



City of Port Colborne
Regular Meeting of Committee of the Whole 11-18
Monday, April 23, 2018 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order:** Mayor John Maloney
2. **National Anthem:** Joel Longfellow
3. **Introduction of Addendum and Delegation Items:**
4. **Confirmation of Agenda:**
5. **Disclosures of Interest:**
6. **Adoption of Minutes:**
 - (a) Regular meeting of Committee of the Whole 09-18, held on April 9, 2018.
7. **Determination of Items Requiring Separate Discussion:**
8. **Approval of Items Not Requiring Separate Discussion:**
9. **Presentations:**
 - (a) The Friends of Roselawn Centre Cheque Presentation for Roselawn Centre Capital Campaign 2017-2018.
10. **Delegations (10 Minutes Maximum):**
 - (a) Patty Moss regarding the trial roadside mowing delay, which delayed rural roadside cutting on Municipal Roads for pollinating insects (Page No. 11)
11. **Mayor's Report:**
12. **Regional Councillor's Report:**
13. **Councillors' Items:**
 - (a) Councillors' Issues/Enquiries
 - (b) Staff Responses to Previous Councillors' Enquiries
14. **Consideration of Items Requiring Separate Discussion:**
15. **Notice of Motion:**
16. **Adjournment:**

Upcoming Committee of the Whole and Council Meetings	
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.
Monday, July 9, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, July 23, 2018	Committee of the Whole/Council – 6:30 P.M.

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Committee Items:

Notes	Item	Description / Recommendation	Page
JDM BB RB AD FD YD DE BK JM	1.	<p><u>Motion (Councillor B. Kenny) Re: Provision of Grants to Community Groups</u></p> <p>That the motion approved at the Council meeting of November 23, 2015 in respect of Community and Corporate Services, Report No. 2015-212 regarding the provision of grants to community groups be reconsidered.</p> <p>Note: If the reconsideration is passed the following motion will be immediately placed on the floor:</p> <p>That an amount equal to the initial amount invested in Niagara Regional Broadband Network (NRBN), namely \$775,000, from the proceeds of the disposition of the NRBN shares be placed in an interest bearing account and the interest earned each year be used to provide grants to community groups in 2017 and each subsequent year to a maximum of \$30,000.00.</p>	-----
JDM BB RB AD FD YD DE BK JM	2.	<p><u>Community and Economic Development, Economic Development Division, Report No. 2018-57, Subject: Economic Development Strategic Plan: 2018-2028</u></p> <p>That, in accordance with the recommendation of the Economic Development Advisory Committee, the Port Colborne Economic Development Strategic Plan 2018-2028, prepared by MDB Insight, be approved; and</p> <p>That the goals and initiatives identified in the Economic Development Strategic Plan 2018-2028, be included in Council's future strategic planning processes and budget deliberations.</p> <p><u>Delegation:</u></p> <ul style="list-style-type: none"> ➤ Members of the Economic Development Advisory Committee will be in attendance. <p>This item needs to be pulled for separate consideration.</p>	19

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JDM AD DE	BB FD BK	RB YD JM	3.	<p><u>Planning and Development, Planning Division, Report No. 2018-50, Subject: Supplemental Recommendation Report – Proposed New Comprehensive Zoning By-law</u></p> <p>That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be rescinded and repealed;</p> <p>That the draft by-law approving the draft Comprehensive Zoning By-law attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix A, be approved;</p> <p>That pursuant to the provisions of Section 34(17) of the <i>Planning Act</i>, no further notice of public meeting be required;</p> <p>That pursuant to Section 34(10.0.0.2) of the <i>Planning Act</i>, 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.</p> <p>That an interim Control By-law, attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix C, be approved pursuant to Section 38 of the <i>Planning Act</i>, for a period of up to one year for those lands proposed to be zoned Mineral Aggregate Operation to control the use of lands until proper study and policy review has been completed.</p>	129
JDM AD DE	BB FD BK	RB YD JM	4.	<p><u>Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology®</u></p> <p>That entering into an agreement with Fire Marque be approved; and</p> <p>That the Mayor and City Clerk be authorized to execute the agreement with Fire Marque; and</p> <p>That the City's fee schedule be amended incorporating the appropriate fees as per the agreement with Fire Marque.</p>	315
JDM AD DE	BB FD BK	RB YD JM	5.	<p><u>Corporate Services, Clerk's Division, Report No. 2018-58, Subject: Use of Corporate Resources for Election Purposes</u></p> <p>That the Use of Corporate Resources for Election Purposes policy, attached as Appendix A to report Corporate Services Department, Clerk's Division Report 2018-58, be approved.</p>	321

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JDM AD DE	BB FD BK	RB YD JM	6.	<p><u>Corporate Services, Finance Division, Report No. 2018-41, Subject: Cancellation, Reduction or Refund of Realty Tax</u></p> <p>That the applications pursuant to Section 357/358 of the <i>Municipal Act, 2001</i>, as amended, numbered 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 be approved to cancel or reduce taxes in the total amount of \$8,230.59, in which \$3,957.20 is the municipal portion.</p>	327
JDM AD DE	BB FD BK	RB YD JM	7.	<p><u>Corporate Services, Finance Division, Report No. 2018-53, Subject: Ontario's Main Street Revitalization Initiative Municipal Funding Agreement</u></p> <p>That the Mayor, City Clerk and City Treasurer be authorized to execute the Funding Agreement with the Association of Municipalities of Ontario for the use of Ontario's Main Street Revitalization Initiative funds from the Province of Ontario; and</p> <p>That the appropriate by-law be executed by the Mayor and City Clerk.</p>	331
JDM AD DE	BB FD BK	RB YD JM	8.	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-51, Subject: Port Colborne Cruiser's Association – 2018 Cruise Nights</u></p> <p>That the road closures necessary for the 2018 Downtown Cruise Night event on recurring Thursday evenings, from May 17, 2018 to September 27, 2018, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2018-51, be approved;</p> <p>That the following roads be closed to general vehicular traffic and parking from 5:00 p.m. to 9:00 p.m., each Thursday from May 17, 2018 to September 27, 2018:</p> <ul style="list-style-type: none"> • Market Square; • Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street; • Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street; • Clarence Street, from the eastern limit of King Street to the western limit of West Street; <p>That Market Square be closed to vehicular traffic on May 17, June 8, June 15, July 13, and September 21, 2018 from 1:00 p.m. to 5:00 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;</p>	365

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		<p>That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;</p> <p>That members, qualified participants, and participants of the PCDCA, be exempt from the above noted closures, through the issuance of an authorized permit;</p> <p>That traffic barricades be supplied by Public Works staff every Thursday, from May 17, 2018 to September 27, 2018, and delivered before the end of the regular work day at the predetermined locations requiring barricades;</p> <p>That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5:00 to 9:00 p.m.", including Market Square, for the duration of the event;</p> <p>That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;</p> <p>That the PCDCA be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;</p> <p>That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and</p> <p>That the appropriate by-law be presented for approval.</p>	
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>9.</p>	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-54, Subject: 2018 Moonlight Flicks at H.H. Knoll Lakeview Park</u></p> <p>That the Moonlight Flicks event, to be held on Wednesday July 4, 11, 18, 25 and August 22 and 29, 2018, be supported;</p> <p>That fees for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;</p> <p>That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;</p>	<p>373</p>

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				<p>That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;</p> <p>That Moonlight Flicks be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;</p> <p>That the City's park permit, hydro, and waste receptacle fees, be waived.</p>	
JDM AD DE	BB FD BK	RB YD JM	10.	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-56, Subject: 2018 Heart & Stroke Big Bike Campaign</u></p> <p>That the 2018 Heart & Stroke Big Bike Event, to be held on May 16, 2018, be approved;</p> <p>That the Niagara Region Heart & Stroke Foundation be responsible for coordinating emergency services support; and</p> <p>That the Niagara Region Heart & Stroke Foundation be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event.</p>	377
JDM AD DE	BB FD BK	RB YD JM	11.	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-55, Subject: City Wide Parks Grass-Cutting Tender 2018-04</u></p> <p>That contract 2015-09, for the supply of parks grass-cutting services, with Snips Landscaping and Nursery, be extended for one year (2018), in accordance with the terms of the existing contract; and</p> <p>That the appropriate by-law be presented for approval.</p>	381
JDM AD DE	BB FD BK	RB YD JM	12.	<p><u>Planning and Development, By-law Enforcement Division, Report No. 2018-46 Proposed Lot Maintenance By-law 2018</u></p> <p>That the proposed Lot Maintenance By-law, attached to Planning and Development Department, Planning Division Report No. 2018-46, be approved as presented.</p>	383

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Miscellaneous Correspondence					
JDM	BB	RB	13.	<p><u>Niagara Regional Labour Council Re: Request for Proclamation of National Day of Mourning, April 28, 2018</u></p> <p>That April 28, 2018 be proclaimed as "National Day of Mourning" in the City of Port Colborne in accordance with the request received from Lou Ann Binning, President, Niagara Regional Labour Council.</p> <p>That the request for all flags to be flown at Half-Mast at City Hall on April 28th, 2018 be referred to the Mayor's Office.</p>	399
AD	FD	YD			
DE	BK	JM			
JDM	BB	RB	14.	<p><u>The New Humberstone Speedway, 1716 Highway 3 East, Port Colborne Re: Request Permission to Hold Fireworks Display Events for 2018</u></p> <p>That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorizes the New Humberstone Speedway to hold Display Fireworks Events between the hours of 9:30 p.m. and 10:30 p.m. on the following dates:</p> <ul style="list-style-type: none"> • May 20th, 2018 • July 1st, 2018 • August 5th, 2018 • August 26th, 2018 • September 2nd, 2018 • September 9th, 2018 <p>That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;</p> <p>That the following information be submitted to the Port Colborne Fire & Emergency Services a minimum of two weeks prior to the holding of the first event;</p> <ul style="list-style-type: none"> • A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing; • Event description information is required including description of fireworks, type, size and quantity; <ul style="list-style-type: none"> - firing procedures, manual or electric - emergency procedures - traffic control plans 	403
AD	FD	YD			
DE	BK	JM			

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				<ul style="list-style-type: none"> Require a copy of the Fireworks Operator Certificate with Endorsements; <p>That the New Humberstone Speedway be advised that, as the Authority Having Jurisdiction, Port Colborne Fire & Emergency Services will conduct spot site inspections and may revoke approval for any violation of the <i>Ontario Fire Code or the Explosives Act</i> prior to or during any one of the scheduled events.</p>	
JDM AD DE	BB FD BK	RB YD JM	15.	<p>Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing</p> <hr/> <p>That the memorandum from Janice Peyton, Executive Assistant to the Director of Engineering and Operations, on behalf of the Environmental Advisory Committee Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing, be received for information.</p>	405
JDM AD DE	BB FD BK	RB YD JM	16.	<p>Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport</p> <hr/> <p>That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport, be received for information.</p>	407
JDM AD DE	BB FD BK	RB YD JM	17.	<p>Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates (Report CSD 18-2018)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates, be received for information.</p> <p>Note: A copy of Report CSD 18-2018 and the associated by-laws may be found by clicking the following link: https://www.niagararegion.ca/government/council/minutes/</p>	411

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Outside Resolutions – Requests for Endorsement						
JDM	BB	RB	18.	<u>Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority</u>	415	
AD	FD	YD				
DE	BK	JM		That the resolution received from the Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority, be received for information. Note: Council passed similar motions at its meeting of November 30, 2017 (Request for Provincially Appointed Supervisor) and April 9, 2018 (Establishing Guidelines for Recruitment).		
JDM	BB	RB	19.	<u>City of Welland Re: Remediation of Abandoned Contaminated Properties</u>	421	
AD	FD	YD				
DE	BK	JM		That the resolution received from the City of Welland Re: Remediation of Abandoned Contaminated Properties, be received for information.		
JDM	BB	RB	20.	<u>Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton</u>	423	
AD	FD	YD				
DE	BK	JM		That the resolution received from the Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton, be received for information.		
Responses to City of Port Colborne Resolutions						
Nil.						

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From: patty moss <pymoss@hotmail.com>
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>
Date: 2018-04-10 03:54 PM
Subject: request to be a delegate

Hi Amber,

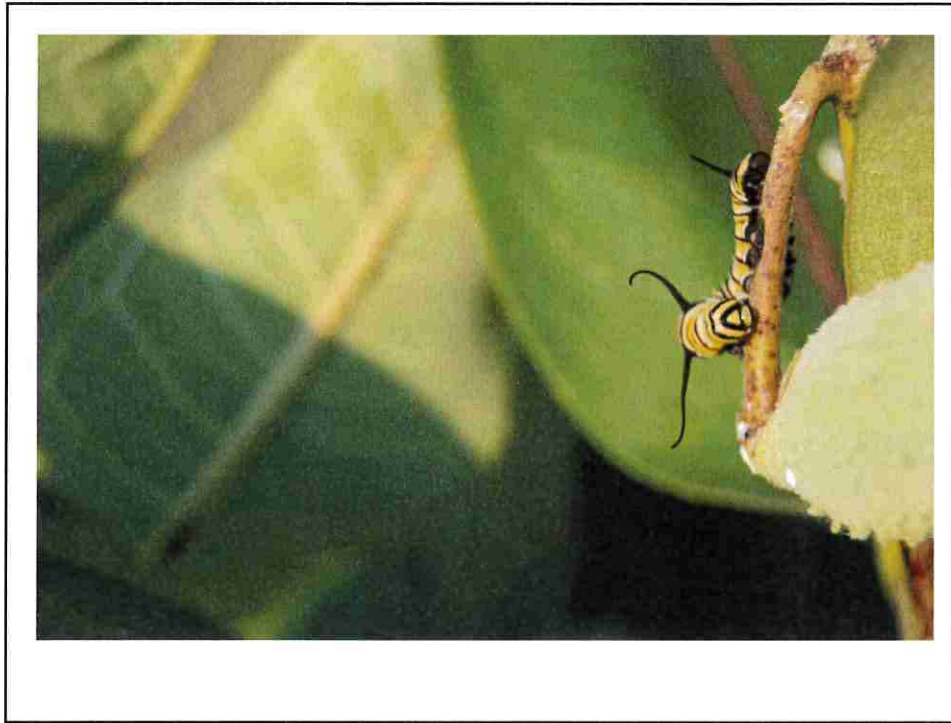
I'm hoping I could be added to April 23 council meeting as a delegate, I will speaking about the summary of the roadside mowing trial area and have requests for council for the upcoming mowing season.

