The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law under the provisions of Section 34 of the Planning Act, R.S.O. 1990, to amend Zoning By-law 6575/30/18, the Zoning By-law of the City of Port Colborne, as amended, respecting 4.3 hectares of land, with a municipal address of 484 and 434 Barrick Road and legally known as Concession 2, Part of Lot 30; City of Port Colborne, in the Regional Municipality of Niagara, here referred to as the "subject lands".

WHEREAS By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

WHEREAS, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law; and,

NOW THEREFORE, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A", attached to and forming part of this by-law.

2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by rezoning the lands shown on Schedule A attached to and forming part of this By-law from Institutional (I-37-H) and Residential Third Density (R3) to Fourth Density Residential (R4) Zone.

3. That Section 37.2 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

   Special Provision: R4-XX-H (484 and 434 Barrick Road)

   In addition to the uses permitted in the R4 Zone, all the uses permitted in Section 19.2 of Zoning By-law 6575/30/18 shall also be permitted.

   In addition, an office shall also be permitted.

   That a minimum lot area per unit of 115 m^2 apply.

   That a 2-level parkade be permitted to accommodate apartment tenants and visitors with the following provisions:

Zone Requirements – R4-XX-H 2-Level Parkade	
Minimum Front Yard	10 metres
Minimum Interior Side Yard	10 metres
Minimum Exterior Side Yard	10 metres
Minimum Rear Yard	10 metres
Maximum Number of Levels	2

   That a one-storey commercial building, be permitted with the following provisions:

Zone Requirements – R4-XX-H Commercial Building	
Minimum Front Yard	9 metres
Minimum Interior Side Yard	2.5 metres
Minimum Exterior Side Yard	2 metres
Minimum Rear Yard	4.5 metres
Maximum Building Height	11 metres

4. The “H” symbol shall, upon application by the Landowner, be removed by the City passing a By-law under Section 36 of the Planning Act. The following conditions, if and as applicable, shall first be completed to the satisfaction of the City of Port Colborne:
    a. Wastewater Servicing Capacity: The Owner has demonstrated, to the satisfaction of the City of Port Colborne, Niagara Region, and any other applicable approval authority, that sufficient wastewater servicing capacity exists to accommodate the proposed development and that all wastewater servicing requirements associated with the development have been addressed.
    b. Archaeology: The Owner has completed all archaeological assessment work required by the Province and the City, and confirmation has been received from the appropriate Ministry that the assessment(s) have been entered into the Ontario Public Register of Archaeological Reports. Any recommended mitigation measures, conservation measures, development restrictions, or other requirements arising from the archaeological assessment process shall be addressed to the satisfaction of the City prior to removal of the Holding Symbol.”
    c. That the “H” symbol can be removed in phases in accordance with 4(a) and (b) of By-law XX.

5. By-law 6575/30/18, as amended, is hereby further amended only to the extent necessary to give effect of the provisions of this By-law. Definitions and subject matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law 6575/30/18, as amended.

6. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.

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

Enacted and passed this [numbered day] day of [month], [year].

_____
Bea Kenny
Mayor

_____
Charlotte Madden
City Clerk