillor Angie Desmarais                                      | 10,103.16               | 7,031.43           |                  | 17,134.59         |                 |                         | 1,354.99                 |                 | 228.96                   |             | 1,583.95         | 18,718.54         |       |
| Councillor Yvon Doucet                                          | 10,103.16               | 6,979.35           |                  | 17,082.51         |                 |                         |                          |                 | 3,341.56                 |             | 3,341.56         | 20,424.07         |       |
| Councillor David Elliott                                        | 10,103.16               | 7,031.43           |                  | 17,134.59         |                 |                         |                          |                 | 1,813.37                 |             | 1,813.37         | 18,947.96         |       |
| Councillor Bea Kenny                                            | 10,103.16               | 6,979.35           |                  | 17,082.51         |                 |                         | 94.19                    |                 | 518.85                   |             | 613.04           | 17,695.55         |       |
| Councillor John Mayne                                           | 10,103.16               | 6,969.48           |                  | 17,072.64         |                 |                         | 94.19                    |                 | 193.34                   |             | 287.53           | 17,360.17         |       |
| <b>Committee of Adjustment</b>                                  |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  |                   |       |
| Councillor Yvon Doucet                                          |                         |                    |                  |                   | 525.00          | 120.00                  |                          |                 |                          |             | 645.00           | 645.00            |       |
| Councillor Bea Kenny                                            |                         |                    |                  |                   | 900.00          | 120.00                  |                          |                 |                          |             | 1,020.00         | 1,020.00          |       |
| Councillor John Mayne                                           |                         |                    |                  |                   | 750.00          | 120.00                  |                          |                 |                          |             | 870.00           | 870.00            |       |
| Dan O'Hara                                                      |                         |                    |                  |                   | 800.00          | 120.00                  |                          |                 | 48.34                    |             | 968.34           | 968.34            |       |
| Bill Steele                                                     |                         |                    |                  |                   | 760.00          | 120.00                  |                          |                 |                          |             | 880.00           | 880.00            |       |
| <b>Property Standards Committee</b>                             |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  |                   |       |
| Councillor Frank Danch                                          |                         |                    |                  |                   | 120.00          |                         |                          |                 |                          |             | 120.00           | 120.00            |       |
| Councillor Angie Desmarais                                      |                         |                    |                  |                   | 120.00          |                         |                          |                 |                          |             | 120.00           | 120.00            |       |
| Councillor John Mayne                                           |                         |                    |                  |                   | 120.00          |                         |                          |                 |                          |             | 120.00           | 120.00            |       |
| Tim Hoyle                                                       |                         |                    |                  |                   | 120.00          |                         |                          |                 |                          |             | 120.00           | 120.00            |       |
| <b>Notice to Muzzle Appeal Committee</b>                        |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  |                   |       |
| Councillor Barbara Butters                                      |                         |                    |                  |                   | 45.00           |                         |                          |                 |                          |             | 45.00            | 45.00             |       |
| Councillor Angie Desmarais                                      |                         |                    |                  |                   | 180.00          |                         |                          |                 |                          |             | 180.00           | 180.00            |       |
| Councillor Bea Kenny                                            |                         |                    |                  |                   | 180.00          |                         |                          |                 |                          |             | 180.00           | 180.00            |       |
| Councillor John Mayne                                           |                         |                    |                  |                   | 180.00          |                         |                          |                 |                          |             | 180.00           | 180.00            |       |
| <b>TOTALS</b>                                                   | <b>115,742.24</b>       | <b>62,553.82</b>   | <b>1,260.00</b>  | <b>179,556.06</b> | <b>4,800.00</b> | <b>600.00</b>           | <b>1,829.73</b>          | <b>1,346.88</b> | <b>8,664.55</b>          | <b>0.00</b> | <b>17,241.16</b> | <b>196,797.22</b> |       |
| * Per Diem - for additional meetings (out of town business)     |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  | 196,797.22        | Proof |
| ** Conference Expenses - see Detail of Conference Expenses 2017 |                         |                    |                  |                   |                 |                         |                          |                 |                          |             |                  |                   |       |

| <b>City of Port Colborne</b>                                                          |     |     |      |         |           |                              |                           |
|---------------------------------------------------------------------------------------|-----|-----|------|---------|-----------|------------------------------|---------------------------|
| <b>Detail of Conference Expenses 2017</b>                                             |     |     |      |         |           |                              |                           |
|                                                                                       | FCM | AMO | OSUM | HWY H2O | ROMA/OGRA | Other Conferences & Meetings | CONFERENCE EXPENSES TOTAL |
| Mayor John Maloney                                                                    |     |     |      |         | 131.95    | 105.25                       | <b>237.20</b>             |
| Councillor Ron Bodner                                                                 |     |     |      |         |           |                              | -                         |
| Councillor Barb Butters                                                               |     |     |      |         |           | 49.16                        | <b>49.16</b>              |
| Councillor Frank Danch                                                                |     |     |      |         |           |                              | -                         |
| Councillor Angie Desmarais                                                            |     |     |      |         | 1,155.55  | 199.44                       | <b>1,354.99</b>           |
| Councillor Yvon Doucet                                                                |     |     |      |         |           |                              | -                         |
| Councillor David Elliott                                                              |     |     |      |         |           |                              | -                         |
| Councillor Bea Kenny                                                                  |     |     |      |         |           | 94.19                        | <b>94.19</b>              |
| Councillor John Mayne                                                                 |     |     |      |         |           | 94.19                        | <b>94.19</b>              |
| Councillor Bill Steele                                                                |     |     |      |         |           |                              | -                         |
| <b>TOTALS</b>                                                                         | -   | -   | -    | -       | 1,287.50  | 542.23                       | <b>1,829.73</b>           |
| <b>FCM - Federation of Canadian Municipalities</b>                                    |     |     |      |         |           |                              | 1,829.73                  |
| <b>AMO - Association of Municipalities of Ontario</b>                                 |     |     |      |         |           |                              | <i>Proof</i>              |
| <b>OSUM - Ontario Small Urban Municipalities</b>                                      |     |     |      |         |           |                              |                           |
| <b>ROMA/OGRA - Rural Ontario Municipal Association/Ontario Good Roads Association</b> |     |     |      |         |           |                              |                           |



Corporate Services Department  
Finance Division

Report Number: 2018-44

Date: March 26, 2018

**SUBJECT: Municipal Asset Management Program Funding**

**1) PURPOSE**

To request Council approval to apply for a grant from the Federation of Canadian Municipalities' Municipal Asset Management Program for Port Colborne's Roadmap Phase II to advance the City's Asset Management Program and Plan.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The Municipal Asset Management Program (MAMP) is a five year program funded by Infrastructure Canada to support municipalities in their asset management programs. This program offers grant funding up to \$50,000 and projects must be completed by March 31, 2021.

**3) STAFF COMMENTS AND DISCUSSIONS**

Over the last five or six years staff have been working on the inventory and valuation of the City's assets, which include but are not limited to all roads, bridges, culverts, sidewalks, water/wastewater/storm infrastructure, buildings, vehicles, large and small machinery and equipment, computers, office furniture and equipment, land and library/museum collections. All assets have been recorded in the City's financial records and amortized over their useful lives in accordance with the Public Sector Accounting Board (PSAB). The City adopted its Asset Management Plan (AMP) to determine priorities of when and what assets require replacement, replacements costs and our current asset management practice and focus on the elements of a detailed plan including the state of the City's infrastructure, expected level of services, asset management strategy and the financing strategy.

Staff have been working over the last year with PSD Consulting to update and advance the AMP with condition assessments on assets, a Corporate Asset Management Policy approved by Council and will be providing an updated AMP in 2018.

To continue the process, as required by the Province and with the recent announcements of the new regulation taking effect January 1, 2018, staff request Council's approval to apply for a grant from FCM through the Municipal Asset Management Program to provide the following:

- New Data Sets, Data Synchronization, Consolidation and Refinement;
- Risk and Criticality Modeling Development, Lifecycle Framework Development and Asset Management Training on Risk, Lifecycle and Condition; and
- Work Order Management Software Module with Data Migration and Implementation and Training.

Staff requests Council's approval and direction to apply for the grant, to commit the City to the proposed project to advance the asset management program and to commit funds towards this initiative.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

- a) To do nothing is not recommended.
- b) Provide staff direction to apply for a grant from the Federation of Canadian Municipalities' Municipal Asset Management Program for Port Colborne's Roadmap Phase II to advance the Asset Management Program and Plan. Council budgeted for this project in 2018.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

To be in compliance with developing the City's asset management plan.

**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That the City Treasurer be directed to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for Port Colborne's Roadmap Phase II; and

That the City of Port Colborne commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance the City's asset management program:

- New Data Sets, Data Synchronization, Consolidation and Refinement;
- Risk and Criticality Modeling Development, Lifecycle Framework Development and Asset Management Training on Risk, Lifecycle and Condition; and
- Work Order Management Software Module with Data Migration and Implementation and Training; and

That the City of Port Colborne has committed \$49,600 in its 2018 budget toward the costs of this initiative.

**8) SIGNATURES**

Prepared on March 19, 2018 by:



Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



Engineering and Operations Department  
Operations Division

Report Number: 2018-26

Date: March 26, 2018

**SUBJECT: Port Colborne Distribution System - Annual Summary Report**

**1) PURPOSE:**

This report, prepared by Rocco Arillotta, Water/Wastewater Operator III, under the direction of Darlene Suddard, Environmental Compliance Supervisor and authorized by Chris Lee, Director of Engineering and Operations, was prepared in accordance with Schedule 22 "Summary Reports for Municipalities", of O.Reg. 170/03, under the *Safe Drinking Water Act, 2002 (SDWA)*.

Under the Schedule, it is a requirement that Council be presented with the Annual Summary Report, summarizing the water quality results from the previous calendar year by March 31. Therefore, submission of this report ensures the City has met this requirement.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The *Safe Drinking Water Act, 2002* and associated O.Reg. 170/03 (Drinking Water Systems), dictate the City's legislated reporting requirements with respect to the Port Colborne Distribution System. Section 11 of O.Reg. 170/03 details the information to be included in the annual report, as well as the deadline (February 28) for preparing the report. Additionally, this section details that the public must be notified that the report is ready and available, that the report must be made available free of charge and how the report must be made available. The reports are posted to the City's website, with copies available at the Engineering and Operations Centre located at 1 Killaly Street West. Notification of report completion is posted to the City's website and advertised in City Hall News.

The contents of this report to Council are, as indicated above, dictated by Schedule 22 of O.Reg. 170/03. The regulation states:

*22-2(2) The report must,*

- (a) List the requirements of the Act, the regulations, the system's approval, drinking water works permit, municipal drinking water licence, and any orders applicable to the system that were not met at any time during the period covered by the report; and*
- (b) for each requirement referred to in clause (a) that was not met, specify the duration of the failure and the measures that were taken to correct the failure*

*22-2(3) The report must also include the following information for the purpose of enabling*

*the owner of the system to assess the capability of the system to meet existing and planned uses of the system:*

- 1. A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows*
- 2. A comparison of the summary referred to in paragraph 1 to the rated capacity and flow rates approved in the system's approval, drinking water works permit or municipal drinking water license, or if the system is receiving all of its water from another system under an agreement pursuant to subsection 5(4), to the flow rates specified in the written agreement.*

A list of the Acts and Regulations that apply to the Port Colborne Distribution System are provided in Appendix A. The regulated report requirements are discussed in section 3 below.

On December 31, 2012, Section 19 of the *Safe Drinking Water Act, 2002*, also known as the Statutory Standard of Care clause, came into force. In part, Section 19(1) requires "every person who oversees the accredited operating authority and every person who exercises decision making authority over the system" to:

- (a) exercise the level of care, diligence and skill... that a reasonably prudent person would be expected to exercise in a similar situation; and*
- (b) act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal drinking water system*

It is important to note that "Failure to comply with section 19 of the SDWA is an offence and could result in the prosecution of an individual, corporation, or both." This report not only meets the regulated reporting requirements, but also ensures Council is informed and helps meet Standard of Care responsibilities.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The Annual Drinking Water Quality Report was prepared on February 2, 2018, meeting the February 28 deadline. A copy of the report is provided in Appendix B. The report and a notification of the report's availability will be posted to the City website after Council approves this report. Notification of the report's availability will also be published in the next edition of City Hall News.

Results from 2017 sampling, testing and monitoring activities, as detailed in the Annual Drinking Water Quality Report (Appendix B), indicate that there were four (4) reportable adverse water quality incidents (AWQIs) in 2017.

The four AWQIs were microbiological adverse samples, where total coliforms were detected at 1 cfu/100 mL. Follow up samples indicated that the water was microbiologically safe, and staff suspect that sample contamination was responsible for the AWQIs, as the free chlorine residuals at the time the samples were collected were more than adequate to ensure bacteria was not present in the water.

In all cases, the AWQIs were reported as required to the Ministry of Environment and Climate Change (MOECC) and to Public Health and all corrective actions were completed to the satisfaction of all parties. Although there were reportable AWQIs in 2017, at no time was the safety of the drinking water in Port Colborne compromised, nor were any orders issued by the MOECC against the system.

The City does not measure the quantities and flow rates of water within the distribution system. This information is provided to the City by the Region in the Port Colborne Water Treatment Plant Annual Summary Report prepared by the Region's Water and Wastewater Services Division. According to the Region's Summary Report, provided in Appendix C, the WTP is operating, on average, at 24.28% of capacity and has sufficient capacity to meet the City's long-term growth demands.

The water distribution system meets present needs, but will require upgrades and extensions to satisfy growth demands as they are identified. Council previously received the results of the Water Infrastructure Need Study in Engineering and Operations Report 2014-31 which recommended future capital improvement projects. These recommendations, together with the outcomes from the annual Infrastructure Review, form the basis for future watermain builds and replacements.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing.**

Not applicable – report must be submitted to Council to meet regulatory requirements

##### **b) Other Options**

None – report is submitted to meet regulatory requirements

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

#### **6) ATTACHMENTS**

Appendix A - Port Colborne Distribution System Applicable Acts and Regulations

Appendix B - Port Colborne Distribution System Annual Drinking Water Quality Report

Appendix C - Port Colborne Water Treatment Plant Annual Summary Report

#### **7) RECOMMENDATION**

That Engineering and Operations Department, Operations Division Report 2018-26 with respect to the Port Colborne Distribution System Annual Summary Report, prepared in accordance with O.Reg. 170/03, be received for information.

8) SIGNATURES

Prepared on February 16, 2018 by:



Rocco Arillotta  
Water/Wastewater Operator III

Reviewed by:



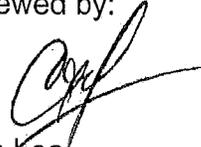
Darlene Suddard  
Environmental Compliance Supervisor

Reviewed by:



Doug Cressey  
Utilities Supervisor

Reviewed by:



Chris Lee  
Director of Engineering and Operations

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

**Appendix A  
to Operations Division Report  
2018-26**

**Port Colborne Distribution System  
Applicable Acts and Regulations**

*Safe Drinking Water Act, 2002*

- O.Reg. 128/04: Certification of Drinking Water System Operators and Water Quality Analysts
- O.Reg. 169/03: Ontario Drinking Water Quality Standards
- O.Reg. 170/03: Drinking Water Systems
- O.Reg. 171/03: Definitions of Words and Expressions Used in the Act
- O.Reg. 172/03: Definitions of "Deficiency" and "Municipal Drinking Water System"
- O.Reg. 188/07: Licensing of Municipal Drinking Water Systems
- O.Reg. 243/07: Schools, Private Schools and Day Nurseries
- O.Reg. 248/03: Drinking Water Testing Services
- O.Reg. 252/05: Compliance and Enforcement
- O.Reg. 453/07: Financial Plans

# Port Colborne Distribution System Annual Drinking Water Quality Report

Prepared on February 2, 2018  
In Accordance with O.Reg. 170/03  
January 1, 2017 to December 31, 2017

Prepared by:



Rocco Arillotta  
Water/Wastewater Operator

Reviewed by:



Darlene Suddard  
Environmental Compliance Supervisor

Approved by:



Doug Cressey  
Utilities Supervisor

Approved by:

Chris Lee  
Director of Engineering and Operations

Drinking Water System number: 260001643  
Drinking Water System category: Large Municipal Residential  
Owned and operated by: The Corporation of the City of Port Colborne

# Port Colborne Distribution System Annual Drinking Water Quality Report

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## Introduction

The City of Port Colborne is required, under O.Reg.170/03 - *Drinking Water Systems*, to prepare an annual report detailing the operation of the Port Colborne Distribution System. The regulation specifies in Section 11 what the report must contain, and sets a February 28 deadline for having the report prepared and made available to the public.