Thanks for your time.

Patty Moss



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**Community and Economic Development Department
Economic Development Division**

Report Number: 2018-57

Date: April 23, 2018

SUBJECT: Economic Development Strategic Plan: 2018-2028

1) PURPOSE

The purpose of this report is to recommend approval of the 2018-2028 Economic Development Strategic Plan, as recommended by the Economic Development Advisory Committee.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In 2017, in accordance with the recommendation of the Economic Development Advisory Committee (“EDAC”), Council approved the development of a new Economic Development Strategy (“the Strategic Plan”) for the City of Port Colborne, with a total project budget of \$65,000. The City received \$32,500 in grant funding, secured from the Ontario Ministry of Agriculture, Food and Rural Affairs Rural Economic Development program, contingent on a matching municipal contribution. The City and Niagara Region each made a financial contribution to ensure matching funds were secured. A Request for Proposals was issued by the City in August 2017, the request for professional consulting services was subsequently awarded by Council to MDB Insight. Further information regarding the project budget and the Request for Proposals process is available in the following reports (available on the City’s website):

- Planning & Development, Economic Development, Report 2017-145, Subject: Recommended Consultant for the Completion of the Port Colborne Economic Development Strategy and Action Plan; and
- Planning & Development, Economic Development, Report 2017-149, Subject: Rural Economic Development Program Funding Agreement.

3) STAFF COMMENTS AND DISCUSSIONS

MDB Insight (“the consultants”) utilized research and analysis of the current economic context in Port Colborne, and the surrounding area, for the development of the Strategic Plan. In addition, the consultants completed a comprehensive consultation and engagement process that included residents, businesses, community leaders, and regional organizations. MDB Insight conducted a background review, economic base analysis, four focus groups, eighteen key informant interviews and a statistically valid telephone survey of one hundred businesses. The consultants also undertook analyses of the competitive advantages and disadvantages facing the City of Port Colborne, explored options for future directions and opportunities, completed a high-level action planning process. On January 9, 2018, the draft Economic Development Strategic Plan was sent to Council for review and comment.

The EDAC was involved in the preparation of the Strategic Plan throughout the process. The Committee reviewed the draft Strategic Plan and submitted feedback and

comments for inclusion. Between January and March 2018, the EDAC held four meetings to discuss the draft Strategic Plan. The consultants responded to questions and made changes to the Strategic Plan in response to the Committee's input.

On March 21, 2018, the EDAC adopted the Economic Development Strategic Plan and recommended the Strategic Plan be referred to Council for approval. The Committee also recommended that the Strategic Plan be considered in Council's future planning and budgeting activities.

MDB Insight attended the April 9, 2018 to present the Economic Development Strategic Plan for Council's information. As outlined above, this report presents the Committee's recommendation for Council to approve the Strategic Plan and for the Plan to inform Council's future planning and budgeting activities. A copy of the Economic Development Strategic Plan is attached as Appendix "A". Committee members have been invited to attend the April 23, 2018 Council meeting to be present for Council's consideration of this report.

The mandate of the EDAC includes providing advice to Council regarding the City's economic development initiatives. Therefore, in accordance with the Committee's recommendation, staff recommend Council approve the Economic Development Strategic Plan and that the Plan be included in Council's future planning and budgeting activities.

Staff would like to recognize the considerable time and effort the EDAC put into the creation of the Strategic Plan. The Committee's input and work with the consultant played a significant part in the creation of the final Strategic Plan. On a go-forward basis, the Committee will work with the Economic Development Officer to identify priorities and develop a work plan for the completion of identified initiatives.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively taking no action. As outlined above, Council supported the adoption of a new Economic Development Strategic Plan. Council recognized completion of an Economic Development Strategic Plan as a priority in the 2017 budget and allocated appropriate funding. Further, this project has reached substantial completion. This option is not recommended.

b) Other Options

Council may provide alternative direction regarding the initiatives and priorities outlined in the Economic Development Strategic Plan. The EDAC provided considerable input into the creation of the Economic Development Strategic Plan and it for Council's approval. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Economic development initiatives are included in the City's Strategic Plan. The adoption of the Economic Development Strategic Plan will support the completion of these and future economic development initiatives. In addition, the adoption of a new Economic Development Strategic Plan was identified as a priority in Council's 2017 budget deliberations.

6) ATTACHMENTS

Appendix "A" - Port Colborne Economic Development Strategic Plan 2018-2028

7) RECOMMENDATION

That, in accordance with the recommendation of the Economic Development Advisory Committee, the Port Colborne Economic Development Strategic Plan 2018-2028, prepared by MDB Insight, be approved; and

That the goals and initiatives identified in the Economic Development Strategic Plan 2018-2028, be included in Council's future strategic planning processes and budget deliberations.

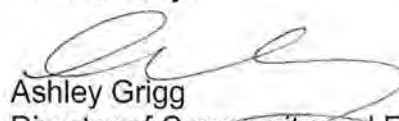
8) SIGNATURES

Prepared on April 11, 2018 by:



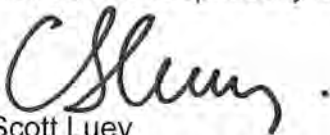
Julian Douglas
Economic Development Officer

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



City of Port Colborne Economic Development Strategic Plan: 2018-2028

March 2018



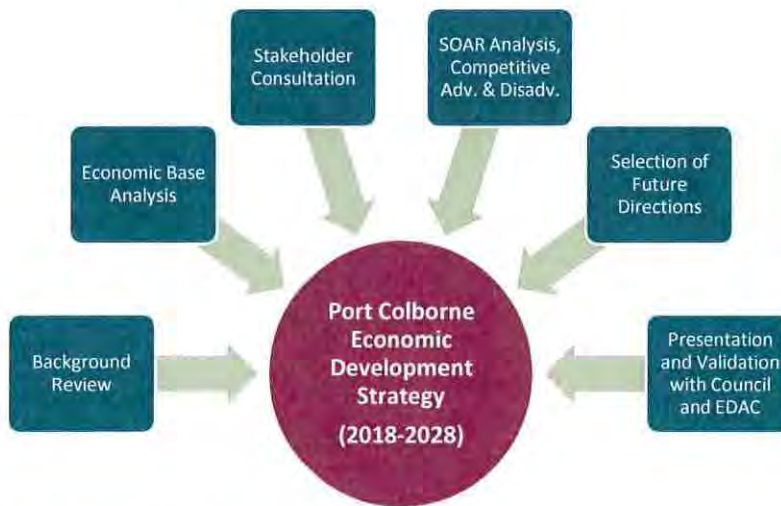
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Executive Summary

The *City of Port Colborne Economic Development Strategy* establishes a strategic approach to economic growth by developing a shared understanding among local community, business, and political leaders on the priorities of economic development and goals for future prosperity. The Plan provides a fact-based understanding and approach that incorporates the growth challenges in the city, the community’s leading and emerging economic sectors, and thoughts gleaned from extensive consultation with local and regional stakeholders. The Strategy explores four priority growth areas and presents supporting action plans.



Economic Development Vision Statement

The City of Port Colborne’s Economic Development Advisory Committee created the following vision to guide the economy of Port Colborne into the future. It is recommended that this vision be adopted to guide the Economic Development Strategy.

The economic development vision statement is:

Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community

Port Colborne will earn the reputation outlined in the vision statement by:

- Encouraging high levels of collaboration and partnership between various levels of government and the community
- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible
- Enabling a communications plan that consistently promotes the city’s merits to the target markets identified in this strategic plan

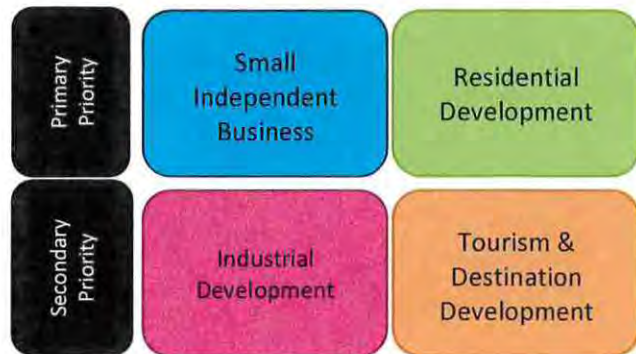


- Living and promoting an explicit culture of ‘customer first’ service within the City of Port Colborne in order to communicate that the municipality is “open for business” and is always considering the interests of taxpayers
- Improving residential quality of life by engraining a corporate culture that emphasizes community enhancement and beautification and continuing to enhance recreational, cultural, and social opportunities as a way to create important economic spin-off opportunities
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community
- Making a political commitment to the goals of this strategic plan and evaluating progress against performance metrics and adjusting strategy and tactics based on results

Focusing Economic Development Priorities

There are four economic development priorities for Port Colborne to focus on over the coming ten years. They are:

- Small Independent Business
- Residential Development
- Industrial Development
- Tourism & Destination Development



Each of these four directions are further explored in the table below.

Exploring the Potential of Port Colborne's Economic Development Strategic Directions

	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
Estimated long-term sector growth	Very Strong	Strong	Moderate	Moderate
Complement to existing local base	Strong	Strong	Strong	Strong
Potential to significantly impact local economy	Very Strong	Very Strong	Moderate	Strong



	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
Target market(s)	Professional services, cultural/creative industries, health and wellness, 'lone-eagles' looking for quality of life, small retail	Retirees looking for lower housing costs, young families	Growing the industrial base (existing and new)	Visitors to the Niagara Region, residents from the GTA down
Current state of the sector	Port Colborne's small businesses are an undervalued but important part of the economy. New investments in the downtown core are helping to offer more compelling opportunities.	Years of no growth have changed as more momentum is building for new-housing starts. Residential communities along the rural shores of the city have done well.	Historical base of industry to build on. Still represents good concentrations of employment and business.	Some good tourism draws which gives good exposure for the community. More year-round destination development needed before city consistently draws crowds in a tough competitive environment.
City's current ability to capitalize on the sector	<p>Good</p> <p>Port Colborne needs to establish a reputation as a charming, small-town community in a broader marketing campaign. Growing investment in the downtown and residential sector are also adding to the ability of the city to sustain growth over time. Costs are a positive. Major concerns with a shrinking and aging population persist though.</p>	<p>Very Good</p> <p>Lower housing costs relative to the rest of southern Ontario and favourable positioning near Lake Erie, strong recreational assets, and the U.S. border support growth in new residents. There is a strong need to create a resident attraction marketing campaign to get the word out about Port Colborne. Opportunities exist for urban core, suburban, and rural developments.</p>	<p>Moderate</p> <p>Already home to a strong industrial base of businesses, Port Colborne will be severely restricted in its ability to attract new mid to large scale developments without more serviced land. This will also limit the ability of local companies to expand their operations, prompting some to maybe relocate or delay expansion.</p>	<p>Good</p> <p>Good tourism assets to build from (beach, lake, and canal in particular) and some important tourism events that draw visitors into the community. Need to better link tourism assets together to create a Port Colborne experience and a compelling reason for the millions of visitors in the Niagara Region to come.</p>
Capitalize on these competitive advantages	<ul style="list-style-type: none"> ▪ Increasing investment in the community (downtown and residential) ▪ Quality of life and access to excellent recreation amenities (including Lake Erie) ▪ Lower cost housing and commercial rents ▪ A place with a bit of a gritty edge 	<ul style="list-style-type: none"> ▪ Lower cost housing and land ▪ Quality of life and access to excellent recreation amenities (e.g. Lake Erie) ▪ There is vacant land to build a wide variety of housing types in the rural and urban parts of the city ▪ Specific available properties are well-suited to residential" (e.g. site of former hospital) 	<ul style="list-style-type: none"> ▪ Good concentration of existing industry ▪ Existing industry is well-established but also innovative and competitive 	<ul style="list-style-type: none"> ▪ Community assets especially as they pertain to heritage and culture ▪ Strong slate of events that already attract visitors ▪ Quality recreational assets ▪ Dining/Drinking options and experiences are improving ▪ Less expensive rents



	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
Beware of these competitive disadvantages	<ul style="list-style-type: none"> ▪ Limited availability of small offices or co-working spaces ▪ Inconsistent high-speed internet ▪ A shrinking and aging population ▪ Critical infrastructure investments needed in the downtown core ▪ Not perceived as a place for young people to start a career 	<ul style="list-style-type: none"> ▪ Little market presence to 'sell' the community as a place to live ▪ Costly to develop land because of bedrock ▪ Properties fronting the lake and the canal are owned by other entities ▪ A highway network that can easily get bottlenecked 	<ul style="list-style-type: none"> ▪ A shrinking/aging population (smaller labour force than other areas of the region) ▪ Distance from freeway and main supply chain hubs ▪ Nearly no serviced land that is easily developable is a risk to not only attraction but maintaining the presence of existing firms ▪ Zoned unserviced land is extremely expensive to get adequately serviced ▪ Little market presence to 'sell' the community as a place to invest 	<ul style="list-style-type: none"> ▪ Very few accommodations and shopping experiences ▪ Disconnected tourism assets that do not speak to an experience ▪ Properties fronting the lake and the canal are owned by other entities
Desired future situation by 2030	<ul style="list-style-type: none"> ▪ An entrepreneurial ecosystem that is admired by communities in the region ▪ A 20% increase in the number of businesses in the city ▪ A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere ▪ An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs 	<ul style="list-style-type: none"> ▪ A resident population of 25,000 to 30,000 people ▪ Clear statistical signs of a younger demographic living in the community ▪ Recognition as one of Ontario's best small cities to live 	<ul style="list-style-type: none"> ▪ An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs ▪ Successful marketing campaign highlighting why investors should look to Port Colborne ▪ Three new industrial investments in Port Colborne leading to a minimum of 2,000 new jobs 	<ul style="list-style-type: none"> ▪ A revitalized downtown contributing to the dining, arts, culture, and shopping atmosphere ▪ Increased number of visitors and visitor spending by a minimum of 25% ▪ Recognition as one of Niagara's most compelling tourism destinations



Action Planning

Five goal areas have been identified with accompanying action plans and performance measurement systems:

Goal: Nurture Port Colborne's Entrepreneurial Ecosystem

- Prioritize a 'Customer First' service experience.
- Review development application policies and procedures.
- Conduct ongoing business BR+E surveys.
- Investigate the feasibility for the creation of a business space to support young start-up companies/entrepreneurs.
- Encourage activities that bring youth together from across Port Colborne and the region to network and discuss issues they see.
- Engage local schools, business leaders, and youth support agencies to develop and promote a youth entrepreneurship program.

Goal: Invest in Quality of Place Infrastructure

- Lobby to expand the fibre optic network.
- Boost efforts to improve curb appeal and property standards along major thoroughfares and in the downtown core.

Goal: Refresh Port Colborne's Image as an Attractive Place for People to Invest, Live, and Visit

- Develop a marketing and promotions campaign targeted at attracting new residents and businesses to Port Colborne.
- Review and update municipal by-laws and policies as they pertain to home occupations and businesses.
- Complete a retail gap analysis.
- Organize 'reverse trade shows' in areas where the City wants to attract businesses.
- Identify future residential nodes and zone them accordingly.
- Create a seasonal 'community tours' program to showcase quality of life assets.



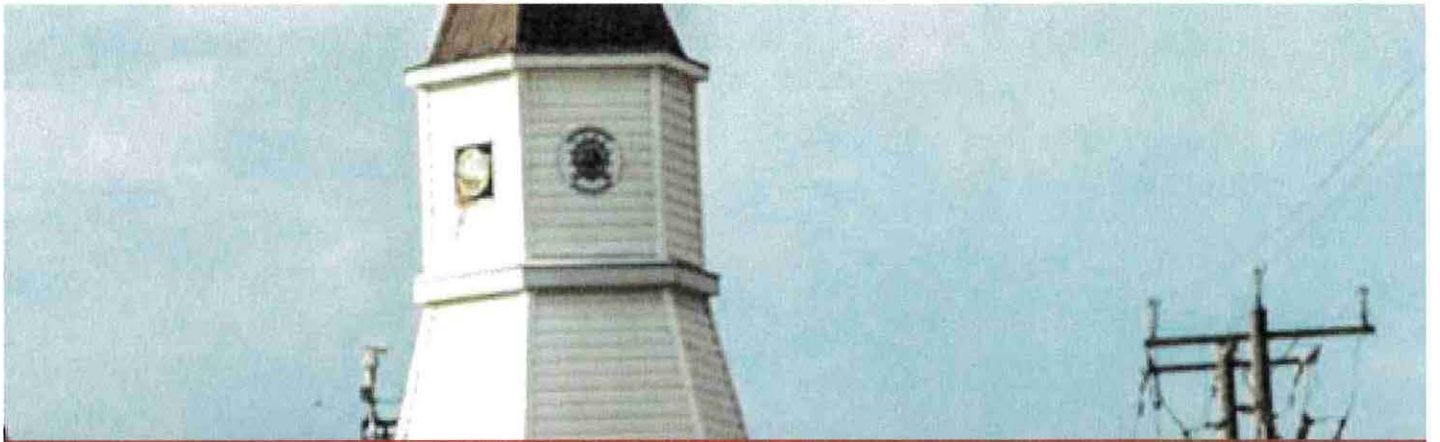
Goal: Grow the Profile of the Tourism Sector

- Create a Tourism and Marketing Strategic Plan.
- Work with neighbouring municipalities to cross-promote complementary themes and tourist operators.
- Consider the use of incentives (e.g. free advertising, marketing etc.) to encourage product development or experience enhancement.
- Establish an ongoing tourism visitor survey and sharing of competitive intelligence on visitors.
- Link fragmented tourism assets throughout the municipality.
- Host experiential events in shoulder seasons.
- Explore the feasibility of attracting new and innovative ecotourism experiences to the area.

Goal: Build on the Current Industrial Base

- Explore the feasibility and political interest in developing a new joint industrial park with Fort Erie or Welland.
- Reposition information on the City's website to speak directly to information requirements of site selectors
- Develop lead generation network connections.
- Work with regional post-secondary institutions to explore the feasibility of opening a satellite campus or operation in Port Colborne.

Performance measures are included for each goal identifying activities, outputs, and outcomes.



Introduction





1. Introduction

The City of Port Colborne is a community with opportunities ahead of it. With increasing demand for new residential land, a good concentration of industrial/manufacturing businesses, low cost of living and some strong recreation and tourism assets, proximity to the United States, and access to the urban amenities of the Niagara Region and the Greater Toronto Area, Port Colborne should consider itself poised for growth compared to many other communities of comparable size in Ontario.

Despite these opportunities, the economy of Port Colborne is faltering. Large challenges persist, including a declining and aging population (when communities around it are growing), a business base that struggles to find the workforce and land they need, and a stagnant image of itself that needs to be reinvented and actively marketed. Recognizing these challenges, the City of Port Colborne is looking to create a vision to guide its economy over the coming decade and identify pathways from which it can capitalize on its unique assets and realize more growth opportunities for the future.

The *City of Port Colborne Economic Development Strategy* establishes a strategic approach to economic growth by developing a shared understanding among local community, business, and political leaders on the priorities of economic development and goals for future prosperity. The Plan provides a fact-based understanding and approach that incorporates the growth challenges in the city, the community's leading and emerging economic sectors, and thoughts gleaned from extensive consultation with local and regional stakeholders. The Strategy explores four priority growth areas and presents supporting action plans.

A Changing Economy and Changing Way of Doing Economic Development

The transition to a knowledge economy has been upon Canada for several decades. As communities, investors, and entrepreneurs grapple with this transformation there is a growing recognition of the forces which shape it. The owners of companies that are driving today's economy – and will increasingly drive it tomorrow – are globally oriented, clustered together with peers, looking for creative people to bring ideas to life, value a non-traditional business structure and workforce, and know their businesses operate on a much shorter life-cycle than tradition would boast.

The nature of work is changing and the skills and infrastructure needed to support this shift are also changing. The traditional form of inward investment is declining in favour of small and medium-sized enterprises and entrepreneurs.

Having a mix of assets that align with what creative entrepreneurs and talent want plus a community-wide desire to become even better, Port Colborne's leadership is wonderfully positioned to ensure a thriving economy over the long-term. The town can be elevated to stand out in the Niagara Region.

What does the Economic Development Strategy do?

- Provides a fact-based approach to create a strong and diverse local economy.
- Creates a vision for the economy with strategic directions to help guide decision-makers over the next 10 years.
- Recommends specific action items that increase the appeal of the municipality to business investors.
- Aligns with Council's goals and objectives, Municipal initiatives, and the goals and aspirations of the community, but also charts a course for the municipality to incorporate into its future actions.



The advantages of being a jurisdiction where innovation drives economic activity are clear. Innovation comes from people. A proactive community can play a lead role in enabling the creativity of its citizens and attracting more creative people. This method has proven to be the engine for economic growth and wealth creation in urban areas across North America over the last decade.

Knowledge workers and entrepreneurs want to live and work in a community that has interesting civic spaces, a place that exudes character and authenticity, and has opportunities to explore new cultures and deepen friendships. These stimulus-rich environments are not found everywhere. They can be found in Port Colborne.

By necessity, this strategy stresses the importance of a cross-sectoral approach to dealing with the implications of a transforming economy and focuses on identifying opportunities that have implications for all sectors of Port Colborne's economy.

In this sense, this project is a means to optimize Port Colborne's economic development capacity by prioritizing economic opportunities and supporting them with clear action plans. To maximize effectiveness, the City must prioritize those with the greatest return on investment and marshal resources accordingly. This Economic Development Strategic Plan gives due consideration to investment attraction, but also promotes a range of activities designed to bolster the town's economy and ensure long term economic prosperity.

Economic development practice has moved well beyond business attraction towards activities that build economies from within. Increasing emphasis is being placed on innovation, knowledge, creativity, talent, and fostering entrepreneurial skills. This shift from the production of goods and commodities to less tangible knowledge and creative-based economies has contributed to a diversity of new economic development practices which fall under the umbrella of "economic gardening"¹ and "business retention and expansion". In this light, this Economic Development Strategy gives due consideration to attracting new investment to Port Colborne but also promotes a range of activities designed to bolster the inner workings of the municipality's economy and ensure long-term economic prosperity.

Project Approach

The approach used to develop this Strategy combined research and analysis of the current economic context in Port Colborne and the surrounding region with a comprehensive consultation and engagement process that included residents, business and community leaders, and regional organizations. These efforts provided a foundation to create informed strategic directions for Port Colborne and actions to implement those directions.

The detailed components of the methodology include:

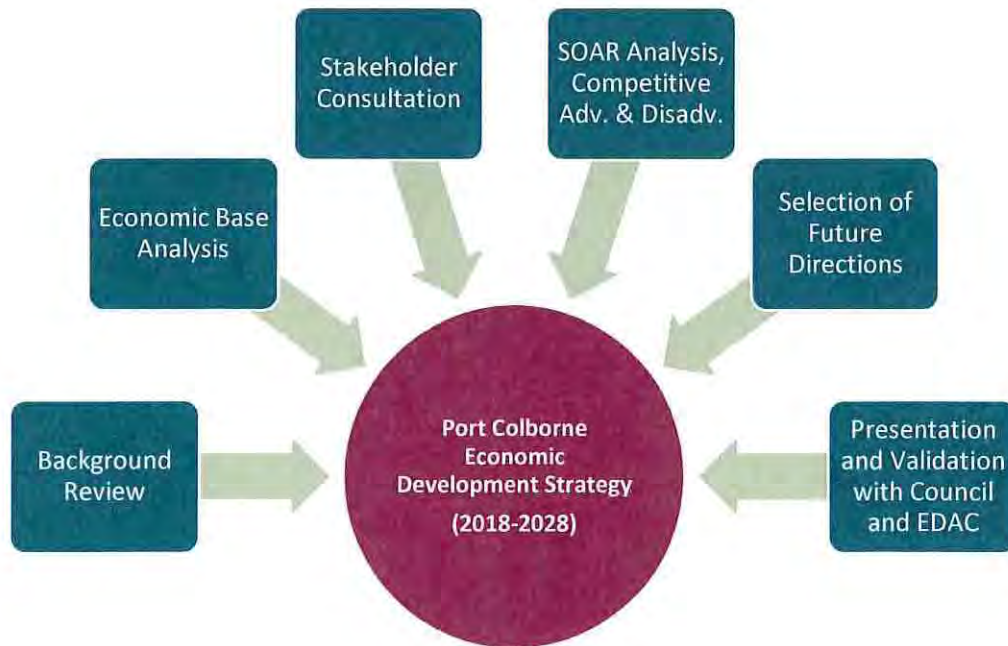
- **Research and Engagement** - Background review, economic base analysis, four focus groups, 18 key informant interviews, and a statistically valid telephone survey of 100 businesses

¹ Economic gardening is an economic development model that embraces the fundamental idea that entrepreneurs drive economies. The model seeks to create jobs by supporting existing companies in a community.



- **Strategic Directions & Action Planning** – SOAR analysis, competitive advantages and disadvantages, selection of future directions and opportunities, and action planning
- **Validation of Findings and Project Conclusion** – Presentation to Council and the Economic Development Advisory Committee (EDAC)

Figure 1: Strategic Planning Process



Report Structure

The Economic Development Strategy is organized into five sections and appendices:

Section 2 provides an overview of Port Colborne’s competitive situation, including information on previous plans and priorities of the City and demographic, labour force, and business profile information. *More detailed information on all elements of this section are provided in the Appendix.*

Section 3 outlines the results of the consultation activities. Common themes emerging from the telephone survey, interviews, and focus groups are presented in summary form.

Section 4 identifies a path for prioritizing Port Colborne’s economic development opportunities and presents the economic development vision.

Section 5 presents the action and implementation plans for each of the strategic priority areas, including information on performance measures to track success.

An **Appendix** is also included with additional information that expands on certain sections presented in the main body of the report.



Case studies on the experience of small urban areas that have gone from 'good to great' are included in the report. One of these case studies is presented below, with a number of them also included in the Appendix.

From Good to Great Case Study: Cobourg, Ontario

Cobourg is a community 90 minutes east of Toronto on the Highway 401 corridor. It has waterfront along Lake Ontario and is host to a quality beach, a lively downtown, and a rejuvenated small business sector. Cobourg was not always such a vibrant community but, through several important changes, was able to transform itself to where it is today.