Therefore, to ensure compliance with the regulation, this report is prepared in accordance with Section 11, and is available to the public on the City's website at [www.portcolborne.ca](http://www.portcolborne.ca), under the Water Quality link

## Water Supply and Distribution

The Corporation of the City of Port Colborne (City) is the Owner and Operating Authority of the Port Colborne Distribution System (PCDS), which serves approximately 16,000 residents. The PCDS is a stand-alone, Class 1, distribution system, with no downstream connections, and obtains water from the Regional Municipality of Niagara's (RMON) Port Colborne Drinking Water System (water treatment plant - WTP). Treated water is purchased from RMON on a volume basis and distributed through the City owned distribution system via Region owned trunk mains. The WTP draws water from the Welland Canal, treats it at the WTP, and RMON is responsible for sampling, testing and monitoring water at and leaving the WTP.

The City of Port Colborne does not perform any secondary disinfection, as the WTP sufficiently chlorinates the water to meet the minimum requirement of >0.05 mg/L free chlorine residual. The only water treatment chemical used by the City is 12% sodium hypochlorite, and this is used solely when making repairs to or performing maintenance on the distribution system to perform the required disinfection to protect the drinking water. The distribution system has an average pressure of 58 psi, with pressure maintained by the King Street Water Water Tower until October 2017, and then by the new Barrick Road Water Tower after October 2017 together with the Fielden Avenue Reservoir, which are owned, operated and maintained by RMON.

The Regional Municipality of Niagara prepares an annual report for the Port Colborne Drinking Water System, providing information on the treatment methodology, the type of chemicals used, water quality reports and any significant maintenance, repair or upgrades

to the WTP. RMON is also required to make their reports available on the internet. Contact information is provided under the section entitled "Where to Obtain Additional Information".

## Water Quality Monitoring

The City of Port Colborne is required to supply safe drinking water that meets the requirements of the Safe Drinking Water Act and associated regulations. To ensure the City meet these requirements, the City has assigned the following individuals as responsible persons for the distribution system:

Table 1: Port Colborne Distribution System Responsible Persons

| Position                                               | Name            | Phone number          |
|--------------------------------------------------------|-----------------|-----------------------|
| Director of Engineering and Operations                 | Chris Lee       | 905-835-2900 ext. 223 |
| Utilities Supervisor<br>(Overall Responsible Operator) | Doug Cressey    | 905-835-2900 ext. 255 |
| Environmental Compliance Supervisor                    | Darlene Suddard | 905-835-2900 ext. 256 |

The City has identified the Engineering and Operations Department as the Operating Authority for the Port Colborne Distribution System (PCDS). The Public Works, Water Department operates under the Engineering and Operations Department, and is specifically responsible for the daily operation of the distribution system. As such, the Water Department is responsible for assigning Certified Water Operators to conduct both the routine, weekly water quality sampling and testing and to conduct non-routine sampling (i.e., during and after watermain breaks). These activities ensure the water quality meets the Ontario Drinking Water Quality Standards (O.Reg. 169/03) at all times and under all conditions. The Water Department also ensures that the Operational Checks, Sampling and Testing requirements specified in the Drinking Water Systems Regulation (O.Reg. 170/03) are conducted and recorded. If it is determined that the water quality or an operational parameter does not meet the regulated requirements or exceeds the regulated limits, Certified Operators immediately implement corrective action to ensure the continued supply of safe drinking water. The operational checks, sampling and testing requirements, which the City must conduct, are outlined in Table 4.

The Region operates the Port Colborne Water Treatment Plant, the Fielden Avenue Reservoir and the King Street and Barrick Road Water Towers, and as such, is required to conduct operational checks, sampling, and testing activities. Details regarding the Region's requirements are summarized in their Annual Report; information on how to obtain a copy of their report is provided under the section entitled "Where to Obtain Additional Information".

## Water Quality Test Results

As per the sampling and testing requirements detailed in Table 4, the City conducted the following sampling in the period of January 1, 2017 to December 31, 2017:

### Microbiological Analysis

In accordance with the requirements of Schedule 10, section 10-2 (1) of O.Reg.170/03, samples are collected and submitted for analysis on a weekly basis. Additionally, samples are also collected and submitted for analysis after watermain breaks, during hydrant flushing activities and in response to some water quality complaints etc.

In 2017, a total of 673 samples were collected and analyzed for the presence of *E.coli* and Total Coliforms. (623 routine samples, 50 non-routine samples) Laboratory results indicated that *E.coli* was non-detectable throughout the entire year and Total Coliforms were detected on four (4) occasions (Table 5). Details about the adverse results are discussed below.

To monitor the potential deterioration of the water quality, 311 samples were collected and analyzed for Heterotrophic Plate Count (HPC). Laboratory results indicated that HPC was detected at very low levels, between 0-35 colonies/mL in 2016 (Table 5).

### Operational Parameters

The City monitors the operational parameters, chlorine and turbidity, on a twice weekly basis, and on an as-required basis in response to watermain breaks, hydrant flushing, and complaints etc. In 2017, this resulted in the collection and analysis of 1,248 routine chlorine samples and turbidity samples and the collection and analysis of 602 non-routine chlorine samples and 492 turbidity samples. Turbidity levels ranged from 0.07 to 2.28 NTU, while free chlorine levels ranged from 0.07 to 1.37 mg/L. There were no instances in 2017 where free chlorine levels were below the minimum level of 0.05 mg/L required under O.Reg. 170/03 (Table 5).

### Lead Testing (Schedule 15.1) Results

The City is no longer required to collect samples from plumbing systems and is only required to collect samples from the distribution system. Under O.Reg. 170/03 distribution system samples are required to be collected twice annually, with one set collected during the winter sampling cycle (December 15 to April 15) and another set during the summer sampling cycle (June 15 to October 15). The collected samples are tested for alkalinity and pH in year one and two, with lead

sampled in year three. 2016 was year one; therefore, samples were collected from four locations in the distribution system and analyzed for alkalinity and pH. In total, eight samples were collected. Alkalinity values ranged from 77 to 94 mg/L, while pH values ranged from 6.45 to 8.24. Both parameters were well within the recommended guidelines (*Table 5*).

The City is not required under the Regulation to collect plumbing samples to be analyzed for lead concentrations, unless requested by a homeowner; the City did not receive a request from any homeowners to have the water tested for lead in 2017.

### **Organic Parameters**

Up until January 1, 2017, the only organic parameter the City was required to monitor in the distribution system was trihalomethanes, or THMs. New regulatory requirements came into effect in 2017, and the City was required to begin sampling for Haloacetic Acids (HAAs).

THM results from 2017 continue to indicate that THMs are not a concern in the distribution system, as the average concentration was 0.0214 mg/L, much less than the 0.10 mg/L regulated limit (*Table 5*). None of the individual samples exceeded half the standard prescribed in Schedule 2 of the Ontario Drinking Water Quality Standards.

Although HAA results are not reportable until January 1, 2020, results from the 8 samples collected in 2017 indicate that HAAs are not a concern in the distribution system, as HAAs were less than the method detection limit of 5.3 µg/L

In 2017, there were four (4) reportable adverse water quality incidents. The adverse results were due to the presence of total coliforms. Details about the adverse samples are discussed below.

### **Regulatory Non-Compliances**

There were four (4) reportable adverse water quality incidents in 2017.

Table 2 below summarizes the date the adverse occurred, the adverse parameter, the corrective action taken by the City and the date the corrective action was taken:

Table 2: Summary of Adverse Test Results - 2017

| Sample Date       | Date Adverse Reported to City | Parameter       | Result      | Corrective Action Date | Corrective Action                                                                                                                                                                                                                                 |
|-------------------|-------------------------------|-----------------|-------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 8, 2017       | May 10, 2107                  | Total Coliforms | 1 cfu/100mL | May 10, 2017           | Immediately flush and resample (two consecutive sets 24 and 48 hours apart). Total coliforms were absent from the resamples and free chlorine residuals >0.20 mg/L were maintained at all points in the affected part of the distribution system. |
| May 8, 2017       | May 10, 2017                  | Total Coliforms | 1 cfu/100mL | May 10, 2017           |                                                                                                                                                                                                                                                   |
| July 24, 2017     | July 26, 2017                 | Total Coliforms | 1 cfu/100mL | July 26, 2017          |                                                                                                                                                                                                                                                   |
| November 23, 2017 | November 25, 2017             | Total Coliforms | 1 cfu/100mL | November 25, 2017      |                                                                                                                                                                                                                                                   |

It is important to note that although four adverse microbiological results were observed in 2017, (representing less than 0.1% of the total samples collected) the immediate action by the City’s certified Operators ensured that the adverse incident was addressed in a timely manner. This timely response ensured that the safety of the drinking water was maintained, as indicated by the results of special follow up sampling and evaluation, which found the water to be microbiologically safe.

### Our Commitment to Providing Safe Drinking Water

To ensure that residents, businesses and visitors to our community continue to receive the safest drinking water, the City has incorporated the following practices into the routine operations of the Distribution System:

- Exceed the minimum regulatory sampling requirements, by sampling additional sites for both operational and microbiological parameters
- Comprehensive flushing program targeting “dead ends”, where water use is not very high, to ensure chlorine levels are at least 0.10 mg/L
- Prompt response to watermain breaks and customer complaints
- Increase the number of samples collected following a main break or distribution system improvements

In addition, the City has the following plans for 2018:

- Decommissioning of Elm Street Bulk water station and construction of a new bulk water station on Stonebridge Drive at an estimated cost of \$300,000.
- Installation of a fire service water meter and chamber at two facilities, to ensure water usage of fire services is metered, at an estimated total cost of \$160,000.
- Watermain replacements on Carter Avenue and Janet Street, at an approximate cost of \$1,000,000. The City received federal funding for this project.

Major expenditures for 2017 included the following:

- Completed the Elm/Prosperity/Rosedale watermain replacement project, which started in 2016, at an estimated cost of \$1,800,000
- Completed lowering the water services that froze in the Service Pipe portion of the water service during the cold winter of 2015, at an estimated cost of \$199,286.77.
- Completed the final phase of the new watermain to loop the distribution system from Clarence Street, south along Cement Plant Road to connect to the western end of Lakeshore Road. This project, with an original estimated cost of \$2.6 million, received \$2 million in funding from the Small, Rural and Northern Municipal Infrastructure Fund (SRNMIF). The cost of the final phase in 2017 was approximately \$53,000.

## What's New?

The City's Drinking Water Quality Management System was re-accredited by SAI Global, in May 2016. The City's Operational Plan is available on the City's website at: [http://www.portcolborne.ca/page/drinking\\_water\\_quality\\_management\\_system](http://www.portcolborne.ca/page/drinking_water_quality_management_system)

New requirements to sample for haloacetic acids (HAAs) came into effect under O. Reg. 170/03 on January 1, 2017. Similar to trihalomethanes (THMs), HAAs are a disinfectant by-product of drinking water chlorination, and form when chlorine reacts with suspended organics. Based on the first sets of HAAs sampling results collected in 2017, combined with the historically low levels of THMs detected in the distribution system samples, HAAs are not expected to be a concern in the drinking water.

The City's Engineering and Operations Department moved into the new Engineering and Operations Centre, located at 1 Killaly Street West. All reports are available at this new location.

## Where to Obtain Additional Information

Copies of this annual report are available, free of charge, at the Engineering and Operations Centre, 1 Killaly Street West. It can also be downloaded from the internet at [www.portcolborne.ca](http://www.portcolborne.ca), under the "Water Quality" link. Copies may also be obtained by contacting the City numbers listed below.

Additionally, all laboratory test results are available at the Engineering and Operations Centre, 1 Killaly Street West. Copies may also be obtained by contacting the City numbers listed below.

The Regional Municipality of Niagara provides an annual report for the Port Colborne Water Treatment Plant, and it can be downloaded from the Region's website: <https://www.niagararegion.ca/living/water/water-quality-reports/default.aspx> Copies may also be obtained by contacting any of the numbers listed below:

Table 3: Contact Information for the City and Region

| Organization                     | Department                        | Phone Number |
|----------------------------------|-----------------------------------|--------------|
| City of Port Colborne            | Engineering and Operations Centre | 905-835-5079 |
| Regional Municipality of Niagara | Water and Wastewater Division     | 905-685-1571 |

Table 4: Distribution System Water Quality Sampling and Testing Requirements

| Parameter              | Sampling and Analysis                                                                                                                                                                            | Distribution System Standards                                                                                                                                                      | Comments                                                                                                                                                                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microbiological        | Minimum of 48 samples per month collected and tested for total coliforms and/or <i>E.coli</i> .<br>Minimum 25% of all samples collected weekly analyzed for heterotrophic plate count            | <ul style="list-style-type: none"> <li>• <i>E.coli</i> – NONE detected</li> <li>• Total Coliforms – NONE detected</li> <li>• Heterotrophic plate count - &lt;500 cfu/mL</li> </ul> | <ul style="list-style-type: none"> <li>• 12 samples collected each week</li> <li>• Samples sent to an accredited laboratory for analysis</li> <li>• Adverse results are immediately reported by the lab to the City</li> </ul>                      |
| Free Chlorine Residual | Minimum of 70 samples per month collected and tested for free chlorine. Collected twice weekly (at least 48 hours apart) from representative areas of the distribution system                    | <ul style="list-style-type: none"> <li>• Minimum residual chlorine 0.05 mg/L</li> <li>• City targets 0.20 mg/L</li> <li>• City's acceptable low limit is 0.10 mg/L</li> </ul>      | <ul style="list-style-type: none"> <li>• City flushes all hydrants annually and known dead ends on a regular basis to ensure at least 0.10 mg/L is maintained at all areas of the distribution system</li> </ul>                                    |
| Turbidity              | Frequency of sampling not specified, however, City collects minimum of 70 samples per month and tests for turbidity. Collected twice weekly from representative areas of the distribution system | <ul style="list-style-type: none"> <li>• 5.0 NTU maximum aesthetic objective</li> </ul>                                                                                            | <ul style="list-style-type: none"> <li>• Turbidity generally not an issue in the distribution system, however City flushes on a regular basis to ensure turbidity levels remain low.</li> </ul>                                                     |
| Trihalomethanes (THMs) | Required to collect at least one sample quarterly, however the City collects 2 samples per month and submits for analysis                                                                        | <ul style="list-style-type: none"> <li>• 0.10 mg/L maximum acceptable concentration</li> </ul>                                                                                     | <ul style="list-style-type: none"> <li>• Based on a four-quarter progressive annual average of test results (average of all test results each quarter) at points that are likely to have an elevated potential for the formation of THMs</li> </ul> |

Table 4: Distribution System Water Quality Sampling and Testing Requirements (*continued*)

| Parameter               | Sampling and Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Distribution System Standards                                                                                                                                                                                                                                              | Comments                                                                                                                                                                                                                                                            |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Haloacetic Acids (HAAs) | Sampled quarterly. Required to collect one (1) sample per quarter. City collects 2 samples per quarter.                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• 0.08 mg/L maximum acceptable concentration (comes into effect January 1, 2020)</li> </ul>                                                                                                                                         | <ul style="list-style-type: none"> <li>• Based on a four-quarter progressive annual average of test results (average of all test results each quarter) at points that are likely to have an elevated potential for the formation of HAAs</li> </ul>                 |
| Lead                    | <p>Regulatory amendments late in 2009 and the City's historical results from 2008/09 resulted in the City qualifying for exemption from having to collect samples from plumbing.</p> <p>Required to collect 4 samples twice annually (between Dec 15 and Apr 15 and between Jun 15 and Oct 15) from 4 locations in the distribution system and analyze the samples for pH and alkalinity for two years, and then in the third year, perform the pH and alkalinity analysis and lead analysis.</p> | <ul style="list-style-type: none"> <li>• No standard for alkalinity or pH, these parameters are monitored so that, should they change, the potential for lead levels to increase is analyzed</li> <li>• Maximum acceptable concentration for lead is 0.010 mg/L</li> </ul> | <ul style="list-style-type: none"> <li>• Distribution system samples are generally collected from water sampling stations and/or fire hydrants</li> <li>• If a lead exceedance occurs in future, the City would be required to resume standard sampling.</li> </ul> |