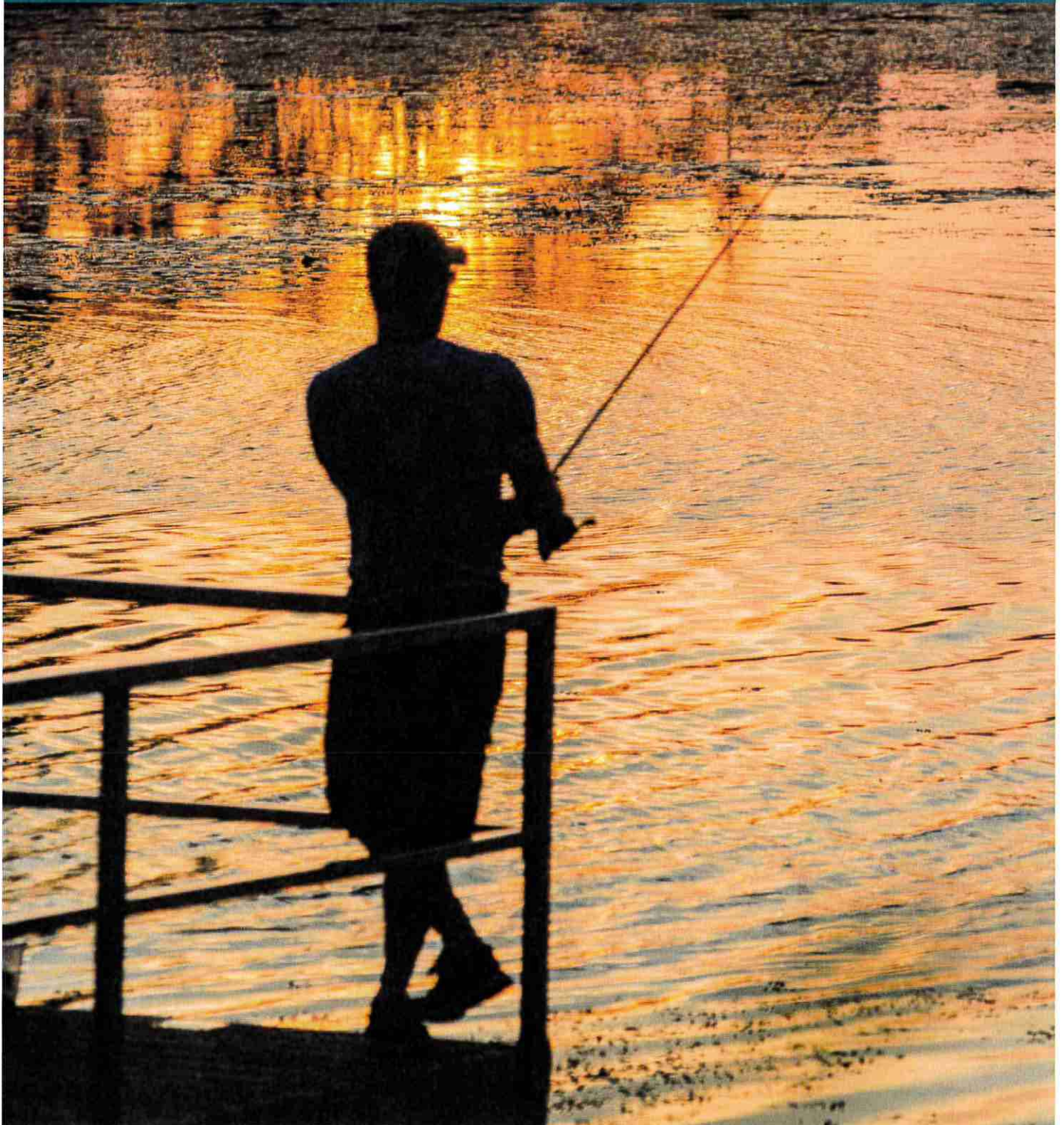
The main element to transforming Cobourg into what it is today was revitalization of the waterfront, which was once heavily industrial in nature. To kickstart the process, the Town obtained funding to create a downtown promenade that served as a catalyst for change. Revitalization started with the walkway directly in front of the beach and throughout the years continued along the marina and harbour. The Town then built a new marina that was owned by Cobourg which is now a revenue generator and self-sustaining. Hundreds of residents now live in condominiums across from the marina and waterside parks – all where factories once stood. Public access to the waterfront has been retained.

After the promenade, the town started on what they called the "Downtown Vitalization" – a master planning exercise. It was initiated with a red-carpet public event. The event allowed individuals to put their ideas on a map and they were encouraged to sign up to volunteer for activities. Other significant projects were also undertaken including the Downtown Master Plan, Community Improvement Plan, and signage directing people from the 401 to the downtown. A Business Attraction Strategy was also developed and has been cited as being successful due to the collaboration and partnership with the Chamber and the Business Improvement Association. Together, they were able to pool marketing resources and funds to make a stronger impact in business attraction.

Cobourg has struggled with retaining youth and stimulating businesses that are built for the 21st century. As such, the most recent initiative is the launch of an innovation centre. Venture 13 has been developed out of a former Transcom call centre that, after a few years of neglect, the Town purchased. The top floor houses police services. The renovated 30,000 square foot building will feature open spaces, 77-seat lecture hall, and 24/7 access. It will accommodate 30 seats and 8 offices for entrepreneurs with work stations and makerspaces and will be limited to innovative businesses through a vetting process.

Cobourg cited the ability to form partnerships and collaborations as key to the success of the community. As a smaller community, the budgets allocated for individual departments would not have been able to create as strong an impact as they have been able to do through collaboration and a progressive Mayor and Council.

Port Colborne's Competitive Situation





2. Port Colborne's Competitive Situation

2.1 Strategic Context

An early step in the research for developing the Economic Development Strategy for Port Colborne involved an examination of key City planning documents. The goal was to provide an understanding of the planning and decision-making context within which the Economic Development Strategy will be developed. A range of documents were examined, including:

- City of Port Colborne Business Retention & Expansion Project
- Team Niagara Economic Development Action Plan
- Competitive Analysis of Industries in the City of Port Colborne
- City of Port Colborne Official Plan
- City of Port Colborne Industrial Community Improvement Plan
- City of Port Colborne Arts & Culture Master Plan

In reviewing the documents, a number of common themes emerged. These themes are explored in more detail below.

Business Retention and Investment Attraction

The City of Port Colborne has identified the need for investment attraction and assisting existing local businesses with the aim of retaining business and facilitating expansion. A significant portion of existing businesses have been operating in Port Colborne for over 30 years.

A survey conducted by the City found that businesses had difficulty hiring employees and that 55% of businesses hire individuals who reside outside of the city due to lack of qualified candidates locally. However, businesses also indicated that they do most of their recruiting through personal networks. There is a disconnect between employers and employees, as those seeking work report job shortages and businesses seeking employees are not having their hiring needs met. It was identified that there needs to be an assessment of the specific skill requirements of employers and that a broader, more formalized network for hiring needs to be better established. An established hiring network can help to mitigate the gap of employers and employees in meeting their needs.

Documents also acknowledged the need to increase investment readiness in the city. This included increasing the availability of serviced land. This would not only help with business attraction, but also expansion for existing businesses. There was also an identified need to actively seek industries that aligned with the strategic objectives of Port Colborne and Niagara. Key sectors for growth have been identified as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies, and interactive media.

Port Colborne has been recognized as an Economic Gateway Centre and has been in the process of strategically positioning itself as such. Efforts include encouraging cross-border trade, providing land and infrastructure for the continued sustainable development of tourist facilities, encouraging port facilities, promoting existing industrial lands, and capitalizing on major transportation routes.



Quality of Life

Quality of life is an important factor for any community, but seems to be of particular significance in Port Colborne. Overall, residents feel that there is a robust quality of life, and that the community offers a great atmosphere to live. That being said, the community does struggle with a number of social issues, including high drug use, high school drop-out rates, and teen pregnancy which highlight divisions within the community.

With a declining population, there is a need to attract individuals to the community, and for individuals who were raised in Port Colborne to continually choose Port Colborne as a place to live and raise a family. Residents identified favourable quality of life factors such as affordable housing, short commute times to work, safety, and the natural attributes of the community such as the waterfront.

The promotion of these positive attributes has been identified as a priority. Advocating these attributes in the way of tourism has also been identified as requiring greater attention and has the opportunity to provide a great deal of potential for Port Colborne.

The City Official Plan identified the need for providing a range of housing opportunities and choices. This is another facet to quality of life that could assist in bringing in a broader range of individuals as current housing options are mostly limited to single detached homes which are typically more expensive. The Plan also identified the need for creating walkable neighbourhoods, all of which can help to encourage population growth in Port Colborne.

The Arts & Culture Plan made mention of several avenues by which Port Colborne could enhance their arts and culture sector. This is an aspect to a community that is also important to quality of life and entertainment for residents. Enhancing the arts and culture within a community can help to advance the tourism sector.

Downtown Revitalization

The designated downtown area, specifically the downtown business district, has been of particular focus. The Downtown Central Business District Community Improvement Plan identified that the project area has begun to show signs of stagnation and early deterioration. There were several attributes identified for the vision of the downtown business area. These attributes included elements such as maintaining and enhancing the authentic feel and character, and being a vibrant and commercial area throughout the day and year with a variety of stores that are open longer hours. Having more people living downtown in a diverse range of housing and streetscapes within a visually interesting public realm has also been identified as important goals to improve the downtown business district.

Another main identified need for downtown revitalization is to have improved connections with the canal, waterfront, marina, the Olde Humberstone Commercial Area, and the community east of the canal. Waterfront enhancement and more use of the canal were revealed in several documents as a priority and opportunity for further growth. There was also the mention of underutilized land that had potential for business and to serve as public gathering spaces.

The need to attract business to the downtown was made apparent by the lack of services and goods available for purchase in Port Colborne and by the number of empty store fronts. Having an improved downtown will enhance pedestrian traffic which can lead to improved business opportunities.



Key Take-Aways

- Business owners are concerned with the lack of adequately skilled labour in Port Colborne and have identified the need to encourage youth to pursue skilled trades and occupations where a gap exists.
- Employment in the city is largely focused on three sectors: manufacturing, health care and social assistance, and retail trade.
- Downtown is in need of continued revitalization. Improvements are required but should be made in such a way as to maintain the authentic character, be a year-round commercial area, showcase the canal, and be more pedestrian friendly.
- The City of Port Colborne has acknowledged the importance for improved cultural vibrancy, including enhancing events, natural heritage, cultural heritage, cultural space and facilities, supporting community cultural organization and cultural enterprises.
- There is, essentially, no vacant zoned industrial land that can be built upon.

2.2 Economic Indicators²

Demographics

Port Colborne has experienced a stagnant (and slight decline) in population growth since 2006 (as seen in Figure 2 below). This is far below the population growth experienced in both the Niagara Region and Ontario (growth of 3.8% and 4.6% respectively from 2011 to 2016).

In addition, Port Colborne has a noticeably older population relative to the Niagara Region and Ontario (as seen in Figure 3, a greater portion of the population lies in the 50+ age category, with fewer under 50 years). This is not typically a favourable age distribution as it has a limited working age population to draw from. This can partly be explained by the fact that many youth are leaving Port Colborne for post-secondary education and more specialized job opportunities in the larger urban centres of southern Ontario. An older population, however, does also present a number of opportunities for Port Colborne including attracting businesses to serve this population and a relative wealth that seniors may have as they downsize their homes.

Both a stagnant/declining population and the aging of the population, however, are starting to have detrimental effects on the Port Colborne economy as businesses are finding it more difficult to find the workforce they need to operate their businesses successfully.

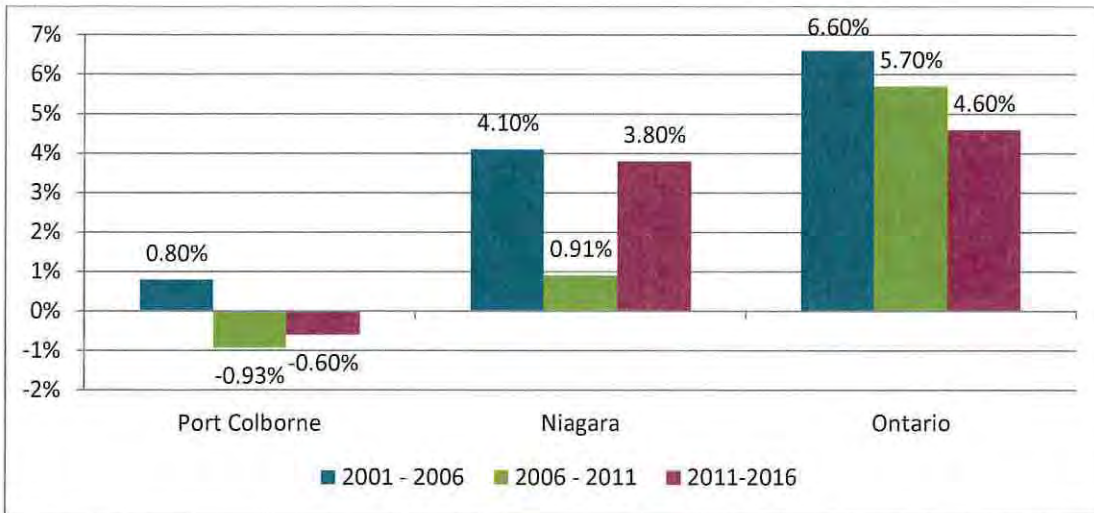
As housing prices in the Greater Toronto Area have increased rapidly over the past 10 years, more and more people are leaving Toronto and moving to Hamilton, Grimsby, and the Niagara Region in search of more affordable housing and a lower cost of living. This has resulted in a surge in housing prices and population increases in these communities. Port Colborne, on the other hand, has not fully realized

² All information in this section is based on Statistics Canada data sources.



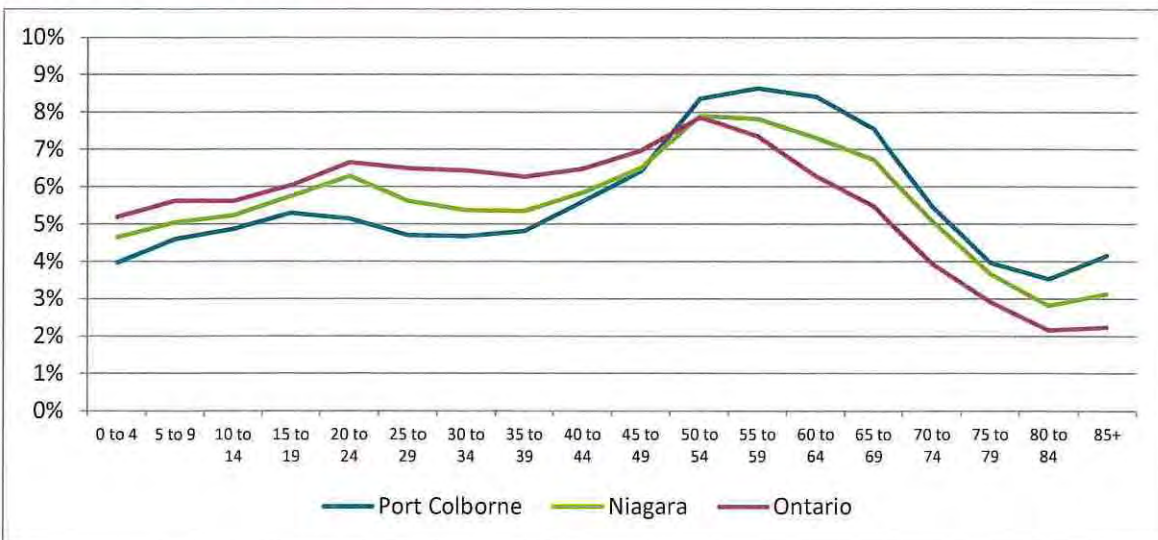
these increases and stands poised to be able to attract new residents to the community in search of even more affordable housing prices. The average dwelling value in 2016 in Port Colborne was \$237,725, below both the Niagara Region (\$323,219) and Ontario (\$268,684). Housing values have grown by 18% in Port Colborne since 2011, whereas they have grown by 25% in the Niagara Region and 38% in Ontario.

Figure 2: Population Growth, 2001 to 2016



Source: Statistics Canada. 2016 Census Profile, 2011 National Household Survey, 2006 Census Profile.

Figure 3: Population by Age Distribution, 2016



Source: Statistics Canada. 2016 Census Profile.



Labour Force

Port Colborne’s population (aged 25 to 64 years old) has relatively less education than that of the Niagara Region as a whole. As shown in the figure below, Port Colborne has the highest percentage of individuals with no certificate, diploma or degree. Port Colborne also has the highest percentage of individuals having received a high school diploma as their highest level of education. Port Colborne has a significantly lower percentage of individuals having attained a university certificate or diploma at a bachelor level or above.

These statistics speak to the types of jobs available in Port Colborne with fewer knowledge-based employment opportunities and more hands-on trades-based jobs. It also speaks to the likelihood of being able to attract certain types of businesses to Port Colborne and the difficulties the community might have in convincing businesses in need of university graduates that the appropriate labour force can be drawn on from within the community.

That being said, businesses in Port Colborne do draw on a labour force from throughout the Niagara Region (and beyond). Roughly 40% of the employment in Port Colborne is filled by residents living outside of the city, with 17% of positions filled by individuals commuting from Welland, 7% from Fort Erie, and 6% from St. Catharines. Roughly 60% of employment in the city is filled by local Port Colborne residents.

With that in mind, however, approximately 56% of Port Colborne’s residents commute outside of Port Colborne for work. The top communities in which residents commute to are Welland, Niagara Falls, Fort Erie, and St Catharines.

These numbers highlight the fact that there is a shortage of jobs in Port Colborne to satisfy the number of residents in the workforce. Even if all positions in Port Colborne were filled by local Port Colborne residents, there would still be the need for 2,080 individuals to commute elsewhere to find work.

Figure 4: Highest Level of Education Attained, 2016

Highest Level of Education	Port Colborne	Niagara Region
Bachelor’s degree or higher	12%	21%
College, CEGEP or other non-university certificate or diploma	31%	29%
Apprenticeship certificate	6%	8%
High school diploma or equivalency	33%	30%
No certificate, diploma, or degree	12%	10%

Source: Statistics Canada. 2016 Census Profile.



There were 7,820 people employed in Port Colborne in 2016, a slightly lower number than 2011. This is also reflected in the fact that the unemployment rate in Port Colborne increased between 2011 and 2016, from 8.2% to 9.5%.

The largest proportion of the workforce is employed in Retail Trade (14%), Manufacturing (12.9%), Health Care and Social Assistance (11.8%), Construction (8.3%), and Accommodation and Food Services (8.1%). All of these sectors (except for Manufacturing) have increased their shares of employment in the Port Colborne economy since 2011. Employment in the manufacturing sector, on the other hand, has decreased by just over 3% since 2011.

The top occupations in Port Colborne are:

- Sales and service occupations (26.9%)
- Trades, transport and equipment operators and related occupations (18.5%)
- Business, finance and administration occupations (11.6%)
- Occupations in education, law and social, community and government services (10.3%)
- Management occupations (10.3%)

The number of employed in each occupation stayed relatively constant between 2011 and 2016, with the exception of Management occupations which grew by its share of employment by 2.6% and Business, finance and administration occupations which shrunk its share of employment by 4.1%.

Business Characteristics

There were 1,266 businesses in Port Colborne in 2016, an increase of 3% since 2014. Approximately 63% of the businesses are 'self-employed'³. Of the employer-based businesses (i.e. non-self-employed), there are 25 that employ 50 or more employees. Leading industries for these medium to large businesses are in Manufacturing (8 businesses) and Retail Trade (5 businesses).

In terms of the total business composition, the following industry sectors exhibited the highest proportion of business establishments in Port Colborne as of 2016:

- Real estate and rental and leasing (227 businesses, 93% self-employed)
- Other services (except public administration)⁴ (120 businesses, 54% self-employed)
- Construction (119 businesses, 64% self-employed)
- Retail Trade (116 businesses, 35% self-employed)

³ Those who do not maintain an employee payroll, but may have a workforce consisting of contracted workers, family members or business owners.

⁴ This sector comprises establishments, not classified to any other sector, primarily engaged in repairing, or performing general or routine maintenance, on motor vehicles, machinery, equipment and other products to ensure that they work efficiently; providing personal care services, funeral services, laundry services and other services to individuals, such as pet care services and photo finishing services; organizing and promoting religious activities; supporting various causes through grant-making, advocating (promoting) various social and political causes, and promoting and defending the interests of their members. Private households are also included.



- Professional, scientific and technical services (87 businesses, 74% self-employed)

Since 2014, industries that have experienced the highest rates of growth in the number of new businesses include Administrative and Support, Waste Management and Remediation Services (+21%), Educational Services (+14%), and Professional, Scientific and Technical Services (+10%). Industries that have shrunk in terms of the number of businesses include Management of Companies and Enterprises (-46%), Arts, Entertainment and Recreation (-37%), and Wholesale Trade (-26%). Of special note is a slight growth in the number of Manufacturing businesses, increasing by three since 2014.

As for the concentration by business type relative to the Niagara Region (known as Location Quotients)⁵, Port Colborne has a slight growing concentration of businesses in Manufacturing, Transportation and Warehousing, and Other services (except public administration). These areas of growth complement an already high concentration relative to the Niagara Region for businesses in the industries of Mining and Oil and Gas Extraction, Utilities, and Public Administration.

Figure 5: Location Quotients by Industry compared against the Niagara Region

Industry	LQ 2014	Classification	LQ 2016	Classification
11 - Agriculture, forestry, fishing and hunting	1.00	Average	0.77	Average
21 - Mining and oil and gas extraction	3.19	High	3.18	High
22 - Utilities	2.56	High	2.23	High
23 - Construction	0.89	Average	0.93	Average
31-33 - Manufacturing	1.34	High	1.41	High
41 - Wholesale trade	0.90	Average	0.66	Low
44-45 - Retail trade	1.26	High	1.10	Average
48-49 - Transportation and warehousing	1.28	High	1.36	High
51 - Information and cultural industries	0.94	Average	0.93	Average
52 - Finance and insurance	0.84	Average	0.87	Average
53 - Real estate and rental and leasing	0.93	Average	1.01	Average
54 - Professional, scientific and technical services	0.73	Low	0.80	Average
55 - Management of companies and enterprises	1.32	High	0.71	Low
56 - Administrative and support, waste management and remediation services	0.84	Average	1.01	Average
61 - Educational services	0.69	Low	0.78	Average
62 - Health care and social assistance	0.88	Average	0.94	Average
71 - Arts, entertainment and recreation	1.50	High	0.94	Average
72 - Accommodation and food services	0.99	Average	0.91	Average
81 - Other services (except public administration)	1.22	Average	1.30	High
91 - Public administration	2.29	High	2.28	High

Source: Statistics Canada. *Canadian Business Patterns*, December 2016

⁵ Location Quotient (LQ) is a measure of employment specialization or strength based on the concentration of employment as compared to a larger geography (in this case the Niagara Region). It is important when looking at the LQ to remember that it is being compared against another region, and as such changes from year to year in the LQ could be the reflection of a change within the comparator region, and not necessarily an absolute change in the city. An LQ of 0 to 0.75 is considered low, 0.75 to 1.25 is considered average, and above 1.25 is high.



Port Colborne's population declined from 2011 to 2016. This compares to Niagara where population increased by 4%.



Port Colborne is experiencing an aging population. The median age in Port Colborne is 4 years older than the median age in Niagara and 9 years older than Ontario.

Median household income declined in Port Colborne from 2005 to 2015. Niagara and Ontario experienced median household income growth.



Median household income in 2015 in Port Colborne was less than Niagara by nearly \$8,000 and \$17,043 less than Ontario.

The average dwelling value in Port Colborne in 2016 was \$85,494 less than it was in Niagara.



The cost of dwelling values increased in Port Colborne from 2011 to 2016 by 18%, dwelling values in Niagara from 2011 to 2016 increased by 25%.

Port Colborne has the lowest percentage of individuals without a University education when comparing to Niagara and Ontario.



Port Colborne has the highest percentage of individuals with an apprenticeship or college degree compared to both Ontario and Niagara.



56% of the work force in Port Colborne commute outside of Port Colborne for work.



60% of available jobs in Port Colborne are filled by Port Colborne residents.

The highest portion of business establishments in Port Colborne are; real estate and rental and leasing; other services; construction; retail trade; and professional, scientific and technical services.



Businesses characterized as the owner being the sole employee represent 62% of total business establishments in Port Colborne.



Voice of the Community





3. Voice of the Community

The planning process for the Economic Development Strategy included an engagement process involving a range of stakeholders from throughout Port Colborne, including business owners, community and municipal leaders, and residents. These consultations were designed to encourage participants to share their insights, ideas, and opinions on the current business climate in Port Colborne, identifying the important assets that the community can build on, as well as the opportunities, barriers, vision, and priority action items for the future.

Consultation activities included:

- **Telephone Survey of Businesses** – A statistically valid survey of 100 randomly selected businesses in Port Colborne to generate insight into satisfaction with Port Colborne as a place to own and operate a business as well as the identification of areas of opportunity and challenge.
- **Stakeholder Interviews** – A total of 18 telephone interviews were conducted with business, community, and municipal leaders in Port Colborne. These interviews were open-ended, each averaging approximately 20-30 minutes in length.
- **Focus Groups** – Four focus groups hosted in Port Colborne with a variety of groups including the City's Economic Development Advisory Committee and City staff, young entrepreneurs, the general public, and local manufacturing leaders and the business community. Focus groups were held in October 2017 and were each two hours in length.
- **External Stakeholder Interviews** – Interviews were conducted to gain a sense of the perceptions of Port Colborne as a place to invest by businesses based outside of the city.

A summary of results from the consultation activities is presented in this section. A more detailed review of findings from the engagement activities can be found in the Appendix.

Key Findings

Business Climate

Many respondents felt that the business climate in Port Colborne needed improvement. While some did share a more optimistic outlook on the prospects of business attraction within the city and favourable experiences working with the City and the support provided, discussion often centred on a need to reduce red tape within City processes in order to encourage faster development processes and facilitate new, innovative business ideas. Respondents would like the City to be more proactive and encouraging in attracting new investment and supporting new start-up businesses.

Overall, respondents felt that there are not many compelling reasons to want to do business in Port Colborne over other areas. A major concern seen by many was the lack of available serviced land. The current business park was felt to be sub-par and offered sites that were not appropriate in size or quality. In addition, some of the land that is available in the business park is costly to build on as it requires special studies and surveys, or has large costs associated with getting the necessary servicing. Interviewees encouraged the City to look at sourcing more available serviced land that would serve as a better incentive for businesses to locate in Port Colborne.



Port Colborne's Assets

Respondents cited the existence of Port Colborne was due to the Welland Canal. The Welland Canal has allowed for the emergence of various industries within Port Colborne that would have otherwise not been possible. With cargo traffic coming through Port Colborne it has given rise to supporting businesses that service these ships. The Welland Canal has also provided a tourism asset for Port Colborne. However, many respondents cited that the canal was underutilized.

Port Colborne's location is also an important asset. Proximity to the US border, proximity to Toronto and major international airports, proximity to St. Catharines, and proximity to international shipping via the Welland Canal were discussed. In addition to location, the weather associated with the location of Port Colborne was also mentioned as a positive asset with winters being mild, and summers being sunny.

Additionally, other quality of life indicators were mentioned including a great small-town community feel where people are friendly and welcoming. Several individuals mentioned the benefit of the lake and beach as a tourist destination and also for recreation of local residents. Affordable housing (relative to other areas in the Niagara Region and the Toronto Area) was also believed to be an asset for attracting individuals from the Toronto area as a retirement destination and also business attraction. Respondents also mentioned other positive features such as arts and culture, short commute times, and city events and festivals.

Visions for the Economy

Many individuals identified the need to attract more people to live in Port Colborne and grow the population. One of the main avenues by which people saw this coming to fruition was to build more and diversified housing options. Several individuals also identified residential development options along the canal as being a strong opportunity for population growth. There was an overall belief that building along the canal would be attractive for individuals retiring from Toronto and looking for less expensive housing options. In addition, mixed residential options are attractive for families who can't afford a single detached but might be able to afford a less expensive option such as a row house or condominium.