Table 5: Distribution System Water Quality Sampling and Testing Results – January 1 to December 31, 2017

| Parameter                       | Requirement        | Number of samples |             | Results                 |             |              | Comments                                                                                                                                                                                                                          |
|---------------------------------|--------------------|-------------------|-------------|-------------------------|-------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 |                    | Routine           | Non-Routine | Range                   | Unit        | # of Adverse |                                                                                                                                                                                                                                   |
| <b>Microbiological Analysis</b> |                    |                   |             |                         |             |              |                                                                                                                                                                                                                                   |
| <i>E. coli</i>                  | ND                 | 623*              | 50          | ND                      | cfu/100 mL  | 0            | Presence of <i>E. coli</i> indicates presence of fecal matter                                                                                                                                                                     |
| Total Coliforms                 | ND                 | 623*              | 50          | ND-1                    | cfu/100 mL  | 4            | Presence of Total Coliforms indicates possible presence of pathogenic bacteria                                                                                                                                                    |
| Heterotrophic Plate Count       | <500               | 311*              |             | 0-35                    | colonies/mL | 0            | Presence of HPC indicates water quality deterioration                                                                                                                                                                             |
| <b>Operational Parameters</b>   |                    |                   |             |                         |             |              |                                                                                                                                                                                                                                   |
| Free Chlorine                   | Minimum 0.05       | 1248*             | 602         | 0.07 – 1.37             | mg/L        | 0            | Level of disinfectant present                                                                                                                                                                                                     |
| Turbidity                       | 5.0                | 1248*             | 492         | 0.07 – 2.28             | NTU         | N/A          | Not a reportable parameter; 5.0 NTU is aesthetic guideline                                                                                                                                                                        |
| <b>Lead Testing Results</b>     |                    |                   |             |                         |             |              |                                                                                                                                                                                                                                   |
| Alkalinity                      | 30 - 500           | 8                 |             | 77 – 94                 | mg/L        | N/A          | Neither are reportable parameters; guidelines are the recommended operational level. Low alkalinity and/or low pH may accelerate corrosion, which may cause lead from soldering or lead lines to be released into drinking water. |
| pH                              | 6.5 – 8.5          | 8                 |             | 6.45 – 8.24             |             | N/A          |                                                                                                                                                                                                                                   |
| Lead                            | Plumbing           | 0.010 mg/L        | N/A         |                         | mg/L        | N/A          | Corrosion of lead or lead soldered plumbing/distribution systems may cause lead to be released into drinking water                                                                                                                |
|                                 | Distribution       |                   | N/A         |                         |             |              |                                                                                                                                                                                                                                   |
| <b>Organic Parameters</b>       |                    |                   |             |                         |             |              |                                                                                                                                                                                                                                   |
| Trihalomethanes                 | 0.10               | 24                |             | (Annual Average) 0.0214 | mg/L        | 0            | By-product of chlorination; forms when chlorine reacts with suspended organics.                                                                                                                                                   |
| Haloacetic Acids                | 0.08 (Jan 1, 2020) | 8                 |             | (Annual Average) <0.053 | mg/L        | N/A          | By-product of chlorination; forms when chlorine reacts with suspended organics.                                                                                                                                                   |

\*Note – operational checks are routine samples. Only routine microbiological samples, collected in accordance with Schedule 10, section 10-2 (1) of O.Reg. 170/03, are analyzed for Heterotrophic Plate Count (HPC) to meet the required 25%. Non-routine sampling includes sampling after watermain breaks, complaints, annual hydrant flushing and dead end flushing.

ND = non-detectable

NTU = nephelometric turbidity unit



*REGIONAL MUNICIPALITY OF NIAGARA*  
Public Works Department  
Water & Wastewater Services Division

# **PORT COLBORNE WATER TREATMENT PLANT**

## **ANNUAL SUMMARY REPORT**

(Prepared under Ontario Regulation 170/03)

**January 1 to December 31, 2017**

**Ministry of the Environment and Climate Change**

**Drinking Water Works Permit # 007-201  
Municipal Drinking Water License # 007-101**

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Port Colborne Water Treatment Plant was found to be in non-compliance with regulations and/or system Licenses, as follows:

- In November 2016, during routine maintenance, a discharge event to the natural environment occurred from the process waste stream of the Port Colborne Water Treatment Plant. This discharge was in contravention of Schedule B, section 10 of the associated Municipal Drinking Water Licence. The event was reviewed by the Ministry Environment and Climate Change and it was determined that the discharge "did not have an immediate impact to water quality or aquatic resources in the Welland Canal". Process improvements have been made to ensure this type of discharge does not occur in the future; and
- In May 2017, during construction of the Barrick Road Elevated Tank, sanding material escaped the property and was deposited on two neighboring residences. This event was in contravention of the Environmental Protection Act and classified as a spill. Measures were taken to accommodate the impacted residents.

2. A summary of flows for the reporting period January 1, 2017 – December 31, 2017:

| 2017         | TOTAL FLOW       |                  | AVERAGE DAY  |              | MAX. DAY      | MIN. DAY     | MAX. FLOW RATE | MIN. FLOW RATE | WASTE SLUDGE  |
|--------------|------------------|------------------|--------------|--------------|---------------|--------------|----------------|----------------|---------------|
|              | Raw (ML)         | Treated (ML)     | Raw (ML)     | Treated (ML) | Treated (ML)  | Treated (ML) | Treated (ML/d) | Treated (ML/d) | (ML)          |
| Jan          | 293.150          | 266.040          | 9.456        | 8.582        | 12.240        | 6.591        | 17.374         | 3.221          | 1.729         |
| Feb          | 267.110          | 246.480          | 9.540        | 8.803        | 9.790         | 7.480        | 17.354         | 4.923          | 1.619         |
| Mar          | 302.400          | 277.840          | 9.755        | 8.963        | 11.832        | 7.700        | 18.092         | 4.728          | 2.413         |
| Apr          | 273.150          | 249.420          | 9.105        | 8.314        | 10.380        | 6.570        | 17.026         | 2.944          | 1.862         |
| May          | 281.970          | 259.820          | 9.096        | 8.381        | 10.050        | 6.600        | 17.518         | 2.728          | 2.358         |
| Jun          | 304.240          | 276.770          | 10.141       | 9.226        | 10.880        | 7.070        | 24.031         | 3.990          | 2.314         |
| Jul          | 303.250          | 279.650          | 9.782        | 9.021        | 11.450        | 7.270        | 26.957         | 3.190          | 1.677         |
| Aug          | 299.344          | 277.660          | 9.656        | 8.957        | 11.000        | 7.270        | 22.677         | 1.836          | 1.693         |
| Sep          | 274.766          | 257.650          | 9.159        | 8.588        | 9.700         | 6.670        | 16.913         | 2.574          | 1.729         |
| Oct          | 281.890          | 265.290          | 9.093        | 8.558        | 14.150        | 6.210        | 23.436         | 2.728          | 1.940         |
| Nov          | 268.070          | 253.260          | 8.936        | 8.442        | 10.060        | 7.060        | 17.179         | 3.241          | 1.533         |
| Dec          | 296.310          | 278.490          | 9.558        | 8.984        | 11.040        | 7.320        | 21.169         | 3.097          | 1.853         |
| <b>TOTAL</b> | <b>3,445.650</b> | <b>3,188.370</b> |              |              |               |              |                |                | <b>22.720</b> |
| <b>MIN</b>   |                  |                  |              |              |               | <b>6.210</b> |                | <b>1.836</b>   | <b>1.533</b>  |
| <b>MAX</b>   |                  |                  |              |              | <b>14.150</b> |              | <b>26.957</b>  |                | <b>2.413</b>  |
| <b>AVG</b>   |                  |                  | <b>9.440</b> | <b>8.735</b> |               |              |                |                | <b>1.893</b>  |

\*The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flow.

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Drinking Water Works Permit # 007-201
- Municipal Drinking Water License # 007-101

Maximum daily flow            36.000 ML  
 Maximum flow rate            36.000 ML/day

| 2017 | AVERAGE DAY  | % OF RATED CAPACITY | MAX. DAY     | % OF RATED CAPACITY | MAX. FLOW RATE | % OF RATED CAPACITY |
|------|--------------|---------------------|--------------|---------------------|----------------|---------------------|
| Date | Treated (ML) |                     | Treated (ML) |                     | Treated (ML/d) |                     |
| Jan  | 8.582        | 23.8%               | 12.240       | 34.0%               | 17.374         | 48.3%               |
| Feb  | 8.803        | 24.5%               | 9.790        | 27.2%               | 17.354         | 48.2%               |
| Mar  | 8.963        | 24.9%               | 11.832       | 32.9%               | 18.092         | 50.3%               |
| Apr  | 8.314        | 23.1%               | 10.380       | 28.8%               | 17.026         | 47.3%               |
| May  | 8.381        | 23.3%               | 10.050       | 27.9%               | 17.518         | 48.7%               |
| Jun  | 9.226        | 25.6%               | 10.880       | 30.2%               | 24.031         | 66.8%               |
| Jul  | 9.021        | 25.1%               | 11.450       | 31.8%               | 26.957         | 74.9%               |
| Aug  | 8.957        | 24.9%               | 11.000       | 30.6%               | 22.677         | 63.0%               |
| Sep  | 8.588        | 23.9%               | 9.700        | 26.9%               | 16.913         | 47.0%               |
| Oct  | 8.558        | 23.8%               | 14.150       | 39.3%               | 23.436         | 65.1%               |
| Nov  | 8.442        | 23.5%               | 10.060       | 27.9%               | 17.179         | 47.7%               |
| Dec  | 8.984        | 25.0%               | 11.040       | 30.7%               | 21.169         | 58.8%               |

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Engineering and Operations Department  
Operations Division

Report Number: 2018-27

Date: March 26, 2018

**SUBJECT: 2017 Sherkston Community Centre Cistern System  
Annual Drinking Water Quality Report**

**1) PURPOSE**

This report, prepared by Darlene Suddard, Environmental Compliance Supervisor and authorized by Chris Lee, Director of Engineering and Operations, was prepared to ensure Council, as the Owner of the Sherkston Community Centre (SCC) Cistern System, is informed of any issues or shortcomings with the SCC Cistern System.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In December 2010, Engineering and Operations Report #2010-54 summarized that the Sherkston Community Centre (SCC) Drinking Water System had been evaluated by Public Health, who determined that a school was being operated at the SCC and as such, the drinking water system fell under the jurisdiction of the Ministry of the Environment and Climate Change (MOECC) and was regulated by Ontario Regulation 170/03. However, as of June 30, 2013 the District School Board of Niagara (DSBN) discontinued the use of the SCC and the system no longer serves a designated facility. In December 2014, Council approved Community Services Report #2014-31 which recommended maintaining the Small Municipal Non-Residential System registration for the facility as this registration provides the SCC the flexibility to facilitate a variety of children/youth based leisure/recreation programs without restriction.

The *Safe Drinking Water Act, 2002* and associated O.Reg. 170/03 (Drinking Water Systems), dictates the City's legislated reporting requirements with respect to the SCC Cistern System. Section 11 of O.Reg. 170/03 details the information to be included in the annual report, as well as the deadline (February 28) for preparing the report. Additionally, this section details that the report must be provided to the designated facility and to the "interested authority" for the designated facility, that the users of the water must be notified that the report is ready and available, that the report must be made available free of charge and how the report must be made available. Notification of report completion is posted to the City's website, with copies available at the Engineering and Operations Centre located at 1 Killaly Street West.

A list of the Acts and Regulations that apply to the SCC Cistern System are provided in Appendix A. The regulated report requirements are discussed in section 3 below.

On December 31, 2012, Section 19 of the *Safe Drinking Water Act, 2002*, also known as the Statutory Standard of Care clause, came into force. In part, Section 19(1) requires "every person who oversees the accredited operating authority and every person who exercises decision making authority over the system" to:

*(a) exercise the level of care, diligence and skill... that a reasonably prudent person would be expected to exercise in a similar situation; and*

*(b) act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal drinking water system*

It is important to note that "Failure to comply with section 19 of the SDWA is an offence and could result in the prosecution of an individual, corporation, or both." This report not only meets the regulated reporting requirements, but also ensures Council is informed and helps meet Standard of Care responsibilities.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The Annual Drinking Water Quality Report was prepared on February 2, 2018, meeting the regulated February 28 deadline. A copy of the report is provided in Appendix B. The Report and a notification of the report's availability will be posted to the City website after Council approves this report. Notification will also be published in the next edition of City Hall News. A copy of the report will also be sent electronically to the Chair of the Sherkston Neighbourhood Recreation Committee. There is no "interested authority" to which to provide the annual report.

Results from the 2017 sampling, testing and monitoring activities, as detailed in the Annual Drinking Water Quality Report indicate that there was one (1) adverse water quality incident (AWQI) in the Cistern system in 2017 (Appendix B).

The AWQI was a microbiological adverse sample, where total coliforms were detected at 1 cfu/100mL. Follow up samples indicated that the water was microbiologically safe and staff suspect that sample contamination was responsible for the AWQI. The AWQI was reported to the Ministry of Environment and Climate Change (MOECC) and Public Health and all corrective actions were completed to the satisfaction of all parties. At no time was the safety of the drinking water compromised, nor were any orders issued by the MOECC or Public Health.

As the drinking water system is less than 7 years old and is working effectively, there are no upgrades scheduled, but regular maintenance and thorough testing will continue.

### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

#### **a) Do nothing.**

Not applicable – report is submitted to meet regulatory requirements

**b) Other Options**

None – This report is submitted to meet regulatory requirements.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

**6) ATTACHMENTS**

Appendix A – Sherkston Community Center Water Supply Applicable Acts and Regulations

Appendix B - Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

**7) RECOMMENDATION**

That Engineering and Operations Department, Operations Division Report 2018-27 with respect to Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O.Reg. 170/03, be received for information.

**8) SIGNATURES**

Prepared on February 17, 2017, by:



Darlene Suddard  
Environmental Compliance Supervisor

Reviewed by:



Doug Cressey  
Utilities Supervisor

Reviewed by:



Chris Lee  
Director of Engineering and Operations

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

**Appendix A  
Operations Division Report  
2018-27**

**Sherkston Community Centre Cistern System  
Applicable Acts and Regulations**

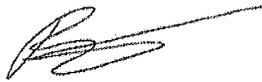
*Safe Drinking Water Act, 2002*

- O.Reg. 128/04: Certification of Drinking Water System Operators and Water Quality Analysts
- O.Reg. 169/03: Ontario Drinking Water Quality Standards
- O.Reg. 170/03: Drinking Water Systems
- O.Reg. 171/03: Definitions of Words and Expressions Used in the Act
- O.Reg. 172/03: Definitions of "Deficiency" and "Municipal Drinking Water System"
- O.Reg. 248/03: Drinking Water Testing Services
- O.Reg. 252/05: Compliance and Enforcement

# Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

Prepared on February 2, 2018  
in accordance with O.Reg. 170/03  
January 1, 2017 to December 31, 2017

Prepared by:



Rocco Arillotta  
Water/Wastewater Operator III

Reviewed by:



Darlene Suddard  
Environmental Compliance Supervisor

Approved by:



Doug Cressey  
Utilities Supervisor

Approved by:

Chris Lee  
Director of Engineering and Operations

Drinking Water System number: 260092963  
Drinking Water System category: Small Municipal Non-Residential  
Owned and operated by: The Corporation of the City of Port Colborne

# Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

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## Introduction

The City of Port Colborne is required, under O.Reg.170/03 - *Drinking Water Systems*, to prepare an annual report detailing the operation of the Sherkston Community Centre Cistern System (SCCCS). The regulation specifies in Section 11 what the report must contain, and sets a February 28 deadline for having the report prepared and made available to the public.

Therefore, to ensure compliance with the regulation, this report is prepared in accordance with Section 11, and is available to the public on the City's website at [www.portcolborne.ca](http://www.portcolborne.ca), under the Water Quality link

## Water Supply and Distribution

The Corporation of the City of Port Colborne (City) is the Owner of the Sherkston Community Centre Cistern System, which is the drinking water system for the City-owned Sherkston Community Centre (SCC). Previously, a designated facility was serviced by this system; however, the designated facility left the building on June 30, 2013. The City maintains the Small Municipal Non-Residential System registration as it provides the Centre the flexibility to facilitate a variety of children/youth based leisure/recreation programs without restriction. This enhances the Centre's opportunity to bring more activities in to the Centre and increase the revenue potential.

The SCCC system consists of the following:

- One (1) Wilkinson Heavy PreCast Ltd. 9.7 m<sup>3</sup> (3,500 USG) pre-cast concrete potable water cistern with stainless steel locking access hatch complete with perimeter gasket to provide positive seal against infiltration; a sufficient quantity of risers to provide positive assurance of protection from 100 year flood elevation; 1 ¼" 100 psi CSA Poly Pipe (ANSI/NSF 61) water supply line from the cistern to the building; 1 ½" PVC electrical conduit from the electrical panel to the cistern;
- One (1) NSF certified ultraviolet (UV) disinfectant system (Trojan UVMaxPro10 with "cool touch fan" with optional solenoid valve), complete with an ANSI/NSF certified 5-micron sediment and grit removal filter to protect the quartz sleeve from abrasion and to ensure high transmissivity of the water. System includes: continuous UV intensity monitor; fail-safe solenoid valve (emergency shut-off

- valve) (alarm condition); thermal protection to prevent nuisance alarms and overheated water supply and; local display indicating status with audible alarm;
- One (1) submersible pump, ¾ HP, 10 gpm, 8 stage, 230 volt complete with cradle and with pressure switch suitable for use with hydro pneumatic pressure tanks for pump operational control;
  - One (1) 35 gallon capacity hydro pneumatic pressure tank
  - One (1) electrical powered autodialler that monitors the water level in the cistern, the UV system status, power supply etc. and automatically dials key City contacts in the event of an alarm.

## Water Quality Monitoring

The City of Port Colborne is required to supply safe drinking water that meets the requirements of the Safe Drinking Water Act and associated regulations. To ensure the City meet these requirements, the City has assigned the following individuals as responsible persons for the SCCCS:

Table 1: Sherkston Community Centre Cistern System Responsible Persons

| Position                               | Name            | Phone number          |
|----------------------------------------|-----------------|-----------------------|
| Director of Engineering and Operations | Chris Lee       | 905-835-2900 ext. 222 |
| Utilities Supervisor                   | Doug Cressey    | 905-835-2900 ext. 255 |
| Environmental Compliance Supervisor    | Darlene Suddard | 905-835-2900 ext. 256 |

The City has identified the Engineering and Operations Department as being responsible for the operation and maintenance of the Sherkston Community Centre Cistern System (SCCCS). The Public Works, Water Department operates under the Engineering and Operations Department, and is specifically responsible for the daily operation of the SCCCS. As such, the Water Department is responsible for assigning Certified Water Operators or MOE Trained Persons to conduct both the routine water quality sampling and testing and to conduct non-routine sampling (i.e., responding to adverse water quality incidents (AWQI)). These activities ensure the water quality meets the Ontario Drinking Water Quality Standards (O.Reg. 169/03) at all times and under all conditions. The Water Department also ensures that the Operational Checks, Sampling and Testing requirements specified in the Drinking Water Systems Regulation (O.Reg. 170/03) are conducted and recorded. If it is determined that the water quality or an operational parameter does not meet the regulated requirements or exceeds the regulated limits, Certified Operators or MOE Trained Persons immediately implement corrective action to

ensure the continued supply of safe drinking water. The operational checks, sampling and testing requirements, which the City must conduct, are outlined in Table 3.

## **Water Quality Test Results**

As per the sampling and testing requirements detailed in Table 3, the City conducted the following sampling in the period of January 1, 2017 to December 31, 2017:

### **Microbiological Analysis**

In 2017, a total of 28 samples were collected and analyzed for the presence of *E.coli* and Total Coliforms. Laboratory results indicated that *E.coli* was non-detectable in any of the treated water samples, and Total Coliforms were detected on one (1) occasion (*Table 5*). Details about the adverse result are discussed below.

To verify that the UV system was functioning properly, untreated water samples were collected from the pre filter tap on two occasions and were analyzed for Heterotrophic Plate Count (HPC) (*Table 5*). HPCs were detected in both occasions, at levels >500 CFU/mL. The results from the treated water samples collected at the same time indicated that the UV system was operating effectively, as the samples showed that *E.coli* and Total Coliforms were non-detectable

### **Operational Checks**

On a twice-weekly basis, the City performed a site visit to monitor the system and ensure there were no issues. The cistern hatch was checked to ensure it was secure, the UV system was checked and UV statistics (lamp hours etc.) was recorded, the system pressure was recorded and the pump status (idle vs. running) was noted.

### **Lead Testing (Schedule 15.2) Results**

Prior to June 2013, all lead testing activities were conducted by the District School Board of Niagara, under O.Reg. 243/07. The City, under O.Reg. 170/03, is required to collect one sample every 36 months from the plumbing and analyze for lead. Sampling was last completed in May 2016 and the next sampling event will be completed by May 26, 2019.

## Regulatory Non-Compliances

There was one instance of regulatory non-compliance in 2017.

Table 2: Summary of Adverse Test Results - 2017

| Sample Date   | Date Adverse Reported to City | Parameter       | Result      | Correction Action Date | Corrective Action                                                                                    |
|---------------|-------------------------------|-----------------|-------------|------------------------|------------------------------------------------------------------------------------------------------|
| July 31, 2017 | Aug 1, 2017                   | Total Coliforms | 2 cfu/100mL | Aug 2, 2017            | Immediately flush and resample from three locations. Total coliforms were absent from the resamples. |

It is important to note that although an adverse microbiological result was observed in 2017, the immediate action by the City's certified Operators ensured that the adverse incident was addressed in a timely manner. This timely response ensured that the safety of the drinking water was maintained, as indicated by the results of special follow up sampling and evaluation, which found the water to be microbiologically safe.

## Water System Upgrades

There were no upgrades or significant expenditures made during 2017, as the system was less than 6 years old.

## Where to Obtain Additional Information

Copies of this annual report and all laboratory test results are available, free of charge, at the Engineering and Operations Centre, located at 1 Killaly Street West. The annual report can be downloaded from the internet at [www.portcolborne.ca](http://www.portcolborne.ca), under the "Water Quality" link. Copies of the report and/or test results may also be obtained by contacting the City numbers listed in Table 3 below.

Table 3: Contact Information for the City

| Organization          | Department                            | Phone Number |
|-----------------------|---------------------------------------|--------------|
| City of Port Colborne | Engineering and Operations Department | 905-835-2900 |
|                       | Public Works                          | 905-835-5079 |

Table 4: Sherkston Community Centre Cistern System- Water Quality Sampling and Testing Requirements

| Parameter       | Sampling and Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Water Quality Standards                                                                                                                                                                                                  | Comments                                                                                                                                                                                                                                                                                                                                |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microbiological | <p>As this system is supplied by transported water, that is stored in a sealed cistern, there is no regulatory requirement to collect samples for microbiological analysis. However, the City continues to collect a minimum of 2 samples of treated water (after the UV system) each month and test for total coliforms and/or <i>E.coli</i>.</p> <p>Samples collected before the UV system (raw water) are analyzed for heterotrophic plate counts periodically to assist with determining if the cistern requires cleaning prior to scheduled annual frequency.</p> | <ul style="list-style-type: none"> <li>• <i>E.coli</i> – NONE detected</li> <li>• Total Coliforms – NONE detected</li> <li>• Heterotrophic plate count &lt;500 cfu/mL (not a regulatory limit, guidance only)</li> </ul> | <ul style="list-style-type: none"> <li>• An average of 2 samples per month</li> <li>• Samples sent to an accredited laboratory for analysis</li> <li>• Adverse results are immediately reported by the lab to the City</li> <li>• Not a regulated parameter. Changes in HPC levels may indicate cistern cleaning is required</li> </ul> |
| Lead            | <p>Under Schedule 15.2 of O.Reg. 170/03 required to collect one sample every 36 months from the plumbing and analyze for lead</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• 0.010 mg/L maximum acceptable concentration</li> </ul>                                                                                                                          | <ul style="list-style-type: none"> <li>• Next sample to be collected by May 26, 2019</li> </ul>                                                                                                                                                                                                                                         |

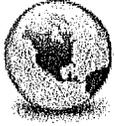
Table 5: Sherkston Community Centre Cistern System - Water Quality Sampling and Testing Results  
January 1, 2017 – December 31, 2017

| Parameter                                       | Requirement | Number of samples | Results |                |             | Comments                                                                       |
|-------------------------------------------------|-------------|-------------------|---------|----------------|-------------|--------------------------------------------------------------------------------|
|                                                 |             |                   | Range   | Unit           | Exceedances |                                                                                |
| <b>Microbiological Analysis – Treated Water</b> |             |                   |         |                |             |                                                                                |
| <i>E. coli</i>                                  | ND          | 28                | ND      | cfu/<br>100 mL | 0           | Presence of <i>E.coli</i> indicates presence of fecal matter                   |
| Total Coliforms                                 | ND          | 28                | 2       | cfu/<br>100 mL | 1           | Presence of Total Coliforms indicates possible presence of pathogenic bacteria |
| <b>Microbiological Analysis – Raw Water</b>     |             |                   |         |                |             |                                                                                |
| <i>E. coli</i>                                  | N/A         | 1                 | ND      | cfu/<br>100 mL | 0           | Presence of <i>E.coli</i> indicates presence of fecal matter                   |
| Total Coliforms                                 | N/A         | 1                 | ND      | cfu/<br>100 mL | 0           | Presence of Total Coliforms indicates possible presence of pathogenic bacteria |
| Heterotrophic Plate Count                       | <500        | 2                 | >500    | cfu/mL         | N/A         | Presence of HPC indicates water quality deterioration                          |

ND = non-detectable NDOGN = No Data-Total Coliform/ *E.coli* Plate Overgrown with Non-Target Bacteria (Adverse) N/A = Not applicable

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MAR 21 2013



Niagara Central Dorothy Rungeling Airport: Nominations to Committee Richard Rybiak to:  
cityclerk@portcolborne.ca, cao@portcolborne.ca, mayor@portcolborne.ca,  
mciuttetelli@wainfleet.ca, wkolasa@wainfleet.ca, 'ajeffer@wainfleet.ca', clerk@welland.ca,  
Gary Long, 'Daniella Wright', 'mayor@welland.ca', Nancy Bozzato, Darren Ottaway, Dave  
Augustyn 2018-03-12 09:56 AM

Cc: "barbarabutters@portcolborne.ca", "beakenny@portcolborne.ca", Jim Fecoyne, John  
Mastroianni, Leo Van Vliet, Ted Hessels, Bruce Smith

From: Richard Rybiak <rrybiak@hotmail.com>

To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "cao@portcolborne.ca"  
<cao@portcolborne.ca>, "mayor@portcolborne.ca" <mayor@portcolborne.ca>,  
"mciuttetelli@wainfleet.ca" <mciuttetelli@wainfleet.ca>, "wkolasa@wainfleet.ca"  
<wkolasa@wainfleet.ca>, "ajeffer@wainfleet.ca" <ajeffer@wainfleet.ca>,  
"clerk@welland.ca" <clerk@welland.ca>, Gary Long <gary.long@welland.ca>, 'Daniella  
Wright' <daniella.wright@welland.ca>, "mayor@welland.ca" <mayor@welland.ca>,  
"Nancy Bozzato" <nbozzato@pelham.ca>, Darren Ottaway <dottaway@pelham.ca>, "Dave  
Augustyn" <mayordave@pelham.ca>

Cc: "barbarabutters@portcolborne.ca" <barbarabutters@portcolborne.ca>,  
"beakenny@portcolborne.ca" <beakenny@portcolborne.ca>, Jim Fecoyne  
<jim@fecoyne.com>, John Mastroianni <mastroianni33@gmail.com>, Leo Van Vliet  
<leo.vanvliet47@gmail.com>, Ted Hessels <thessels@wainfleet.ca>, Bruce Smith  
<bsmith@lbwlawyers.com>

Mayors, Clerks, and CAO's of:

The City of Welland;  
The City of Port Colborne;  
The Town of Pelham;  
The Township of Wainfleet.

Greetings, all:

As you are aware, Niagara Regional Council passed a motion on September 22, 2016, directing Regional Staff to negotiate the uptake of governance and control of Niagara Central Dorothy Rungeling Airport, along with Niagara District Airport, as soon as Phase 2 Environmental Assessments were completed. Both airports have submitted their respective EIA's to the Region late last year, so negotiations between the Region and the airports funding municipal partners can now begin.

This letter is to request Councils of our stakeholder municipalities to appoint representative participants to an ad hoc committee for the purpose of defining a consensus position reflecting our interests in the negotiation around the uptake by the Region of governance and control of NCDRA.

Details of the appointment are:

- Objective: a report defining a consensus position of the four stakeholder municipalities for approval by their Councils to be available for the May 8, 2018, Regional Transportation Committee meeting.
- Involvement: an elected representative and a staff appointee from each of our stakeholder municipalities.
- Timeline:

- o appointments by March 29, 2018;
- o meetings (likely 2) in early April;
- o report generated and approved by Councils by May 8, 2018.

- Coordination by myself as Chair, Niagara Central Airport Commission.

Please let me know the names and email addresses of your appointees as soon as possible so that I can arrange meetings directly with them.

Sincerely,

Richard Rybiak  
Chair  
Niagara Central Airport Commission



**City of Welland**  
**Legislative Services**  
Office of the City Clerk  
60 East Main Street, Welland, ON L3B 3X4  
Phone: 905-735-1700 Ext. 2280 | Fax: 905-732-1919  
Email: clerk@welland.ca | www.welland.ca

City of Port Colborne  
**RECEIVED**  
MAR 05 2018  
CORPORATE SERVICES  
DEPARTMENT

February 28, 2018

File No. 06-84

Ministry of Health and Long Term Care  
Hepburn Block, 10<sup>th</sup> Floor  
80 Grosvenor Street  
Toronto, ON M7A 2C4

Attention: Honorable Dr. Helena Jaczek

Dear Dr. Jaczek:

**Re: February 20, 2018 – WELLAND CITY COUNCIL**

At its meeting of February 20, 2018, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND write a letter to the Minister of Health and Long Term Care requesting additional new long term care beds to serve and address the growing waiting list for long term care beds in Welland; and further

That Welland City Council circulates this motion to AdvantAge Ontario, Ontario Long Term Care Association, Local Health Integrated Network (LHIN), local area municipalities, local area MPP’s and Association of the Municipalities of Ontario”

Yours truly,

Carm Radice  
Acting City Clerk

CR:cap

RE: February 6, 2018 – Welland City Council

March 1, 2018

c.c.: Regional Municipality of Niagara, Sent via email  
AdvantAge Ontario, Sent via email  
Association of Municipalities of Ontario, Sent via email  
Local Area Municipalities, Sent via email  
Local Area MPP's, Sent via email  
Mary Lallouet, Chair, Senior Citizens Advisory Committee, Sent via email  
Local Health Integrated Network, Sent via email



City of Welland  
Legislative Services  
Office of the City Clerk  
60 East Main Street, Welland, ON L3B 3X4  
Phone: 905-735-1700 Ext. 2280 | Fax: 905-732-1919  
Email: clerk@welland.ca | www.welland.ca

City of Port Colborne  
**RECEIVED**

**MAR 05 2018**

CORPORATE SERVICES  
DEPARTMENT

February 28, 2018

File No. 06-84

Ministry of Health and Long Term Care  
Hepburn Block, 10<sup>th</sup> Floor  
80 Grosvenor Street  
Toronto, ON M7A 2C4

Attention: Honorable Dr. Helena Jaczek

Dear Dr. Jaczek:

Re: February 20, 2018 – WELLAND CITY COUNCIL

At its meeting of February 20, 2018, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND supports the request from the Regional Municipality of Niagara to the Ontario Minister of Health and Long Term Care to immediately implement the commitment to increased hours of direct resident care to a provincial average of four hours per day to meet the increase care needs of residents in Ontario's long term care facilities; and further

THAT Welland City Council write a letter of support and be circulated to Regional Niagara AdvantAge Ontario, Association of the Municipalities of Ontario, local area municipalities and local area MPP's.”