While there was a noticeable impression of creating a retirement community in Port Colborne, others did share that this was not the way to create sustainable economic growth, and instead Port Colborne should focus their efforts on attracting young families and promote Port Colborne as an ideal place to raise a family.

Another vision that many people shared was to increase tourism in the area. There was an impression that Port Colborne was known as a stopover location, and not a tourist destination. Individuals believed that the natural resources in the city were underutilized and under promoted. One respondent shared that they had heard Port Colborne described as a "hidden gem" and that it needs to not be hidden. Another missing piece in Port Colborne in regards to supporting tourism growth is hotel options. Several individuals indicated that there were not adequate hotel options in the city for leisure or business. Individuals who had business dealings often would send visitors to neighbouring communities for accommodation as the options in Port Colborne were poor.

Challenges and Barriers

By far the most mentioned comment during the engagement process was the significant barrier of a lack of available serviced land for industrial purposes. Individuals asserted that if there was more serviced



land in the community it would be a stronger incentive for businesses to establish themselves in Port Colborne, with resulting increases in jobs and people relocating to Port Colborne.

An aging population was cited as another concern deterring businesses from locating in Port Colborne. Businesses had staffing concerns with a large proportion of the population being older than the prime working ages (25 to 64 years old). Some businesses felt that it was difficult to find workers with the necessary skill sets and as a result were hiring individuals living outside of Port Colborne. These workers, who were commuting to Port Colborne, would often have high turnover rates as they grew tired of the commute, and would seek employment closer to home. Many respondents identified that building additional housing options would encourage people to the area and therefore increase population leading to more local employment and job opportunities.

Other challenges/barriers that were discussed included:

- High tax rates
- Red tape and bureaucracy in City Hall that slows the ambitions of businesses
- Poor state of infrastructure in the downtown core
- A lack of appropriate highway transportation routes and distance from major highways, with existing routes often congested
- A lack of shopping options for everyday goods forcing residents to look outside of the city to meet their needs

Opportunities and Priorities

A number of opportunities and priorities were discussed, including:

- Developing the waterfront (both the Canal and Lake Erie). Interviewees believed there was significant untapped potential in residential, commercial/tourist, and industrial uses along the waterfront. Some recommended further industrializing the canal and exploring options around improved access to shipping and positioning Port Colborne as a warehousing hub. Residential development was also seen as an option.
- Encouraging more residential development and attracting people from throughout Southern Ontario to the community (both retirees and young families). The less expensive land and housing in Port Colborne offer significant opportunities in attracting individuals and businesses to the community.
- Advocating for new transportation routes into and out of Port Colborne.
- Improving the availability of accommodation options, allowing Port Colborne to grow its overnight visitor stays and be in contention for hosting more events such as sporting tournaments.
- Continuing to enhance the downtown core and attracting more businesses to take up vacant storefronts.
- Working to improve the stock of available serviced industrial land and marketing that land to prospective businesses to move their operations to Port Colborne.
- Marketing Port Colborne more effectively and sharing what Port Colborne has to offer to individuals outside of the Niagara region. There was a strong sense that improvement across a number of



variables (business interest, residential development, tourism profile) could be seen from a strong marketing campaign.

- Creating a business incubator in the community to support the emergence of start-ups and emerging businesses across a variety of sectors.
- Working to reduce the red tape and bureaucracy associated with starting/running a business in the city.
- Creating a more cohesive vision for how the city will grow and to have that vision guide all City decision-making.

Business Survey Findings

A random sample of 100 businesses from Port Colborne's business directory participated in a statistically valid telephone survey to generate insight into satisfaction with Port Colborne as a place to own and operate a business as well as the identification of areas of opportunity and challenge.

Note that 64% of businesses surveyed were in the following three industries: Retail trade (27), Accommodation and food services (19), and Other services (except public administration)⁶ (18).

Key findings from the business survey include:

- 91% of businesses expressed a level satisfaction with Port Colborne as a place to do business, while 9% expressed a level of dissatisfaction (48% responded very satisfied, 43% satisfied, 8% somewhat satisfied, 1% very dissatisfied).
- The highest ranked factor of satisfaction of doing business in Port Colborne was 'Festivals and Events', and 'Internet Service', with 62% of people responding 'Very Satisfied.' Second highest ranked was 'Overall quality of life' with 60% responding 'Very Satisfied'.
- The factor with the highest ranked 'Very Dissatisfied' was 'Municipal property taxes' with 31% responding very dissatisfied followed by 'Energy costs' with 27% responding very dissatisfied. The factor with the lowest percentage responding 'Very Satisfied' with only 17% was 'Development/building permit processes'.
- 42% of businesses reported having increased profits within the last three years, with 55% suspecting to increase profits in the coming three years.
- 25% of businesses reported plans for business expansion within the next three years.
- 41% of businesses currently have difficulty hiring in Port Colborne. Of these businesses, 43% said that the difficulty with hiring lies in there being a lack of skills or training in the local labour force, followed by too few applicants, and lack of relevant experience.

⁶ This sector comprises establishments, not classified to any other sector, primarily engaged in repairing, or performing general or routine maintenance, on motor vehicles, machinery, equipment and other products to ensure that they work efficiently; providing personal care services, funeral services, laundry services and other services to individuals, such as pet care services and photo finishing services; organizing and promoting religious activities; supporting various causes through grant-making, advocating (promoting) various social and political causes, and promoting and defending the interests of their members. Private households are also included.



- 94% of businesses commented that the most important element in creating a successful economy in Port Colborne over the next 20 years is attracting and developing the local workforce, followed by encouraging more residential development. Other elements for a successful economy that were mentioned include a need for more industry, activities for the young and retaining the young, and more stores and businesses.
- Areas of priority concern for businesses in Port Colborne are (see Figure 6 below):
 - Municipal property taxes
 - Energy costs
 - Availability and quality of the workforce
 - Retail shops and shopping experience
 - Diversity of age groups

Figure 6: Derived Importance of Businesses across a Variety of Categories

Category	Derived Importance [‡]	Room for Improvement (Proportion answering 'somewhat dissatisfied' or 'very dissatisfied')	Priority Ranking (Derived Importance x Room for Improvement)
Municipal property taxes	7.2	43%	3.11
Energy costs	6.0	47%	2.80
Availability and quality of the workforce	8.5	32%	2.72
Retail shops and shopping experience	5.6	31%	1.73
Diversity of age groups	7.8	22%	1.71
Availability of adequate housing	7.4	18%	1.33
Land costs	6.1	21%	1.29
Development Charges	6.5	19%	1.24
Quality of business parks and industrial areas	6.9	17%	1.17
Development/building permit process	5.6	20%	1.12
Revitalization of the downtown area	7.4	12%	0.89
Availability of space for rent or lease	6.9	12%	0.82
Zoning	6.3	13%	0.82
Availability of serviced land	5.4	13%	0.70
Support from local residents	6.1	10%	0.61
Internet Service	6.1	10%	0.61
Festivals and events	8.7	7%	0.61
Overall quality of life	7.0	6%	0.42

[‡] Derived importance is a measure of the relative importance of each category in relation to the question "Overall how satisfied are you with Port Colborne as a place to open and operate a business?" The correlation for each category has been converted to a ten-point scale, with '10' representing the category that had the highest impact in respondents being satisfied with doing business in Port Colborne. All numbers are in relation to each other and give a sense of the relative comparison between categories and their impact on the satisfaction of businesses.



From Good to Great Case Study: Perth, Ontario

Perth is a community of 5,930 people located an hour outside of Ottawa. Perth is home to a heritage downtown core and the Tay River that splits and runs through the majority of the downtown. Some of the downtown is an island formed by the two channels of the river. While other communities were being affected by the recession in the early 2010s, Perth stayed surprisingly consistent. Now, post-recession, it is thriving. The success in Perth can be attributed to several factors.

Several years ago, Perth focused efforts on the revitalization of the downtown core. This started with receiving heritage grants to assist in renovating downtown heritage buildings. A number of other loans distributed to help with façade improvements and enhancements of downtown businesses. In parallel, a study concluded that the best use of vacant land on the riverfront across from Town Hall (referred to as the 'dust bowl' gravel parking lot) would be a community space. It is now used for events such as the farmers market.

The next major component to the downtown revitalization was the Glass Palace. The palace was constructed out of recycled materials and now hosts weddings, markets, the Christmas of Lights, and other events. This was instrumental as it was an initiative that aimed to bring people into the downtown and increase traffic in the downtown. It has worked in attracting locals and visitors alike.

Another initiative designed to increase traffic in the downtown was the transformation of an old co-op building site on a prime waterfront location. Town officials had wanted a hotel for a long period of time and it would have been easier to attract one to Highway 7 near the fast food and larger format retailers, but they were committed to supporting downtown with a unique amenity. A study was commissioned that looked at the validity of having a hotel in the downtown. The study found that a hotel was feasible and this information was used by a local entrepreneur to receive financing. This not only encouraged tourism in the core, but reinforced the community's strong brand image, and facilitated business partnerships through deal offerings and co-marketing.



Prioritizing Economic Directions





4. Prioritizing Economic Directions

4.1 SOAR Analysis

The Strengths, Opportunities, Aspirations, Results (SOAR) Analysis provides a means of synthesizing input from the research and community engagement process. The idea of the SOAR is to build from what works rather than fixating on what does not, lending an analysis to identifying the positive actions and steps forward. Details on each of the four components of the SOAR are included in the table below.

Figure 7: SOAR Analysis

S	Strengths What can we build on?	<ul style="list-style-type: none"> • What are we doing well? • What key achievements are we most proud of? • What positive aspects have individuals and organizations commented on?
O	Opportunities What are our best possible future opportunities?	<ul style="list-style-type: none"> • What changes in demand do we expect to see over the next years? • What external forces or trends may positively impact development? • What are key areas of untapped potential?
A	Aspirations What do We Care Deeply About?	<ul style="list-style-type: none"> • What are we deeply passionate about? • As a City, what difference do we hope to make? • What does our preferred future look like?
R	Results How will we know we are succeeding?	<ul style="list-style-type: none"> • What meaningful measures will indicate that we are on track in achieving our goals? • What resources are needed to implement our most vital projects and initiatives? • What are the key goals we would like to accomplish in order to achieve these results?



Strengths

- Strong existing clusters of industry/manufacturing
- Good access to transportation infrastructure (water, highway, rail, air) and close proximity to the US border and Toronto.
- Low cost of living with great housing prices relative to surrounding areas.
- A sense of pride by residents and a desire to support local businesses.
- A tourism event that brings a significant number of people from throughout the region into Port Colborne.
- Good recreation assets (e.g. Vale Centre, marina, promenade, beaches).
- World class fishing resource.
- Fibre optic backbone in the city.

Aspirations

- Attract thousands of new residents to Port Colborne and develop a wide reputation as being an attractive community that is a great place to live, work, and raise a family.
- Revitalize and energize the community to become a tourism destination (like Niagara-on-the-Lake) with a unique Port Colborne flair. This includes creating new and exiting events and things for people to do, drawing in a fraction of the millions of visitors that come to the region.
- Become a community that is more accommodating to an aging population (e.g. public transit, housing, age-friendly infrastructure).
- Continual growth of jobs and opportunities in the community and the enticement of more private investment.
- Work to build up and animate areas/neighbourhoods throughout Port Colborne beyond the downtown core.
- Help existing businesses in Port Colborne expand and hire more people.
- Enhance the experience on the waterfront (beaches, restaurants).
- Be an intuitive and inventive city.
- A picturesque community that is safe and family friendly.
- A growing downtown (restaurants and cultural amenities).

Opportunities

- Create a collaboration/incubation space where start-ups and emerging businesses can grow.
- Create a marketing campaign targeting new residents and investors to come to Port Colborne. Make the case for why people from outside of the region should come. Become a residential centre.
- Enhance the visitor experience with more things to do, easier to access information, linking experiences, and animating spaces.
- Improved transportation into and out of Port Colborne as regional transportation networks improve (i.e. GO service)
- Position the City as a proactive and progressive partner to local business owners to support new ideas and business opportunities.
- Continue to develop the downtown. Offer incentives or tax breaks to encourage more businesses to rent space in vacant buildings.
- Develop the waterfront for commercial and recreational purposes.
- Develop and service land to attract new mid to large investment.
- Develop along the canal – residential and commercial.

Results

- Increased exposure and name recognition among audiences throughout southern Ontario leading to more visitors/tourists and an increased residential population.
- More businesses, sole-proprietors, and entrepreneurs that are inquiring about and investing in Port Colborne.
- A revitalized community with vibrant storefronts, and a welcoming atmosphere.
- Local businesses growing and hiring more employees.
- A diversified workforce with the skills needed by employers.
- More access to housing and a diversified housing stock.
- A growing base of retail/shopping options along with more cultural amenities.
- Increasing income levels across the community and a smaller proportion of residents considered low-income.
- New and exciting business run and operated by young entrepreneurs



4.2 Competitive Advantages and Disadvantages

Looking at competitive advantages and disadvantages is helpful in differentiating Port Colborne from its regional counterparts. The city’s competitive advantages form the basis of the unique value proposition the community offers to new residents, businesses, and potential investors. Competitive disadvantages are the factors that need to be addressed to minimize the effects of barriers, particularly when looking to attract new residents and investment.

Figure 8: Port Colborne’s Competitive Advantages and Disadvantages

Competitive Advantages	Competitive Disadvantages
<ul style="list-style-type: none"> ▪ Low cost of living with lower housing prices relative to surrounding areas ▪ A strong manufacturing base ▪ A strong base of recreational assets ▪ A historic and unique downtown core ▪ Vibrant rural and vacation communities ▪ Passionate community leaders ▪ Direct access to Lake Erie ▪ Fibre optic backbone in the city 	<ul style="list-style-type: none"> ▪ A shrinking and aging population base with lower levels of education than the region as a whole ▪ Location is considered the ‘end of the road’, with businesses having to pay a premium to bring in supplies ▪ A road/highway network that can easily get bottlenecked with limited other options to get in and out of the community ▪ No availability of post-secondary education programs within the community ▪ Lack of diversified housing and industrial land

4.3 Establishing an Economic Development Vision

A vision statement is meant to capture the goals, aspirations, values, and collective desires of a community and act as a clear guide for choosing future courses of action. An economic development vision for Port Colborne is meant to capture these attributes through the lens of economic prosperity. It encompasses the desired future state of what the city can ultimately achieve from an employment and business growth perspective. Wealth generation, entrepreneurship, innovation, and increased investment can all directly translate into increased quality of life, fuller and more meaningful employment, improved services, and community well-being.