Yours truly,

Carm Radice  
Acting City Clerk

CR:cap

RE: February 6, 2018 – Welland City Council

March 1, 2018

c.c.: Regional Municipality of Niagara, Sent via email  
AdvantAge Ontario, Sent via email  
Association of Municipalities of Ontario, Sent via email  
Local Area Municipalities, Sent via email  
Local Area MPP's, Sent via email  
Mary Lallouet, Chair, Senior Citizens Advisory Committee, Sent via email



City of Port Colborne  
**RECEIVED**  
MAR 21 2018  
CORPORATE SERVICES  
DEPARTMENT

# Thorold

March 8, 2018

Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

Dear Ms. Schofield:

**Re: Request for Financial Assistance in Development of a Human Trafficking Program**

Please be advised Thorold City Council, at its March 6, 2018 meeting, adopted the following resolution:

That the correspondence received from the Town of Fort Erie from its Council meeting of February 12, 2018 advising of its contribution of \$5,000 to be given to the YWCA/Niagara Region Anti-Human Trafficking division for the purpose of creating a training and awareness program that will assist community leaders, educational institutes, first responders, police officers, municipal officials and the communities at large throughout the Region; and

That a copy of this resolution be forwarded to all municipalities within Niagara and the Region of Niagara to adopt this motion, be received and supported;

And further that the Town of Fort Erie also requests a contribution of \$5,000 be made by the City of Thorold to the YWCA/Niagara Region Anti-Human Trafficking division, be received and supported.

**CARRIED**

A \$5,000 donation by the City of Thorold will be made to the YWCA/Niagara Region Anti-Human Trafficking division.

...2

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-6613

311

Page 2

Request for Financial Assistance in Development of a Human Trafficking Program

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Yours truly,

D Delvecchio

Donna Delvecchio,  
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer  
M. Mauro, Director of Finance

F. Fabiano, Acting Regional Clerk, Region of Niagara, [frank.fabiano@niagararegion.ca](mailto:frank.fabiano@niagararegion.ca)  
Local Area Municipalities

Minister of Infrastructure  
and Communities



Ministre de l'Infrastructure  
et des Collectivités

Ottawa, Canada K1P 0B6

City of Port Colborne  
**RECEIVED**

**MAR 13 2018**

CORPORATE SERVICES  
DEPARTMENT

Ms. Carrie McIntosh  
Deputy Clerk  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8

**MAR 06 2018**

Dear Ms. McIntosh:

I am writing in response to your letter of February 15, 2018, to the Prime Minister and the Premier of Ontario, regarding a resolution by the City of Port Colborne in support of federal investment dedicated to municipalities for storm water management and drainage improvements.

The Government of Canada has a long history of making strategic investments in a wide range of infrastructure categories. Infrastructure is the foundation of sustainable and inclusive communities—it removes barriers, brings people together and allows all Canadians to be active participants in their community. Moreover, good infrastructure fosters an environment where the best of Canadian innovation can grow.

The Government of Canada is investing more than \$180 billion under the long-term Investing in Canada plan. Our priority is to promote infrastructure that will create good, well-paying jobs that can help the middle class grow and prosper. Key areas for investment include public transit, green and social infrastructure, transportation infrastructure that supports trade, and infrastructure in rural and northern communities.

Through Budget 2017, the Government has also announced plans to invest \$20.3 billion towards public transit that would transform the way Canadians live, move and work. Green infrastructure projects will also be prioritized through an investment of \$16.9 billion over 11 years that will reduce greenhouse gas emissions, deliver clean water, safely manage wastewater, and help communities prepare for challenges that result from climate change.

Infrastructure Canada has started discussions with its partners in Ontario to sign a long-term agreement that would see \$11,846,483,456 invested in infrastructure over the next 11 years.

...2

Under the new agreement, proposed projects must first be prioritized by the province before they are submitted to Infrastructure Canada for consideration. Once the agreement is signed, I would encourage you to submit your proposal to the province of Ontario so that it may determine whether the project should be prioritized for funding consideration under the Green Infrastructure stream.

Thank you for writing on this important issue.

Yours sincerely,

A handwritten signature in black ink that reads "A. Sohi". The letters are cursive and slightly slanted to the right.

Amarjeet Sohi, P.C., M.P.

**City of Port Colborne  
Regular Committee of the Whole Meeting 06-18  
Minutes**

**Date:** March 12, 2018  
**Time:** 6:30 p.m.  
**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** R. Bodner, Councillor  
B. Butters, Councillor  
A. Desmarais, Councillor  
Y. Doucet, Councillor  
D. Elliott, Councillor  
F. Danch, Councillor  
J. Maloney, Mayor (presiding officer)  
J. Mayne, Councillor

Absent: B. Kenny, Councillor (due to vacation)

**Staff Present:** T. Cartwright, Fire Chief  
J. Douglas, Economic Development Officer  
A. Grigg, Director of Community and Economic Development  
S. Hanson, Acting Director of Planning and Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and YourTV.

1. **Call to Order:**  
Mayor Maloney called the meeting to order.
2. **National Anthem:**  
Joel Longfellow sang O Canada.
3. **Introduction of Addendum Items:**  
Nil.

4. **Confirmation of Agenda:**

Moved by Councillor Y. Doucet  
Seconded by Councillor R. Bodner

That the agenda dated March 12, 2018 be confirmed, as circulated or as amended.

CARRIED.

5. **Disclosures of Interest:**

Nil.

6. **Adoption of Minutes:**

- (a) **Regular meeting of Committee of the Whole 05-18, held on February 26, 2018.**

Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

- (a) That the minutes of the regular meeting of Committee of the Whole 05-18, held on February 26, 2018, be approved as presented.

CARRIED.

7. **Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 4, 11.

8. **Approval of Items Not Requiring Separate Discussion:**

Moved by Councillor B. Butters  
Seconded by Councillor A. Desmarais

That Items 1 to 11 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:**

- 1. Planning and Development, Planning Division, Report No. 2018-34, Subject: Proposed Development Agreement for Joseph Moore, 2731 Vimy Ridge Road**

Committee of the Whole recommends:

That entering into a development agreement with Joseph Moore with respect to 2731 Vimy Ridge Road be approved; and

That the Mayor and Clerk be authorized to sign and execute said agreement.

- 2. Planning and Development, By-law Enforcement Division, Report No. 2018-24, Subject: Sign Variance Request 107 Clarence Street**

Committee of the Whole recommends:

That the variance for the proposed sign at 107 Clarence Street be approved.

- 3. Corporate Services, Clerk's Division, Report No. 2018-35, Subject: Appointments to Boards and Committees**

Committee of the Whole recommends:

That Greg Poisson be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020; and

That Marcia Turner be appointed to the Port Colborne Historical & Marine Museum Board for a term ending December 31, 2021; and

That the Clerk be directed to bring forward the necessary by-law for approval.

- 5. Region of Niagara Re: Integrated Customer Policies – Transit Services (LTNC-C Report 3-2018)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Integrated Customer Policies – Transit Services (LTNC-C Report 3-2018), be received for information.

**6. Region of Niagara Re: Niagara Region 2017 Employment Inventory Results Report (PDS Report 5-2018)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Region 2017 Employment Inventory Results Report PDS Report 5-2018), be received for information.

**7. Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report – October 1 to December 31, 2017**

Committee of the Whole recommends:

That the correspondence received from Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report – October 1 to December 31, 2017, be received for information.

**Outside Resolutions – Requests for Endorsement:**

**8. Town of Niagara-on-the-Lake Re: Long Term Care Facilities – Increased Funding**

Committee of the Whole recommends:

That the resolution received from the Town of Niagara-on-the-Lake in support of the resolution from the City of St. Catharines Re: Long Term Care Facilities, be received for information.

**9. County of Renfrew Re: Proposed Amendments to the Endangered Species Act**

Committee of the Whole recommends:

That the resolution received from the County of Renfrew Re: Proposed Amendments to the Endangered Species Act, be received for information.

**10. Town of Lincoln, City of Welland, Town of Grimsby and the Town of Fort Erie in support of the City of Port Colborne's Resolution Re: Niagara Region Recommendation Respecting the Town of Pelham Finances**

Committee of the Whole recommends:

That the resolutions received from the Town of Lincoln, City of Welland, Town of Grimsby and the Town of Fort Erie endorsing the City of Port Colborne's resolution and strongly objects to the Region and its Audit Committee interfering in a local municipality's finances, be received for information.

CARRIED.

9. **Presentations:**

Nil.

10. **Delegations:**

Nil.

11. **Mayor's Report:**

A copy of the Mayor's Report is attached.

12. **Regional Councillor's Report:**

Nil.

13. **Councillors' Items:**

(a) **Community Based Risk Assessment (Desmarais)**

Councillor Desmarais provided a summary of the Community Based Risk Assessment (CBRA) and involvement between the Ministry of Environment (MOE), Vale (formerly Inco), the Public Liaison Committee and City in the process to address the chemicals of concern in soil created by historic emissions from Vale's operations. Councillor Desmarais advised that after more than 20 years, a resolution to the process has not occurred. The Chief Administrative Officer advised that the Mayor and he meet quarterly with management at Vale and suggested that Ward 2 Councillors attend the next meeting to discuss the best way to make a political appeal to the MOE and bring resolution to the issue.

(b) **Vale Health & Wellness Centre (Danch)**

In response to Councillor Danch's concern about a leaky faucet in the YMCA change room, the Director of Community and Economic Development advised that she spoke to staff and will follow up to ensure it is addressed. Councillor Danch inquired with respect to towel hooks inside the hockey change rooms to which the Director of Community and

Economic Development responded that she discussed with staff and the hooks will be installed shortly.

**(c) Information in City Hall's Lobby (Bodner)**

In response to Councillor Bodner's request, the Chief Administrative Officer advised that way-finding signs or contact information for transportation services can be posted in the bus-waiting area of City Hall's lobby.

**(d) Recently Hired City Employees (Mayne)**

Councillor Mayne inquired if recently hired City employees could be introduced to Councillors. The Chief Administrative Officer advised that the internal newsletter will highlight changes in personnel, the locations of staff and updated contact information and that direction was provided to departments to ensure contact information is correct on the website.

**(e) Drains (Mayne)**

Councillor Mayne commended the work performed on the Eagle Marsh drain and on the temporary repair of the storm drain in front of the Salvation Army about which he expressed hope that a permanent repair would occur when the weather permits.

**(f) 2018 Paralympic Games (Doucet)**

Councillor Doucet commended the Canadian men's sledge hockey team for their performance at the 2018 Paralympics in Pyeong Chang and requested that the Chief Administrative Officer forward the City's support and congratulations.

**(g) Sherkston Community Centre Chili Cook-off (Bodner)**

Councillor Bodner advised that the March 11 chili cook-off at the Sherkston Community Centre was a success attracting approximately between 60 and 70 people.

**Staff Responses to Previous Councillor Inquiries:**

**(a) Pleasant Beach Road Parking (Hanson)**

The Acting Director of Planning and Development advised that a report will be provided March 26 of Council with respect to changes required to parking on Pleasant Beach Road.

**14. Consideration of Items Requiring Separate Discussion:**

**4. Memorandum from Karen Walsh, Executive Administrative Assistant to Director of Community and Economic Development Re: Active Transportation Advisory Committee – Motion Regarding a Four Way Stop Sign at Killaly Street East and Elizabeth Street**

Moved by Councillor A. Desmarais  
Seconded by Councillor Y. Doucet

That the memorandum from Karen Walsh Executive Assistant to Director of Community and Economic Development, on behalf of the Active Transportation Advisory Committee, Re: Active Transportation Advisory Committee – Motion Regarding a Four Way Stop Sign at Killaly Street East and Elizabeth Street, be received for information.

Moved by Councillor Y. Doucet  
Seconded by Councillor A. Desmarais

That, in accordance with section 2.1(c) of Procedural By-law No. 6250/76/15, Committee hereby suspends the rules of procedure in order to reconsider installation of a four way stop sign at Killaly Street East and Elizabeth Street.

LOST.

The vote was then called on the main motion, as follows:

That the memorandum from Karen Walsh Executive Assistant to Director of Community and Economic Development, on behalf of the Active Transportation Advisory Committee, Re: Active Transportation Advisory Committee – Motion Regarding a Four Way Stop Sign at Killaly Street East and Elizabeth Street, be received for information.

CARRIED.

**11. Ministry of Natural Resources and Forestry Re: Response to City of Port Colborne's Resolution regarding the Niagara Peninsula Conservation Authority (NPCA)**

Moved by Councillor B. Butters  
Seconded by Councillor A. Desmarais

That the correspondence received from Nathalie Des Rosiers, Minister of Natural Resources and Forestry Re: Response to the City of Port Colborne's Resolution regarding the Appointment of a

Provincial Supervisor to the Niagara Peninsula Conservation Authority, be received for information.  
CARRIED.

**15. Notice of Motion:**

Nil.

**16. Adjournment:**

Moved by Councillor Y. Doucet  
Seconded by Councillor R. Bodner

That the Committee of the Whole meeting be adjourned at approximately 7:10 p.m.  
CARRIED.

AL/cm



**City of Port Colborne  
Regular Meeting of Council 07-18  
Monday, March 26, 2018  
following Committee of the Whole Meeting  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Council 05-18, held on March 12, 2018.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**

Nil.
10. **Minutes of Boards, Commissions & Committees:**
  - (a) Minutes of the Port Colborne Historical Board of Management Meeting of February 10, 2018
11. **Consideration of By-laws:**
12. **Adjournment:**

**Council Items:**

| Notes               |          |                              | Item                                  | Description / Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |           |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |
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| JDM                 | BB       | RB                           | 1.                                    | <p><b>Planning and Development, By-law Enforcement Division, Report No. 2018-42, Subject: Parking and Traffic – Pleasant Beach Road</b></p> <p>That the following amendments to By-law 89-2000 Being a By-law Regulating Traffic and Parking on City Roads be approved; and</p> <p>That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by deleting therefrom the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> <th>Column 4</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Day</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>lakeshore</td> <td>A point approx. 138 m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table> <p>That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> <th>Column 4</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Day</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>lakeshore</td> <td>A point approx. 169 m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table> <p>That Schedule “F” Angle Parking to By-law 89-2000, as amended be further amended by deleting therefrom the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>138 m north of the lakeshore</td> <td>55 m north therefrom</td> </tr> </tbody> </table> <p>That Schedule ‘F’ Angle Parking to By-law 89-2000, as amended be further amended to adding thereto the following:</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Pleasant Beach Road</td> <td>West</td> <td>169 m north of the lakeshore</td> <td>24 m north therefrom</td> </tr> </tbody> </table> | Column 1 | Column 2  | Column 3 |  | Column 4 | Highway | Side | From | To | Times/Day | Pleasant Beach Road | West | lakeshore | A point approx. 138 m north therefrom | Anytime | Column 1 | Column 2 | Column 3 |  | Column 4 | Highway | Side | From | To | Times/Day | Pleasant Beach Road | West | lakeshore | A point approx. 169 m north therefrom | Anytime | Column 1 | Column 2 | Column 3 |  | Highway | Side | From | To | Pleasant Beach Road | West | 138 m north of the lakeshore | 55 m north therefrom | Column 1 | Column 2 | Column 3 |  | Highway | Side | From | To | Pleasant Beach Road | West | 169 m north of the lakeshore | 24 m north therefrom |
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| AD                  | FD       | YD                           |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |           |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |
| DE                  | BK       | JM                           |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |           |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |          |         |      |      |    |           |                     |      |           |                                       |         |          |          |          |  |         |      |      |    |                     |      |                              |                      |          |          |          |  |         |      |      |    |                     |      |                              |                      |

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|--------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>JDM BB RB<br/>AD FD YD<br/>DE BK JM</p> | <p>2.</p> | <p><b><u>Community and Economic Development, Events Division, Report No. 2018-33, Subject: Request to host the 40<sup>th</sup> Annual Canal Days Concerts at H.H. Knoll Lakeview Park, August 3 to 6, 2018</u></b></p> <p>That the 40<sup>th</sup> Annual Canal Days Concerts be hosted in H.H. Knoll Lakeview Park, as outlined in Community and Economic Development, Events Division Report 2018-33; and</p> <p>That the Director of Community and Economic Development be directed to present a further report authorizing necessary road closures approval of the associated by-law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>JDM BB RB<br/>AD FD YD<br/>DE BK JM</p> | <p>3.</p> | <p><b><u>Community and Economic Development, Events Division, Report No. 2018-40, Subject: 2018 Budweiser CanAm Walleye Challenge, June 23, 2018</u></b></p> <ol style="list-style-type: none"> <li>1. That City sponsorship of the 2018 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows:             <ol style="list-style-type: none"> <li>a. Waving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park;</li> <li>b. Waiving of permit fees for the use of the pavilion at Sugarloaf Marina;</li> <li>c. Provision and installation of snow fencing, and waiving of associated fees;</li> <li>d. Provision of security;</li> <li>e. Provision of portable washroom facilities and waiving of associated fees;</li> <li>f. City assistance with event promotion and marketing on social media;</li> <li>g. Waiving of boat ramp fees for tournament participants;</li> <li>h. Provision of Marina non-service dock discount rate of 35% for tournament participants.</li> </ol> </li> <li>2. That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 21, 2018, and that RV camping/parking be cleared from Park by Sunday, June 24 at 6:00 p.m.; and</li> <li>3. That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as additional insured.</li> </ol> |

|                 |                |                |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------|----------------|----------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 4. | <p><b><u>Community and Economic Development, Events Division, Report No. 2018-39, Subject: Updated Municipal Alcohol Management Policy</u></b></p> <p>That the revised Municipal Alcohol Management Policy, attached as Appendix “A” to Community &amp; Economic Development Report No. 2018-39, Subject: Updated Municipal Alcohol Management Policy, be approved; and</p> <p>That the appropriate by-law be presented for approval.</p>                                                                                                                                                                                                                                                                          |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 5. | <p><b><u>Community and Economic Development, Parks Division, Report No. 2018-38, Subject: Request for Quotation 2017-17: Parks Solar Lighting</u></b></p> <p>That Project 2017-17, Supply &amp; Installation of Parks Solar Lighting, be awarded to Wiens Underground Electric, of Niagara-on-the-Lake, for the total quoted price of \$51,325, excluding taxes; and</p> <p>That the additional funding for this project, in the amount of \$6,325, be allocated from the General Capital Reserve; and</p> <p>That the Director of Community and Economic Development be authorized to issue a purchase order to Wiens Underground Electric; and</p> <p>That the appropriate by-law be presented for approval.</p> |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 6. | <p><b><u>Corporate Services, Finance Division, Report No. 2018-43, Subject: Statement of Remuneration and Expenses 2017</u></b></p> <p>That Corporate Services Department, Finance Division Report 2018-43 with respect to Remuneration and Expenses for 2017 be received for information purposes as per Section 283 and 284 of the <i>Municipal Act, 2001</i>, as amended.</p>                                                                                                                                                                                                                                                                                                                                   |
| JDM<br>AD<br>DE | BB<br>FD<br>BK | RB<br>YD<br>JM | 7. | <p><b><u>Corporate Services, Finance Division, Report No. 2018-44, Subject: Municipal Asset Management Program Funding</u></b></p> <p>That the City Treasurer be directed to apply for a grant opportunity from the Federation of Canadian Municipalities’ Municipal Asset Management Program for Port Colborne’s Roadmap Phase II; and</p> <p>That the City of Port Colborne commits to conducting the following activities in its proposed project submitted to the Federation of</p>                                                                                                                                                                                                                            |

|                                     |                |                |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------|----------------|----------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     |                |                |     | <p>Canadian Municipalities' Municipal Asset Management Program to advance the City's asset management program:</p> <ul style="list-style-type: none"> <li>• New Data Sets, Data Synchronization, Consolidation and Refinement;</li> <li>• Risk and Criticality Modeling Development, Lifecycle Framework Development and Asset Management Training on Risk, Lifecycle and Condition; and</li> <li>• Work Order Management Software Module with Data Migration and Implementation and Training; and</li> </ul> <p>That the City of Port Colborne has committed \$49,600 in its 2018 budget toward the costs of this initiative.</p> |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 8.  | <p><b><u>Engineering and Operations, Operations Division, Report No. 2018-26, Subject: Port Colborne Distribution System – Annual Summary Report</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2018-26 with respect to the Port Colborne Distribution System Annual Summary Report, prepared in accordance with O. Reg. 170/03, be received for information.</p>                                                                                                                                                                                                                           |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 9.  | <p><b><u>Engineering and Operations, Operations Division, Report No. 2018-27, Subject: 2017 Sherkston Community Centre System Annual Drinking Water Quality Report</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2018-27 with respect to Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O. Reg. 170/03, be received for information.</p>                                                                                                                                                                                                     |
| <b>Miscellaneous Correspondence</b> |                |                |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| JDM<br>AD<br>DE                     | BB<br>FD<br>BK | RB<br>YD<br>JM | 10. | <p><b><u>Richard Rybiak, Chair, Niagara Central Airport Commission Re: Request to Appoint and Elected Representative and a Staff Member to the Niagara Central Dorothy Rungeling Airport Ad Hoc Committee</u></b></p> <p>That Council appoints Scott Luey, Chief Administrative Officer and _____, member of Council to the Niagara Central Dorothy Rungeling Airport Ad Hoc Committee.</p>                                                                                                                                                                                                                                        |

| <b>Outside Resolutions – Requests for Endorsement</b> |    |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------|----|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JDM                                                   | BB | RB | 11. | <p><b>City of Welland Re: Letter to Minister of Health and Long Term Care regarding Additional New Long Term Care Beds in the City of Welland</b></p> <hr/> <p>That the resolution received from the City of Welland regarding Additional New Long Term Care Beds in the City of Welland, be received for information.</p> <p><b>Note:</b> At its meeting of February 12, 2018 Council supported the resolution of the Town of Fort Erie concerning Health Care Services in the Niagara Region.</p>                     |
| AD                                                    | FD | YD |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DE                                                    | BK | JM |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| JDM                                                   | BB | RB | 12. | <p><b>City of Welland Re: Long Term Care Facilities – Increased Funding to meet the Increase Care needs of Residents in Ontario’s Long Term Care Facilities</b></p> <hr/> <p>That the resolution received from the City of Welland in support of the Regional Municipality of Niagara’s resolution regarding increased funding for Long Term Care Facilities in Ontario, be received for information.</p> <p><b>Note:</b> At its meeting of March 12, 2018 Council supported the resolution of Niagara-on-the-Lake.</p> |
| AD                                                    | FD | YD |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DE                                                    | BK | JM |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| JDM                                                   | BB | RB | 13. | <p><b>City of Thorold Re: Request for Financial Assistance in Development of a Human Trafficking Program</b></p> <hr/> <p>That the resolution received from the City of Thorold in support of the resolution from the Town of Fort Erie Re: Request for Financial Assistance in the Development of a Human Trafficking Program, be received for information.</p> <p><b>Note:</b> At the Budget Meeting of March 6, 2018 Council received the above resolution from the Town of Fort Erie.</p>                           |
| AD                                                    | FD | YD |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DE                                                    | BK | JM |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Responses to City of Port Colborne Resolutions |    |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------|----|----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JDM                                            | BB | RB | 14. | <p><b>Amarjeet Sohi, P.C., M.P., Minister of Infrastructure and Communities Re: Response to the City of Port Colborne’s Resolution Regarding Federal Investments dedicated to Municipalities for Storm Water Management and Drainage Improvements</b></p> <hr/> <p>That the correspondence received from Amarjeet Sohi, Minister of Infrastructure and Communities Re: Response to the City of Port Colborne’s resolution regarding Federal Investments dedicated to Municipalities for Storm Water Management and Drainage Improvements, be received for information.</p> |
| AD                                             | FD | YD |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DE                                             | BK | JM |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**Consideration of By-laws  
(Council Agenda Item 11)**

| <b>By-law No.</b> | <b>Title</b>                                                                                                                                                                     |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6563/18/18        | Being a By-Law to Amend By-Law No. 89-2000, Being a By-Law Regulating Traffic and Parking on Pleasant Beach Road                                                                 |
| 6564/19/18        | Being a By-Law to Adopt a Municipal Alcohol Management Policy, and to Repeal Various By-Laws                                                                                     |
| 6565/20/18        | Being a By-Law to Authorize Entering into a Contract Agreement with Wiens Underground Electric respecting Project 2017-17: Supply and Installation of Parks Solar Lighting       |
| 6566/21/18        | Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of March 26, 2018 |

The Corporation of the City Of Port Colborne

By-Law No. \_\_\_\_\_

Being a By-Law to Amend By-Law No. 89-2000,  
Being a By-Law Regulating Traffic and Parking on  
Pleasant Beach Road

Whereas at its meeting of March 29 2018, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development, By-law Enforcement Division Report No. 2018-42, Subject: Parking and and Traffic Pleasant Beach Road; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendations the above referenced report.

Now therefore the Council of The Corporation of the City Of Port Colborne enacts as follows:

That Schedule "C-2" Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by deleting therefrom the following:

| Column 1            | Column 2 | Column3   |                                      | Column 4  |
|---------------------|----------|-----------|--------------------------------------|-----------|
| Highway             | Side     | From      | To                                   | Times/Day |
| Pleasant Beach Road | West     | lakeshore | A point approx. 138m north therefrom | Anytime   |

That Schedule "C-2" Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:

| Column 1            | Column 2 | Column3   |                                      | Column 4  |
|---------------------|----------|-----------|--------------------------------------|-----------|
| Highway             | Side     | From      | To                                   | Times/Day |
| Pleasant Beach Road | West     | lakeshore | A point approx. 169m north therefrom | Anytime   |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to delete the following thereto:

| Column 1          | Column 2 | Column3                     |                     |
|-------------------|----------|-----------------------------|---------------------|
| Highway           | Side     | From                        | To                  |
| Pleasant Beach Rd | West     | 138m north of the lakeshore | 55m north therefrom |

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to adding the following thereto:

| Column 1          | Column 2 | Column3                     |                     |
|-------------------|----------|-----------------------------|---------------------|
| Highway           | Side     | From                        | To                  |
| Pleasant Beach Rd | West     | 169m north of the lakeshore | 24m north therefrom |

That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 26th day of March 2018.

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John Maloney  
Mayor

---

Amber LaPointe  
City Clerk

The Corporation of the City Of Port Colborne

By-Law No. \_\_\_\_\_

Being a By-Law to Adopt a Municipal Alcohol Management Policy, and to Repeal Various By-Laws

Whereas at its meeting of May 10, 1993, the Council of The Corporation of the City of Port Colborne ("Council") enacted By-law 2871/150/93, Being a By-law to Adopt a Policy Respecting a Municipal Alcohol Management Policy; and

Whereas By-law 2871/50/93 has been amended from time to time; and

Whereas at its meeting of March 26, 2018, Council approved the recommendation of Community and Economic Development, Events Division, Report 2018-39, Subject: Updated Municipal Alcohol Management Policy; and

Whereas Council is desirous of adopting an updated and consolidated policy governing the consumption of alcohol at municipally owned facilities; and

Whereas Council is desirous of repealing By-law 2871/150/93, and all amendments thereto;

Now therefore the Council of The Corporation of the City Of Port Colborne enacts as follows:

1. That the Municipal Alcohol Management Policy attached hereto as Schedule "A" is hereby approved and adopted.
2. That By-law 2871/50/93, and all amendments thereto, are hereby repealed.
3. That this By-law shall come into force and take effect on the date of passing.

Enacted and passed this 26th day of March, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

Schedule "A" to By-law \_\_\_\_\_

THE CORPORATION OF  
THE CITY OF PORT COLBORNE

**ALCOHOL MANAGEMENT POLICY**

History:

- First enacted by **BY-LAW 2871/50/93**  
May 10<sup>th</sup>, 1993
- Amended by- **BY-LAW 2991/25/94**  
February 14<sup>th</sup>, 1994
- Amended by- **BY-LAW 3148/19/95**  
February 27<sup>th</sup>, 1995
- Amended by-**BY-LAW 3598/24/98**  
March 9<sup>th</sup>, 1998
- Amended by- **BY-LAW 3916/61/00**  
May 23<sup>rd</sup>, 2000
- Amended by-**BY-LAW 4090/85/01**  
June 25<sup>th</sup>, 2001
- Amended by-**BY-LAW 4458/131/03**  
November 24<sup>th</sup>, 2003
- Amended by-**BY-LAW 4607/138/04**  
November 22<sup>nd</sup>, 2004
- Amended by-**BY-LAW 4819/44/06**  
March 27<sup>th</sup>, 2006
- Amended by- **BY-LAW 5050/105/07**  
September 10<sup>th</sup>, 2007
- Amended by-**BY-LAW 5220/126/08**  
November 24<sup>th</sup>, 2008
- Amended by- **BY-LAW 6004/110/13**  
October 15<sup>th</sup>, 2013

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1. **PREAMBLE:**

1.1 The Corporation of the City of Port Colborne ("the City") owns and manages properties and/or facilities that, for the purpose of this policy, are categorized into the following areas:

- (a) Those where alcohol consumption is not permitted; and
- (b) Those where alcohol consumption is permitted under the authority of a Special Occasion Permit.

1.2 This policy has been adopted in order to prevent potential harms that may arise from alcohol consumption at these locations and to promote a safe and enjoyable environment for facility users.

2. **POTENTIAL HARMES:**

2.1 A range of potential harms can arise as a result of alcohol consumption. These harms can affect not only those consuming alcohol, but also other facility users.

2.2 Such harms include, but are not limited to the following:

- (a) injury to the person consuming alcohol or others;
- (b) police response required at a municipal property/facility;
- (c) liability arising from alcohol related injury or death;
- (d) increased insurance premiums as a result of alcohol related incidents;
- (e) loss of insurability should the insurer's risk assessment escalate;
- (f) charges against the City or the Special Occasion Permit holder(s), under the *Liquor Licence Act*;
- (g) suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario;
- (h) vandalism and/or destruction of City property/facilities;
- (i) loss of enjoyment for those who do not consume and/or moderately consume alcohol;
- (j) complaints and/or action lodged by offended parties;
- (k) withdraw from use of City facilities by persons or groups concerned about alcohol consumption;
- (l) loss of City revenue due to reduced participation; and
- (m) increased public concern about alcohol consumption.

2.3 Such harms are generally not attributable to those who responsibly consume alcohol and to those who observe the rules regarding alcohol consumption. Generally, the majority of such harms arise when persons engage in four unsafe alcohol consumption practices:

- (a) Drinking to the point of intoxication;
- (b) Drinking and driving;

- (c) Underage drinking; and
- (d) Drinking in prohibited areas.

2.4 Preventing engagement in such practices will correspondingly diminish the occurrence of alcohol related harms. This policy will be minimally intrusive to those that do not engage in the unsafe consumption of alcohol. This policy does not inhibit the legal and responsible consumption of alcohol.

### **3. PURPOSE:**

3.1 As the owner and operator of the properties and facilities outlined herein, the City has a responsibility to promote the responsible use of alcohol at special events. The City must also take appropriate initiatives to protect itself from liability associated with the consumption of alcohol on City properties and/or facilities.

3.2 This policy has been adopted in order to prevent the occurrence of alcohol related harms and to preserve and protect the public's enjoyment of City properties and facilities. By reducing the potential for alcohol related harms, the City concurrently reduces a user's loss of enjoyment of City facilities, and minimizes the risk of injury and death, and the risk of liability.

3.3 To this end, this policy establishes methods intended to reduce engagement in the unsafe consumption of alcohol, as outlined above.

### **4. LICENSED FACILITIES:**

4.1 The following City facilities are designed as being eligible for hosting a Special Occasion Permit ("SOP") function:

- (a) Vale Health & Wellness Centre, 550 Elizabeth Street;
- (b) Sugarloaf Harbour Marina, 3 Marina Road;
- (c) Port Colborne Historical and Marine Museum, 280 King Street;
- (d) Roselawn Centre for the Arts, 296 Fielden Avenue, (Licence No. 40291);
- (e) Port Colborne Municipal Offices, 66 Charlotte Street;
- (f) Port Colborne Engineering & Operations Centre, 1 Killaly Street West;
- (g) Port Colborne Fire Hall, 3 Killaly Street West;
- (h) Fire Station No. 2, 126 Bell Street;
- (i) Port Colborne Bocce Club, 550 Elizabeth Street.
- (j) Port Colborne Visitor Information Centre, 6 Main Street West;
- (k) Bethel Community Centre, 2703 Chippawa Road;
- (l) Sherkston Community Centre, 4893 Sherkston Road;
- (m) Port Colborne Tennis Club Building, 41 Helen Street;
- (n) Port Colborne Lion's Field Park, 148 Killaly Street West;
- (o) Municipal Street Events (various locations, as approved by Council); and
- (p) Parks and Pavilions (various locations, as approved by Council).

- 4.2 The following City owned properties and/or facilities shall not be used to host SOP events:
- (a) Nickel Beach, as it is owned by Vale Canada Ltd., and it is against the company's corporate policy.
  - (b) Westside Arena Baseball Fields, as it is a youth user oriented facility.
- 4.3 Eligible facilities known as the Bethel Community Centre, Sherkston Community Centre, and Port Colborne Visitor Information Centre are permitted to host SOP functions, as the management organization/group/City of Port Colborne, Council deems acceptable.