An economic development vision statement is presented below to guide the economic development efforts of the City of Port Colborne. The vision statement is grounded in input from community stakeholders as well as the challenges and opportunities that the city faces.



Economic Development Vision Statement

The City of Port Colborne's Economic Development Advisory Committee created the following vision to guide the economy of Port Colborne into the future. It is recommended that this vision be adopted to guide the Economic Development Strategy.

The economic development vision statement is:

Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community

Guiding Principles

Port Colborne will earn the reputation outlined in the vision statement by:

- Encouraging high levels of collaboration and partnership between various levels of government and the community
- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible
- Living and promoting an explicit culture of 'customer first' service within the City of Port Colborne in order to communicate that the municipality is "open for business" and is always considering the interests of taxpayers
- Improving residential quality of life by engraining a corporate culture that emphasizes community enhancement and beautification and continuing to enhance recreational, cultural, and social opportunities as a way to create important economic spin-off opportunities
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community
- Enabling a communications plan that consistently promotes the city's merits to the target markets identified in this strategic plan
- Making a political commitment to the goals of this strategic plan and evaluating progress against performance metrics and adjusting strategy and tactics based on results



4.4 Focusing Economic Development Priorities

There are four economic development priorities for Port Colborne to focus on over the coming ten years. They are:

- Small Independent Business
- Residential Development
- Industrial Development
- Tourism & Destination Development

Each of these four directions are further explored in the table below.



Figure 9: Exploring the Potential of Port Colborne's Economic Development Strategic Directions

	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
Estimated long-term sector growth	Very Strong	Strong	Moderate	Moderate
Complement to existing local base	Strong	Strong	Strong	Strong
Potential to significantly impact local economy	Very Strong	Very Strong	Moderate	Strong
Target market(s)	Professional services, cultural/creative industries, health and wellness, 'lone-eagles' looking for quality of life, small retail	Retirees looking for lower housing costs, young families	Growing the industrial base (existing and new)	Visitors to the Niagara Region, residents from the GTA down
Current state of the sector	Port Colborne's small businesses are an undervalued but important part of the economy. New investments in the downtown core are helping to offer more compelling opportunities.	Years of no growth have changed as more momentum is building for new-housing starts. Residential communities along the rural shores of the city have done well.	Historical base of industry to build on. Still represents good concentrations of employment and business.	Some good tourism draws which gives good exposure for the community. More year-round destination development needed before city consistently draws crowds in a tough competitive environment.



	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
City's current ability to capitalize on the sector	<p>Good</p> <p>Port Colborne needs to establish a reputation as a charming, small-town community in a broader marketing campaign. Growing investment in the downtown and residential sector are also adding to the ability of the city to sustain growth over time. Costs are a positive. Major concerns with a shrinking and aging population persist though.</p>	<p>Very Good</p> <p>Lower housing costs relative to the rest of southern Ontario and favourable positioning near Lake Erie, strong recreational assets, and the U.S. border support growth in new residents. There is a strong need to create a resident attraction marketing campaign to get the word out about Port Colborne. Opportunities exist for urban core, suburban, and rural developments.</p>	<p>Moderate</p> <p>Already home to a strong industrial base of businesses, Port Colborne will be severely restricted in its ability to attract new mid to large scale developments without more serviced land. This will also limit the ability of local companies to expand their operations, prompting some to maybe relocate or delay expansion.</p>	<p>Good</p> <p>Good tourism assets to build from (beach, lake, and canal in particular) and some important tourism events that draw visitors into the community. Need to better link tourism assets together to create a Port Colborne experience and a compelling reason for the millions of visitors in the Niagara Region to come.</p>
Capitalize on these competitive advantages	<ul style="list-style-type: none"> ▪ Increasing investment in the community (downtown and residential) ▪ Quality of life and access to excellent recreation amenities (including Lake Erie) ▪ Lower cost housing and commercial rents ▪ A place with a bit of a gritty edge 	<ul style="list-style-type: none"> ▪ Lower cost housing and land ▪ Quality of life and access to excellent recreation amenities (e.g. Lake Erie) ▪ There is vacant land to build a wide variety of housing types in the rural and urban parts of the city ▪ Specific properties are well-suited to residential" (e.g. site of former hospital) 	<ul style="list-style-type: none"> ▪ Good concentration of existing industry ▪ Existing industry is well-established but also innovative and competitive 	<ul style="list-style-type: none"> ▪ Community assets especially as they pertain to heritage and culture ▪ Strong slate of events that already attract visitors ▪ Quality recreational assets ▪ Dining/Drinking options and experiences are improving ▪ Less expensive rents



	Small Independent Business	Residential Development	Industrial Development	Tourism & Destination Development
Beware of these competitive disadvantages	<ul style="list-style-type: none"> ▪ Limited availability of small offices or co-working spaces ▪ Inconsistent high-speed internet ▪ A shrinking and aging population ▪ Critical infrastructure investments needed in the downtown core ▪ Not perceived as a place for young people to start a career 	<ul style="list-style-type: none"> ▪ Little market presence to 'sell' the community as a place to live ▪ Costly to develop land because of bedrock ▪ Properties fronting the lake and the canal are owned by other entities ▪ A highway network that can easily get bottlenecked 	<ul style="list-style-type: none"> ▪ A shrinking/aging population (smaller labour force than other areas of the region) ▪ Distance from freeway and main supply chain hubs ▪ Nearly no serviced land that is easily developable is a risk to not only attraction but maintaining the presence of existing firms ▪ Zoned unserviced land is extremely expensive to get adequately serviced ▪ Little market presence to 'sell' the community as a place to invest 	<ul style="list-style-type: none"> ▪ Very few accommodations and shopping experiences ▪ Disconnected tourism assets that do not speak to an experience ▪ Properties fronting the lake and the canal are owned by other entities
Desired future situation by 2030	<ul style="list-style-type: none"> ▪ An entrepreneurial ecosystem that is admired by communities in the region ▪ A 20% increase in the number of businesses in the city ▪ A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere ▪ An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs 	<ul style="list-style-type: none"> ▪ A resident population of 25,000 to 30,000 people ▪ Clear statistical signs of a younger demographic living in the community ▪ Recognition as one of Ontario's best small cities to live 	<ul style="list-style-type: none"> ▪ An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs ▪ Successful marketing campaign highlighting why investors should look to Port Colborne ▪ Three new industrial investments in Port Colborne leading to a minimum of 2,000 new jobs 	<ul style="list-style-type: none"> ▪ A revitalized downtown contributing to the dining, arts, culture, and shopping atmosphere ▪ Increased number of visitors and visitor spending by a minimum of 25% ▪ Recognition as one of Niagara's most compelling tourism destinations

A Movement towards "Tourism Experiences"

The tourism industry has undergone a shift in the past number of years towards "experiential tourism". Experiential tourism prioritizes creating tourism experiences for visitors at a destination rather than simply presenting tourism assets to visitors to make their own experience. Tourism assets such as a waterfall, museum, or boardwalk need to come alive, providing a once in a lifetime experience where people create memories through direct hands on participation. Visitors are looking for opportunities that engage them in memorable and authentic cultural experiences that are personal, engage the senses and make connections on an emotional, spiritual and intellectual level.



Some of the key elements of experiential tourism are:

- **Hands-On Activities** – a participatory experience that provides new knowledge and authentic experiences
- **Local Authentic Community Experts** – engaging with local community members to share in their expertise of their home and history. Visitors want to engage with their destination through the knowledgeable lens of a local guide that can deepen their interaction with the place they are visiting.
- **All Five Senses** – engage all five senses of smell, sight, touch, sound and taste to ingrain the experience with visitors so they will remember it as unique and immediately identifiable with the destination
- **Highlighting Uniqueness** – each destination offers an incredible diversity of experiences and history. Make sure that experiences for visitors are framed around what makes the destination unique (i.e. local nature, culture, history, cuisine)
- **A Personal, Unique, and Intimate Experience for Each Visitor** – match visitor interests and provide a sense of personal accomplishment that creates a unique memory for each visitor

Target Market Segments

Market segment profiles for four target markets are included in this section. These target market segments are recommended to be the focus for resident attraction and retention initiatives in Port Colborne. It is important to note that while the first point of contact a person may have in Port Colborne is as a tourist, each tourist falls into one of the following four categories when they make their decision to move somewhere. Therefore, the goal of any resident attraction is not necessarily to attract more tourists (because that is the goal of other organizations), but rather to turn these four target markets into residents of Port Colborne.

The four target market segments are:

- Nomadic entrepreneurs and flex workers
- Recent retirees
- Local entrepreneurs and independent businesses
- Skilled trades & professionals



Persona / Target Market	Description – Who are they	Rationale – Why are they a Target	How to reach them
Nomadic Entrepreneurs and Flex Workers	<ul style="list-style-type: none"> ■ Part-time property owners that wish to lengthen their stay in Port Colborne and have flexibility to work remotely ■ Are typically middle to senior management with a high degree of autonomy ■ Includes new Canadians/immigrants and the opportunity for them to attract more people from the same culture to the area ■ Independent professionals or small business owners whose location is not driven by their customers' location 	<ul style="list-style-type: none"> ■ Opportunities to transition to more permanent residents due to local awareness and considerations for future retirement ■ The nature of work is changing and the skills and infrastructure needed to support this shift are also changing. The traditional form of inward investment is declining in favour of small and medium-sized enterprises and entrepreneurs. 	<ul style="list-style-type: none"> ■ Inbound social media marketing campaign ■ Word of mouth ■ Specialty news publications focused on the sector ■ Trade shows, conferences, and association meetings
Key Messaging	<ul style="list-style-type: none"> ■ Be an independent professional running your business from Port Colborne, close to strong regional markets and great transportation connections to the rest of the world ■ Easy access to the rest of the world through international airports in Buffalo, Hamilton and Toronto ■ Live by the lake and enjoy fantastic recreation opportunities ■ Enjoy a family-friendly small community where neighbours know each other ■ Live in a community that allows you to be free from the rush of the city with all the amenities 		



Persona / Target Market	Description – Who are they	Rationale – Why are they a Target	How to reach them
Recent Retirees	<ul style="list-style-type: none"> Retirees from the GTA looking for more value for their money Part-time property owners looking to spend more time or to potentially relocate permanently Prospective purchasers of vacation properties that value Port Colborne’s offerings and smaller city atmosphere People who are still active in their community and typically are wealthier than average 	<ul style="list-style-type: none"> Are already in Port Colborne or huge opportunities to draw them from surrounding areas based on favourable cost of living May be mentors, part-time business owners, or looking for flexible work opportunities Already invested or looking to invest for lifestyle reasons 	<ul style="list-style-type: none"> Inbound social media marketing campaigns National publications such as <i>Zoomer</i> and <i>50Plus</i> Urban centre newspapers and publications in Toronto and Hamilton Distribution lists and websites (i.e. community alumni, tourism sites, rating sites like Trip Advisor)
Key Messaging	<ul style="list-style-type: none"> Feel welcome as a newcomer and explore all the ways to be involved in community life Live in a beautiful home and experience a high quality of life at a reasonable cost Live by the lake and enjoy fantastic recreation opportunities Enjoy a family-friendly small community where neighbours know each other 		

Persona / Target Market	Description – Who are they	Rationale – Why are they a Target	How to reach them
Local Entrepreneurs and Independent Businesses	<ul style="list-style-type: none"> Young people raised in Port Colborne that are part of the school system and that often leave for post-secondary education Young people who regularly migrate to and from the area for family and community connection 	<ul style="list-style-type: none"> This group can bring new business offerings, and new perspective as they gain experiences outside of the area and abroad Home grown entrepreneurs have greater flexibility where they work due to the internet age Through career and family development phases of life, there is a natural propensity for young people to return to where they grew up due to family and community connections 	<ul style="list-style-type: none"> Word of mouth Inbound social media marketing campaigns Universities and colleges Local business community (real estate, attractions, accommodations) Social media campaigns using interactive media, networking, email, and website postings
Key Messaging	<ul style="list-style-type: none"> Live close to family and friends while running your business from a community that supports its local businesses and where a variety of commercial spaces are available in a growing downtown core Live in a community that allows you to be free from the rush of the big city with all the amenities Live by the lake and enjoy fantastic recreation opportunities 		



Persona / Target Market	Description – Who are they	Rationale – Why are they a Target	How to reach them
Skilled Trades & Professionals	<ul style="list-style-type: none"> ■ People to support existing and growing sectors including manufacturing, construction/home building, tourism/hospitality, arts & creative industries, and business & professional services ■ Recent graduates and families typically early in their career who are open to relocation and can be found at nearby post- secondary institutions ■ Includes new Canadians/immigrants and the opportunity for them to attract more people from the same culture to the area 	<ul style="list-style-type: none"> ■ Skilled trades and professionals matching labour demand and are critical to business sustainability ■ Often have spouses and families that sustain local services ■ Spouses/partners contribute to the available skill sets ■ People attraction efforts guided by and coordinated with business attraction and retention efforts 	<ul style="list-style-type: none"> ■ Universities/colleges ■ Inbound social media marketing campaigns using interactive media, networking, email, and website postings ■ Urban centre publications in Toronto, Hamilton, and St. Catharines ■ Sector news publications
Key Messaging	<ul style="list-style-type: none"> ■ Live in a city that has a strong base of professional and industrial businesses that are looking to hire skilled and experienced talent ■ Enjoy a family-friendly small community where neighbours know each other ■ Purchase or rent high quality property at a reasonable cost to run your dream business ■ Live in a community that allows you to be free from the rush of the big city with all the amenities 		