**5. CONTROLS:**

- 5.1 In order to be eligible to utilize a City owned property and/or facility for a SOP function, the SOP Permit Holder must demonstrate to the satisfaction of the Department Director, or designate, that there are sufficient controls in place to prevent intoxicated or rowdy patrons from entering the event.
- 5.2 Further, the SOP Permit Holder must ensure that any intoxicated and/or rowdy patrons shall be refused service and shall be removed safely from the event, forthwith.
- 5.3 For the purpose of establishing and maintaining control, as outlined above, the Permit Holder shall be responsible for implementing and ensuring compliance with the following controls :
- (a) The person(s) whose name(s) appear on the SOP (the "Permit Holder") (being the person(s) responsible for the event) may identify a designate(s), however in doing so, the names of such designate(s) shall appear on the SOP, and such person(s) shall be made known to the City.  
Individuals/groups named on Special Occasion Permits and facility owners are responsible for the safety and sobriety of the people attending the event.
  - (b) The Permit Holder and/or designate(s) shall possess a valid Smart Serve Certification.
  - (c) The Permit Holder and/or designate(s) shall be present throughout the SOP event.
  - (d) The Permit Holder and/or designate(s) shall familiarize themselves and comply with all requirements specified in the Special Occasion Permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO").

- (e) The SOP shall be posted in a conspicuous location at all times during the event, shall be readily available for presentation upon request by AGCO inspectors or police officers.
- (f) The only identification accepted for the purpose of establishing a patron's age shall be: valid provincial Driver's Licence, or out-of-province photo driver's licence, valid Passport, Government Issued Military Card, Canadian Citizenship Card (including Native Status Card), and/or photo identification issued by the AGCO.
- (g) The sale of alcoholic beverages shall be by ticket and the number of alcoholic beverages permitted to be purchased by one (1) person at any one time shall be limited to two (2), unless other restrictions specific to the event are established by the AGCO, in which case adherence shall be to that limit. Glass containers shall not be used for serving beverages at an SOP function.
- (h) At the time of purchase, servers shall open all alcoholic beverages prior to proffering same to the patron.
- (i) At least two (2) persons shall supervise all entrances, and at least one (1) person shall supervise exits. Those supervising the entrances and exists shall be the age of majority. Monitors shall not consume alcohol prior to or while undertaking their duties at the event.
- (j) For licensed venues with a capacity over 2,000 people, floor monitors shall be provided, including an appropriate number of licensed security guards and Special Duty Police Officers, with a minimum ratio of one (1) per two hundred participants.
- (k) All monitors shall be nineteen (19) years of age or older and shall hold a valid Smart Serve Certification.
- (l) Prepare and maintain a list that includes the names and Smart Serve Identification numbers, of all monitors and servers. This list shall be submitted to the Department Director, or designate, at the time the application for the special event is submitted to the City. This list shall be posted during the event in the same location as the SOP.
- (m) In accordance with the rules and regulations of the AGCO, in the case where the designated area must be enclosed by fencing, a minimum of one (1) monitor shall be utilized to "patrol" the area outside of the fenced area.
- (n) Staff and/or volunteers responsible for selling tickets to patrons for the purchase of alcohol must possess a valid Smart Serve Certification.

- (o) Those identified by this policy as requiring Smart Serve Certification shall carry their Smart Serve Identification Card on their person, at all times during the event.
- (p) "Last call" announcements are not permitted and shall not be made.
- (q) Any incident and/or occurrence that could reasonably be expected to endanger the health and safety of a patron or other participant, whether it be on or off the event premises, shall be the responsibility of the Permit Holder.
- (r) In the case where the AGCO provides approval under the SOP Permit for persons under the age of majority ("minors") to be present within the designated area identified under the Permit, single fencing with a minimum height of four (4) feet shall be securely erected
- (s) In the case where the AGCO, under the SOP Permit, indicates that minors are not allowed to be present within the designated area identified under the Permit, double fencing with a minimum height of four (4) feet, shall be securely erected.
- (t) Food shall be available for patrons at all times when alcohol is being served and at no greater price than the cost to purchase alcoholic beverages. Further, non-alcoholic beverages shall be available at all times and at no greater price than the cost to purchase alcoholic beverages.
- (u) Thirty (30) percent of the total amount of beer and draft beer available for sale shall be classified as "light" beer, and notice of same shall be posted.
- (v) Ensure adequate lighting is provided for the event, signs are visible, and stairs are clear. Adequate and accessible washroom facilities shall be available on site. As the occupier of the premises, the Permit Holder is required to ensure the physical setting is safe for persons who are and are not consuming alcohol. The Permit Holder may be held liable if an accident occurs due to the physical set-up of the event.
- (w) The Permit Holder shall ensure signs are displayed, near the serving area, indicating the following:
- It is a Provincial Offense to serve an intoxicated person, or serve anyone to the point of intoxication.
  - Provisions of the *Liquor Licence Act* authorize servers to cut off over indulgent consumers.
  - The Permit Holder has the right to refuse admittance to persons who are under the age of majority.

- (x) In the event a patron is intoxicated and/or sales have stopped to the patron, the patron shall be escorted out of the designated area and event. The patron shall then be left in the responsibility of someone who has not consumed alcohol. The Permit Holder and/or designate shall record such an occurrence in a logbook. Police may be called to assist in managing intoxicated or rowdy patrons.
- (y) The Permit Holder is responsible for ensuring at all times that no violation of the Criminal Code occurs within the licensed area. This includes, but is not limited to: drunkenness, violence, use of narcotics, mischief, nudity, lewd or lascivious action, defecation outside designated washroom areas, throwing objects, spitting at or on others, pick pocketing or theft, possession of concealed weapons, uttering threats, or trespass in restricted areas.

**6. RATIONALE:**

- 6.1 In accordance with the *Occupiers Liability Act*, special event participants must be protected from foreseeable harm.
- 6.2 Relevant case law: *Jacsonson v. Kinsmen Club of Nanaimo (1976) - Kinsmen Club of Nanaimo* sponsored a beer party in a large arena. During the party, patrons climbed one of the support beams. One patron lost his grip on the beam and fell onto the plaintiff, knocking him unconscious. Although thirty volunteers were supervising the event, the only step taken to discourage the climbers were shouts from certain volunteers. The court found that the Club breached its statutory obligation as an occupier by failing to prevent the patrons from climbing.

**7. STATEMENT OF INTOXICATION:**

- 7.1 The use of City owned property and/or facilities is primarily for the purpose of public enjoyment, recreation and social gatherings. An SOP event shall not pose an unreasonable risk to public safety, the public interest and the public, nor any unreasonable risk of non-compliance with the *Liquor Licence Act* or this policy.
- 7.2 It is against the *Liquor Licence Act* for licensed establishments to serve customers to the point of intoxication.
- 7.3 Servers in City facilities are required to obey the law and not serve anyone to the point of intoxication.
- 7.4 Should a patron wish to purchase a non-alcoholic beverage, they may request a soft drink, coffee or other alternative. Should a patron wish to purchase a smaller portion of alcohol, they may request a beer, cooler or other beverage with a lower alcohol content.

7.5 Should a breach of the *Liquor Licence Act* or the provisions of this policy be observed, or if there is an immediate threat to public safety, the Department Director, an AGCO inspector, or a police officer may revoke an SOP while the event is underway.

**8. PENALTY:**

8.1 An individual or group bringing alcohol onto designated municipal properties must have a SOP.

8.2 Permit Holders violating City policy and procedures and/or the *Liquor Licence Act* may be refused future rental privileges.

8.3 Future rentals to such individuals or groups will depend on them demonstrating to the Department Director or designate and/or City Council that all the rules will be followed at all future functions.

8.4 Policy violators will be penalized so as not to jeopardise the use of the facility by other responsible organizations or individuals. The AGCO has the authority to refuse to issue an SOP for a particular premise if there has been evidence that the laws have been violated during the event.

**9. ACCOUNTABILITY:**

9.1 Signs must be posted at all SOP events informing the public where they can direct their concerns. The sign will name the sponsor of the event, the name of the Permit Holder and the addresses and telephone number of the City's Community & Economic Development Department, the Niagara Regional Police, and the AGCO.

9.2 There shall be the uniformity in the signs outlining:

(a) Event Sponsor

(b) Name of Special Occasion Permit Holder

(c) Community & Economic Development Department, City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
(905) 835-2900

(d) Niagara Regional Police Service  
501 Fielden Avenue  
Port Colborne, Ontario  
(905) 735-7811 ext. 3270

- (e) Alcohol And Gaming Commissions Of Ontario  
55 Lakeshore Boulevard East  
Toronto, Ontario  
(416) 326-0431

9.3 It is not always possible for the police and Liquor Licence Inspectors to check on Special Occasion Permit functions. Therefore, the sign serves notice to the Permit Holder that while enforcement personnel may not attend the event, concerned participants will know where to lodge a complaint.

## 10. **APPLICATIONS – CONDITIONS OF APPROVAL:**

10.1 When considering endorsement of a Liquor Licence Application submitted to the AGCO, recommended approval by the City shall be contingent on the event sponsor agreeing, in writing, to conditions including, but not limited, to the following:

- (a) Adherence to the City's Alcohol Management Policy.
- (b) Certificate of Liability Insurance, naming the City as an additional insured (and any other applicable parties), in the amount of five million dollars.
- (c) Site plan drawing of the footprint of the facility or venue where alcohol will be served (including a depiction of fencing, security/police locations, entrances and exits).
- (d) Adherence to the *Liquor Licence Act* and the Rules and Regulations of the AGCO.

## 11. **PROMOTION:**

11.1 Once endorsed by the City, a presentation to the community will be set up. All previous event sponsors will be sent a letter recommending attendance, as it may affect future events sponsored by them.

11.2 The general public will be invited to attend through media advertisement.

11.3 All of the reviewing members of this policy will be present.

## 12. **SIGNS:**

12.1 Signage shall be posted at each venue where alcohol is being served.

12.2 Signage that is required by the AGCO and the *Liquor Licence Act* must be adhered to and posted at:

- (a) All entrances
- (b) All serving locations
- (c) All ticket sales locations, if applicable
- (d) All exits

12.3 Depending on the final designation sign size (minimum of 24 inches wide by 14 inches high).

12.4 Examples of signage is as follows:

Example 1:

**NO ALCOHOLIC BEVERAGES PERMITTED**  
*-Minimum 3 inches height-*

**VIOLATORS IMMEDIATELY FORFEIT ALL RIGHTS  
TO USE FACILITY**  
*Minimum 2 inches height-*

Example 2:

**ALCOHOLIC BEVERAGES BY PERMIT ONLY**  
*-Minimum 3 inches height-*

**VIOLATORS IMMEDIATELY FORFEIT ALL RIGHTS  
TO USE FACILITY**  
*-Minimum 2 inches height-*

### 13. **SAFE TRANSPORTATION:**

13.1 Only individuals, groups or organizations implementing a safe transportation strategy involving a designated driver program, combined with an additional alternate home transportation option (to prevent intoxicated participants from driving) shall be permitted rental/use privileges of facilities for SOP functions.

13.2 The City assumes no liability with any third party safe transportation means or services.

#### Examples:

- ✓ Designated Drivers Program to be advertised at the event
- ✓ Designated Drivers to be identified to servers and monitors
- ✓ Designated Drivers to receive free or low cost non-alcoholic drinks (i.e. coffee, pop, water)
- ✓ Intoxicated person(s) to be driven home by a sober friend whom will assume the responsibility of the intoxicated person(s) and shall be documented by the Permit Holder and/or designate, as outlined above.

**14. TRAINING:**

14.1 To be eligible for a facility rental for a SOP function, the sponsor must demonstrate to the satisfaction of the Department Director or designate, that the person signing the SOP, and all servers, floor and door monitors, ticket sellers and takers have completed the Smart Serve Ontario Certification training through the Hospitality Industry Training Organization of Ontario, or an equivalent course as endorsed by the AGCO (note: a serving Police Officer is considered to have the equivalent of a Smart Serve).

**15. INSURANCE:**

15.1 Individuals or group sponsoring a SOP function at a City owned property and/or facility, as previously listed, must provide the Department Director or designate, at least two (2) weeks prior to the event, a copy of the Certificate of Liability Insurance, naming the City (and any other applicable parties) as an additional insured, in the amount five million dollars.

**16. NOISE:**

16.1 The playing of music either by band, DJ, radio, or other form at events held outdoors, sanctioned by a SOP on City owned property MUST apply for and receive a Noise Variance, by application to the By-law Enforcement Division.

**17. MUNICIPAL ALCOHOL POLICY REVIEWING MEMBERS:**

| <b>Reviewing Member:</b>     | <b>Organization:</b>                                    |
|------------------------------|---------------------------------------------------------|
| Chief Administrative Officer | City of Port Colborne                                   |
| City Clerk                   | City of Port Colborne, Corporate Services               |
| Event Coordinator            | City of Port Colborne, Community & Economic Development |
| Fire Prevention Officer      | City of Port Colborne, Fire Department                  |
| Staff Sergeant               | Niagara Regional Police Services, District 6            |
| Inspector                    | Alcohol and Gaming Commission of Ontario                |

**CITY OF PORT COLBORNE  
SPECIAL OCCASION PERMIT HOLDER AGREEMENT**

Name of Team/Group/Organization/Individual/Event: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**CERTIFICATION:**

1. The Permit Holder has received and reviewed a copy of the Municipal Alcohol Management Policy.
2. The Permit Holder agrees to adhere to the conditions of this policy and the *Liquor Licence Act*.
3. The Permit Holder understands that if an infraction of the policy occurs, the City of Port Colborne may refuse future rentals. The length of the suspension will be determined by the municipality.
4. The Permit Holder understands they can be held liable for injuries and damage arising from failing to adhere to the *Liquor Licence Act*, or from otherwise failing to take action that will prevent foreseeable harm from occurring.
5. The Permit Holder understands that the Police and/or a Liquor Licence Inspector can lay charges for infractions of the *Liquor Licence Act* or other relevant legislation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

---

**OFFICE USE ONLY**

\_\_\_\_\_  
S.O.P. Permit No.

\_\_\_\_\_  
MUNICIPAL APPROVAL DATE (by resolution)

Agreement received by:

\_\_\_\_\_  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: \_\_\_\_\_

## RESPONSIBILITIES OF SPECIAL OCCASIONS PERMIT HOLDER:

As the contact person of a Special Occasion Permit, your group can be held liable, among other things, for injuries and damages arising from failing to adhere to the *Liquor Licence Act*. These conditions include serving someone to intoxication, serving someone who is already intoxicated, serving a minor and failing to prevent impaired individuals from driving.

The City suggest that organizations pass by-laws specifically indemnifying directors for the costs arising from any law suits that might arise out of their work as a Director.

A typical by-law might read as follows:

*The Board of Directors shall indemnify all Directors or Officers for any expenses they might incur in the course of the defending themselves from, or from any damages arising from any legal actions taken against the Directors or Officers from any acts or omissions undertaken on behalf of the Board of Directors.*

While such a by-law might make a director feel more comfortable, it must be kept in mind that indemnification may serve little purpose if the organization does not have the funds necessary to indemnify. While indemnification provisions may protect directors in areas where directors liability will not (see Director's Liability, below), the Board does not likely have the power to indemnify a director against any and all acts that they might to in their capacity as director.

While indemnification by-laws are not pointless, directors are better served by making sure the organization has adequate insurance coverage.

### **RATIONALE**

It is illegal for a non-profit organization to reimburse its members for expenses incurred through lawsuits unless so permitted by the organizations By-Law. The use of Off Duty Police Officers shall be recommended at events that are warranted.

CITY OF PORT COLBORNE AND  
SPECIAL OCCASION PERMIT HOLDER

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**EVENT EVALUATION FORM**

(To be completed by the Event Holder and the Municipal Staff Designate)

- 1) Name of Event: \_\_\_\_\_
- 2) Location of Event: \_\_\_\_\_
- 3) Date(s) of Event: \_\_\_\_\_
- 4) Time(s) for Alcohol Service: \_\_\_\_\_

5) Inventory Control:

| Product    | Quantity | Size/Kind<br>(bottle/can/tallboy/draft) | Purchased | Sold |
|------------|----------|-----------------------------------------|-----------|------|
| Beer       |          |                                         |           |      |
| Light Beer |          |                                         |           |      |
| Liquor     |          |                                         |           |      |
| Wine Red   |          |                                         |           |      |
| Wine White |          |                                         |           |      |
| Coolers    |          |                                         |           |      |
| Kegs       |          |                                         |           |      |
| Other      |          |                                         |           |      |

6) Types of Non-Alcoholic Beverages being served: (check all that apply)

- Water     Pop     Juice     Coffee/Tea     Other

7) Estimate number of paid participants attending and/or participating: \_\_\_\_\_

8) Estimate number of minor attending and/or participating: \_\_\_\_\_

9) Were there any areas of the facility that were difficult to monitor? If yes, explain briefly.

Exits:             No

Yes \_\_\_\_\_

Entries: No  
Yes\_\_\_\_\_

Washrooms: No  
Yes\_\_\_\_\_

Parking Lot(s): No  
Yes\_\_\_\_\_

10) Do you feel there were sufficient monitors in place?

No Yes

11) If you did not employ off-duty police officers, do you now feel that they would have been of benefit?

No Yes

Name of Event Person Completing This Evaluation:

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Signature of Person

Your evaluation form must be returned to the City of Port Colborne,  
Community & Economic Development Department no later than 48 Hours after the  
completion of your event.

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The Corporation of the City Of Port Colborne

By-Law No. \_\_\_\_\_

Being a By-Law to Authorize Entering into a Contract Agreement with Wiens Underground Electric respecting Project 2017-17: Supply and Installation of Parks Solar Lighting

Whereas at its meeting of March 26, 2018, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Community and Economic Development, Parks Division Report No. 2018-38, Subject: Request for Quotation 2017-17: Parks Solar Lighting; and

Whereas Council is desirous of entering into a contract agreement with Wiens Underground Electric respecting the supply and installation of parks solar lighting;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enter into a contract agreement with Wiens Underground Electric respecting the supply and installation of parks solar lighting.
2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That this by-law shall come into force and take effect on the date of passing.

Enacted and passed this 26th day of March, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a By-Law to Adopt, Ratify and Confirm  
the Proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Special and Regular meetings of March 26, 2018.

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001* provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of March 26, 2018 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof except where the approval of the Ontario Municipal Board is required, in which case the effective date shall be the day after the approval of the Ontario Municipal Board is obtained or such other day as the Ontario Municipal Board may order; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 26th day of March, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

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**City of Port Colborne  
Regular Council Meeting 05-18  
Minutes**

**Date:** March 12, 2018

**Time:** 7:10 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** R. Bodner, Councillor  
B. Butters, Councillor  
A. Desmarais, Councillor  
Y. Doucet, Councillor  
D. Elliott, Councillor  
F. Danch, Councillor  
J. Maloney, Mayor (presiding officer)  
J. Mayne, Councillor

Absent: B. Kenny, Councillor (due to vacation)

**Staff Present:** T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
S. Hanson, Acting Director of Planning and Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and YourTV.

**1. Call to Order:**

Mayor John Maloney called the meeting to order.

**2. Introduction of Addendum Items:**

Nil.

**3. Confirmation of Agenda:**

**No. 29** Moved by Councillor R. Bodner  
Seconded by Councillor D. Elliott

That the agenda dated March 12, 2018 be confirmed, as circulated or as amended.  
CARRIED.

4. **Disclosures of Interest:**

Nil.

5. **Adoption of Minutes:**

**No. 30** Moved by Councillor A. Desmarais  
Seconded by Councillor F. Danch

- (a) That the minutes of the regular meeting of Council 04-18, held on February 26, 2018, be approved as presented.  
CARRIED.

6. **Determination of Items Requiring Separate Discussion:**

Nil.

7. **Approval of Items Not Requiring Separate Discussion:**

**No. 31** Moved by Councillor R. Bodner  
Seconded by Councillor D. Elliott

That Items 1 to 13 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Motions Arising from Committee of the Whole Meeting Delegations:**

Nil.

**Items:**

1. **Chief Administrative Officer, Report No. 2018-32, Subject: Advertising Opportunities at the Vale Health & Wellness Centre**

Council resolved:

That the administration of the advertising program at the Vale Health & Wellness Centre be undertaken and managed by City staff; and

That the Chief Administrative Officer be directed to prepare an advertising policy and develop an advertising package for the Vale Health & Wellness Centre that includes dasher (rink) board advertising, wall space advertising boards and decals; and

That the fee schedule for advertising sales be amended to include market rate pricing and the authority for staff to leverage advertising sales based on volume or client request, and that the above be incorporated into the new consolidated Fees and Charges By-law.

**2. Corporate Services, Finance Division, Report No. 2018-30, Subject: Consolidated Fees and Charges By-law**

Council resolved:

That the Consolidated Fees and Charges By-law attached to Corporate Services Department, Finance Division report 2018-30 be approved; and  
That the Mayor and City Clerk be authorized to execute the appropriate By-law.

**3. Planning and Development, Planning Division, Report No. 2018-34, Subject: Proposed Development Agreement for Joseph Moore, 2731 Vimy Ridge Road**

Council resolved:

That entering into a development agreement with Joseph Moore with respect to 2731 Vimy Ridge Road be approved; and  
That the Mayor and Clerk be authorized to sign and execute said agreement.

**4. Planning and Development, By-law Enforcement Division, Report No. 2018-24, Subject: Sign Variance Request 107 Clarence Street**

Council resolved:

That the variance for the proposed sign at 107 Clarence Street be approved.

**5. Corporate Services, Clerk's Division, Report No. 2018-35, Subject: Appointments to Boards and Committees**

Council resolved:

That Greg Poisson be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020; and

That Marcia Turner be appointed to the Port Colborne Historical & Marine Museum Board for a term ending December 31, 2021; and

That the Clerk be directed to bring forward the necessary by-law for approval.

6. **Memorandum from Karen Walsh, Executive Administrative Assistant to Director of Community and Economic Development Re: Active Transportation Advisory Committee – Motion Regarding a Four Way Stop Sign at Killaly Street East and Elizabeth Street**

Council resolved:

That the memorandum from Karen Walsh Executive Assistant to Director of Community and Economic Development, on behalf of the Active Transportation Advisory Committee, Re: Active Transportation Advisory Committee – Motion Regarding a Four Way Stop Sign at Killaly Street East and Elizabeth Street, be received for information.

7. **Region of Niagara Re: Integrated Customer Policies – Transit Services (LTNC-C Report 3-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: Integrated Customer Policies – Transit Services (LTNC-C Report 3-2018), be received for information.

8. **Region of Niagara Re: Niagara Region 2017 Employment Inventory Results Report (PDS Report 5-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region 2017 Employment Inventory Results Report PDS Report 5-2018), be received for information.

9. **Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report – October 1 to December 31, 2017**

Council resolved:

That the correspondence received from Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report – October 1 to December 31, 2017, be received for information.

**Outside Resolutions – Requests for Endorsement:**

10. **Town of Niagara-on-the-Lake Re: Long Term Care Facilities – Increased Funding**

Council resolved:

That the resolution received from the Town of Niagara-on-the-Lake in support of the resolution from the City of St. Catharines Re: Long Term Care Facilities, be received for information.

**11. County of Renfrew Re: Proposed Amendments to the Endangered Species Act**

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Council resolved:

That the resolution received from the County of Renfrew Re: Proposed Amendments to the Endangered Species Act, be received for information.

**12. Town of Lincoln, City of Welland, Town of Grimsby and the Town of Fort Erie in support of the City of Port Colborne's Resolution Re: Niagara Region Recommendation Respecting the Town of Pelham Finances**

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Council resolved:

That the resolutions received from the Town of Lincoln, City of Welland, Town of Grimsby and the Town of Fort Erie endorsing the City of Port Colborne's resolution and strongly objects to the Region and its Audit Committee interfering in a local municipality's finances, be received for information.

**13. Ministry of Natural Resources and Forestry Re: Response to City of Port Colborne's Resolution regarding the Niagara Peninsula Conservation Authority (NPCA)**

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Council resolved:

That the correspondence received from Nathalie Des Rosiers, Minister of Natural Resources and Forestry Re: Response to the City of Port Colborne's Resolution regarding the Appointment of a Provincial Supervisor to the Niagara Peninsula Conservation Authority, be received for information.

CARRIED.

**8. Consideration of Items Requiring Separate Discussion:**

Nil.

**9. Proclamations:**

Nil.

**10. Minutes of Boards, Commissions & Committees:**

- (a) **Minutes of the Grant Policy Committee Meeting of July 26, 2017**
- (b) **Minutes of the Port Colborne Historical & Marine Museum Board of Management Meeting of January 16, 2018 and 2017 Annual Report**

**No. 32** Moved by Councillor D. Elliott  
Seconded by Councillor A. Desmarais

- (a) That the minutes of Grant Policy Committee meeting of July 26, 2017, be received.
- (b) That the minutes of the Port Colborne Historical & Marine Museum Board meeting of January 16, 2018 and 2017 Annual Report, be received.

CARRIED.

**11. Consideration of By-laws:**

**No. 33** Moved by Councillor Y. Doucet  
Seconded by Councillor B. Butters

That the following by-laws be enacted and passed:

- 6558/13/18 Being a By-law to Establish Fees and Charges for Various Services and to Repeal and /or Amend Various By-laws
- 6559/14/18 Being a By-law to Amend By-law 6366/46/16 Being a By-law to Authorize Entering Into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II) with a Revised Grade Control Plan
- 6560/15/18 Being a By-law to Authorize Entering Into a Development Agreement with Joseph Moore Regarding 2731 Vimy Ridge Road
- 6561/16/18 Being a By-law to Confirm Appointments to Various Agencies, Boards and Committees
- 6562/17/18 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of March 12, 2018

CARRIED.

**12. Council in Closed Session:**

**Motion to go into Closed Session – 7:15 p.m.**

**No. 34** Moved by Councillor B. Butters  
Seconded by Councillor J. Mayne

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Planning and Development Memo, dated March 9, 2018, regarding the potential sale of City owned land, pursuant to the Municipal Act, 2001, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

**Motion to Rise With Report:**

**No. 35** Moved by Councillor R. Bodner  
Seconded by Councillor. Y. Doucet

That Council do now rise from closed session with report at approximately 7:35 p.m.

**13. Disclosures of Interest Arising From Closed Session:**

Nil.

**14. Report/Motions Arising From Closed Session:**

- (a) **Planning and Development Memo, dated March 9, 2018, regarding the potential sale of City owned land, pursuant to the Municipal Act, 2001, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

**15. Adjournment:**

**No. 36** Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 7:36 p.m.  
CARRIED.

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John Maloney  
Deputy Mayor

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Amber LaPointe  
City Clerk

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Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

City of Port Colborne  
**RECEIVED**  
MAR 21 2018  
CORPORATE SERVICES  
DEPARTMENT

A meeting of the Board of Management of the Port Colborne Historical and Marine Museum was held February 10, 2018 at 7:00 p.m. at the L.R. Wilson Heritage Research Archives.

Present: Bonnie Johnston, Donna Abbott, Stephanie Powell Baswick, Cheryl MacMillan, Brian Heaslip, Alexander Fazzari, Donna Abbott, Terry Huffman, Margaret Tanaszi, Pam Koudjis, Bert Murphy, Claudia Brema, Amanda Emery, and Abbey Stansfield.

Regrets: Councillor Dave Elliott

In accordance with the Museum Board's Procedural Policy, Cheryl MacMillan led the nominations and elections for the Executive and Committee Chairs. Positions were voted on by a show of hands. The outcome of the election is as follows:

**Executive:**

Chair – Brian Heaslip  
Vice Chair – Terry Huffman  
Finance Chair – Alex Fazzari  
Secretary – Amanda Emery

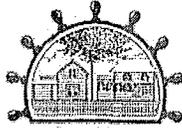
**Committee Chair:**

Membership – Bonnie Johnston  
Building & Property – Margaret Tanaszi  
Accession – Terry Huffman  
Program – Cheryl MacMillan  
Fundraising – Donna Abbott  
Timber Cabin – Brian Heaslip  
Policy – Alex Fazzari

**Auxiliary Liaison** – Bonnie Johnston

**Members of Committees:**

Membership: Margaret Tanaszi, Cheryl MacMillan, Alex Fazzari  
Building & Property: Pam Koudjis, Bert Murphy  
Accession: Bonnie Johnston  
Program: Amanda Emery, Donna Abbott  
Fundraising: Amanda Emery, Cheryl MacMillan, Claudia Brema  
Timber Cabin: Bert Murphy, Pam Koudjis, Terry Huffman  
Policy: Cheryl MacMillan, Pam Koudjis



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

Minutes of Last Meetings

Moved by: Margaret Tanazi

Seconded by: Terry Huffman

To: Approve the Minutes of the Board of Management from January 16, 2018

Motion Carried.

Business Arising From Minutes:

No Report

Correspondence:

Amanda Emery read a letter from Vance Badaway announcing that the Port Colborne Historical and Marine Museum is going to receive a Canada 150 award, Bonnie Johnston and Brian Heaslip accepted the award on behalf of the board of management.

Curator Report:

Stephanie Powell Baswick reported that to celebrate Heritage week Michelle Vosburgh lead a lecture on Canada after confederation for the Pelhem Historical Society.

Stephanie also reported that the Museum aided the Mayor's office with the Canada 150 time capsule that is going to be placed at the Vale centre to be opened at Canada bicentennial celebrations. Museum co-op student, Quintin Keddy, helped put together the time capsule during his co-op here from Lakeshore Catholic High School.

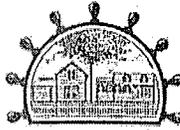
Brian Heaslip reported that he and Bonnie Johnston accepted the Canada 150 award on behalf of the Port Colborne Historical and Marine Museum. He passed around the 2017 Niagara Community Award presented to the museum by MP Vance Badaway.

Abbey Stansfield reported that she will be giving a lecture to celebrate Heritage week on February 23, 2018 at 7:00 PM. As this year's heritage week theme is Ontario's Trailblazing Women the lecture will be about the Women of 1812 using Laura Secord as a case study.

Stephanie spoke on the Museum's 2018 Strategic Planning session. All the questionnaires should be in to the CAO prior to March 17th when the session is taking place. The meeting will take place at the Library from 10- 2 and we would like as many people on the board who are able to attend. When you RSVP make sure to let the staff know of any dietary restrictions as lunch will be provided. An electronic copy of the former Strategic Plans will be sent out to board members.

Stephanie reported that the museum is no longer a voting member on the Canal Days Committee. We are on the city's sponsorship package, this sponsorship level is \$4,000 and would cover admission to the museum over Canal Days. Lower Lakes who has traditionally donated the Laker Auction may not be in the position to do so anymore and therefore other fundraising opportunities will have to be pursued.

Auxiliary Report:



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

Bonnie Johnston reported that there will be a meeting of the Auxiliary executive on February 26th. The focus of this meeting will be on the recruitment needs for new volunteers. Bonnie also reported that they have not been in the tearoom yet this year to check on the building.

Fundraising Committee Report:

No Report

Program Committee Report:

No Report

Building and Property Committee Report:

No Report

Finance Committee Report:

No Report

Membership Committee Report

Bonnie Johnston reported that our membership campaign is about to get underway to be out in February. Bonnie read the letter that she has composed for the campaign. These letters will be going out to former members to let them know it is time to renew their membership. There are blank membership kits available if any board member knows of people that aren't already members and would like to give them out. Life patrons do not get renewal letters as their memberships are life long and they traditionally donate for the year during the corporate donor drive.

Stephanie Powell Baswick reported that online memberships are now available through Active Network, the city's online system. The money the board approved for Facebook ads will be used to direct online users to the online membership payment page. All of the work has been done so that the money will automatically be directed to the correct accounts.

Accession Committee Report:

Terry Huffman reported that the accession committee meets quarterly and that there will be a meeting soon.

Timber Cabin Committee Report:

Brian Heaslip reported that he is currently looking for a contractor that will do the concrete work that is required to meet the AODA standards.

Policy Report:

No Report

New Business:



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

Stephanie Powell Baswick presented the draft copy of the 2017 Annual Report. She reported that the next City budget meeting for 2018 will be held on March 5.

Donna Abbott reminded everyone of the event that is being held on March 7, 2018 for International Women's Day. The event is being held at the guild hall.

Stephanie Powell Baswick reminded the board to sign the cards being sent out to Carrie MacIntosh to thank her for her years of service to the board

Motion to Adjourn: Terry Huffman