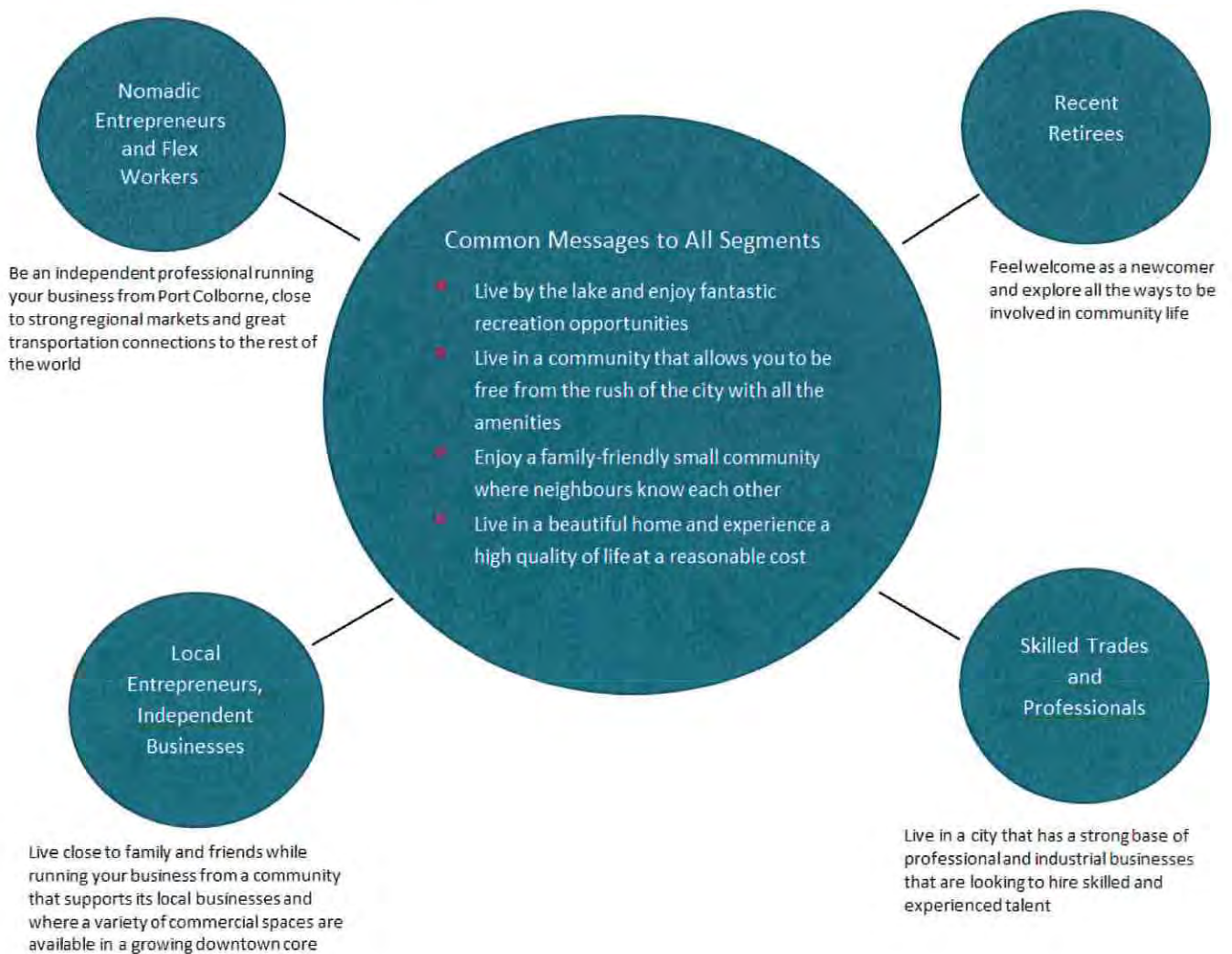


Overlapping Marketing Messages

While four target market segments have been identified above, there are a number of overlapping marketing messages that apply to all segments. With this in mind, it is important to recognize that the City does not need to run multiple resident attraction campaigns, but rather can target each of the four segments using the same campaign. These overlapping messages largely focus on the quality of life advantages to living and working in Port Colborne. More specific messaging for each segment can be added to a campaign based on the additional messaging needed.

An overview of the overlapping messaging is provided below in Figure 10.

Figure 10: Overlapping Marketing Messages



Action and Implementation Planning





5. Action and Implementation Planning

5.1 Interpreting the Action Plans

The following section provides a series of action plans which directly support the economic development priorities described above. These actions plans should be interpreted in the following context.

Timing and Priority

In the actions tables to follow, the level of priority has been based on several criteria including:

- The level of immediacy based on the City of Port Colborne's economic development objectives
- The potential to contribute to the overall economic vitality and sustainability of Port Colborne
- The resources required (i.e. the capacity to implement given the current state)
- Logical sequence of actions

The priority level assigned to each action item also corresponds to a specific timeframe. The time frame for each priority level may be operationalized as:

- Short (S) – 1 to 3 years
- Medium (M) – 3 to 6 years
- Long (L) – 6 to 10 years
- Continuous (C) – ongoing throughout the life span of the Strategy



5.2 Action Plans

Goal: Nurture Port Colborne’s Entrepreneurial Ecosystem

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
1.1	<p>Prioritize a ‘Customer First’ service experience.</p> <ul style="list-style-type: none"> Engage in regular formal and informal communications with businesses to showcase Council support for business development and the importance of having a healthy business culture in Port Colborne. Establish a high standard for customer service and build those into the municipal brand and identity. This includes establishing customer service standards and expectations for review of development applications. 					<p>Lead Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce</p>



Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
1.2	<p>Review development application policies and procedures.</p> <ul style="list-style-type: none"> ▪ Create a review team of Senior Administration and representatives from the local development community to brainstorm improvements to the commercial, industrial, and multiple-unit residential development review process. ▪ Prepare process flowcharts or checklists to expedite customer understanding (e.g. development approvals flowchart, list of important contact people, etc.). ▪ Create expedited service channels and processes to serve urgent/priority cases (e.g. Hamilton green folder system, Ajax “Priority Path”). ▪ Create a pre-application review process that incorporates preliminary review and feedback from all City departments who would ordinarily comment on a development application. ▪ Promote the enhanced development review process including sharing metrics used to track change over time. ▪ Acquire Customer Relationship Management (CRM) software to manage interactivity with existing and prospective businesses ▪ Be the first in Niagara Region to brand a “Business First” service as a competitive differentiator 					<p>Lead Downtown Port Colborne BIA, Port Colborne- Wainfleet Chamber of Commerce, Regional Municipality of Niagara</p>
1.3	<p>Conduct ongoing business BR+E surveys to hear from the business community what barriers to growth need to be removed and what opportunities exist for individual businesses (among other questions).⁷</p>					<p>Lead Downtown Port Colborne BIA, Port Colborne- Wainfleet Chamber of Commerce</p>

⁷ During the research for this Strategy, a statistically random business survey identified issues of importance to businesses that, if improved, will do the most to increase satisfaction rates. Conducting such a survey annually will allow the City to identify “green flag” issues that represent opportunities to help businesses



Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
1.4	Investigate the feasibility for the creation of a business space to support young start-up companies/entrepreneurs or home-based businesses that are looking to expand. Key considerations include central location with ample parking, internet access, access to printing and photocopying, and providing access to business mentoring services.					Partner Innovate Niagara, Niagara Falls Small Business Enterprise Centre, Brock University BioLinc, VALE
1.5	Encourage activities that bring youth together from across Port Colborne and the region to network and discuss issues they see. Spin-off working groups around entrepreneurship and mentoring as well as networking events could build on the relationships developed during the forum. Create an annual Youth Social Forum and, throughout the year, engage with NEXTNiagara to bring their events to the city.					Partner NEXTNiagara, District School Board of Niagara, Brock University, Niagara College, Regional Municipality of Niagara
1.6	Engage local schools, business leaders, and youth support agencies to develop and promote a youth entrepreneurship program as a way to foster the growth of an entrepreneurial culture in the city. ⁸					Partner District School Board of Niagara

expand or grow and “red flag” issues by helping to solve existing problems that threaten local employment and assessment revenues or. The survey could also be expanded to address concerns that may be current at the time (e.g. workforce, supply chain, transportation).

⁸ A partnership with an organization such as Startup Canada, whose mantra is “We are entrepreneurs on a mission to build an environment for entrepreneurial momentum and success in Canada” can bring many ideas to the community. Their emphasis is on creating an entrepreneurial ecosystem that is driven by entrepreneurs rather than government – something that is important in Port Colborne and other places with few resources to invest.



Goal: Invest in Quality of Place Infrastructure

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
2.1	<p>Enhancements to Lobby to expand the fibre optic network.</p> <ul style="list-style-type: none"> The Internet backbone is good in Port Colborne, but an environmental scan is worthwhile to ensure that all areas of the city are serviced properly and that costs of connection and service are kept as low as possible. 					<p>Lead Regional Municipality of Niagara, Port Colborne-Wainfleet Chamber of Commerce</p>
2.2	<p>Boost efforts to improve curb appeal and property standards along major thoroughfares and in the downtown core.</p> <ul style="list-style-type: none"> Update the Downtown Central Business District Community Improvement Plan from 2010. Identify critical infrastructure investments for businesses and beautification initiatives and create an investment plan (e.g. sewer upgrades and streetscape improvements). Consider the development of a cultural district or artists row to create more focus in the downtown core. Refresh entry signage to Port Colborne along with signage for key destinations within the city. 					<p>Lead Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce</p>



Goal: Refresh Port Colborne’s Image as an Attractive Place for People to Invest, Live, and Visit

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
3.1	<p>Utilizing the personas/market segments prepared in this strategy, develop a marketing and promotions campaign targeted at attracting new residents and businesses to Port Colborne. This campaign should outline the quality of life and business advantages of living and working in Port Colborne, share success stories from businesses that have relocated to the area, and clearly list the contact people within the municipality to reach out to for more information.</p> <ul style="list-style-type: none"> Identify target market profiles and key messaging and create a targeted social media campaign for outreach in the region and beyond. Consider a separate web portal for promotions – separate it from the ‘hard’ news that the municipality must communicate to its tax payers (e.g. fire bans, changes to landfill hours, construction updates). Create a database of nomadic entrepreneurs based in the GTA and Niagara Region that have the potential to be attracted to Port Colborne (e.g. marketing, graphic design, e-commerce, tech, and potential satellite office space for professional service firms). Develop relationships with these businesses and include them in periodic information updates on the advantages of living and working in the city. Gather testimonials from local entrepreneurs and businesses to identify the regional and community specific elements that make doing business in Port Colborne attractive. 					<p>Lead</p> <p>Regional Municipality of Niagara, NEXTNiagara, Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce, Niagara's South Coast Tourism Association, Niagara Association of Realtors, Greater Niagara Chamber of Commerce</p>
3.2	<p>Review and update, on a regular basis, the municipal by-laws and policies as they pertain to home occupations and businesses. Make them appealing to home-based entrepreneurs.</p>					<p>Lead</p> <p>Port Colborne-Wainfleet Chamber of Commerce, Greater Niagara Chamber of Commerce</p>



Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
3.3	Complete a retail gap analysis. <ul style="list-style-type: none"> ▪ Determine market potential/recruitment targets for commercial districts. ▪ Improve understanding of the retail trade area for existing businesses. ▪ Improve the understanding of gaps in the provision of goods and services to allow for new or expanding business opportunities. 					Lead Port Colborne-Wainfleet Chamber of Commerce, Greater Niagara Chamber of Commerce, Niagara Association of Realtors
3.4	Organize 'reverse trade shows' in areas where the City wants to attract businesses. These invitation-only events would include a reception, video presentation, and personalized packages for attendees to share the key selling features of Port Colborne as a place to own/operate a business.					Partner Port Colborne-Wainfleet Chamber of Commerce, Greater Niagara Chamber of Commerce, Niagara Association of Realtors
3.5	Identify future residential nodes and zone them accordingly. <ul style="list-style-type: none"> ▪ Encourage more medium-high density mixed use commercial and residential developments through the planning process. ▪ Consider policies on allowing tiny homes in the city as more people are interested in them as an affordable option. 					Lead Niagara Association of Realtors, Regional Municipality of Niagara, Niagara Construction Association
3.6	Create a seasonal 'community tours' program to showcase the quality of life assets of Port Colborne for those considering living in the municipality.					Partner Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce, Niagara's South Coast Tourism Association



Goal: Grow the Profile of the Tourism Sector

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
4.1	<p>Create a Tourism and Marketing Strategic Plan that will support the creation of tourism and marketing initiatives in the municipality. The Plan should include a vision for the sector and a five to 10-year capital plan with matching funding to encourage necessary investments and upgrades in the tourism sector.</p> <ul style="list-style-type: none"> Examples of these types of investments include trails, signage, aesthetic improvements, events and festivals, recreation and picnic areas, and facility expansions. 					<p>Lead Niagara's South Coast Tourism Association, Downtown Port Colborne BIA, Regional Municipality of Niagara</p>
4.2	<p>Work with neighbouring municipalities to cross-promote complementary themes and tourist operators and help to broker partnerships between operators.</p>					<p>Partner City of Welland, Town of Fort Erie, City of Niagara Falls, Regional Municipality of Niagara, Niagara's South Coast Tourism Association</p>
4.3	<p>Consider the use of incentives (e.g. free advertising, marketing etc.) to encourage product development or experience enhancement for existing tourism operations/activities.</p>					<p>Lead</p>
4.4	<p>Establish an ongoing tourism visitor survey in the municipality. Build buy-in from tourism operators to distribute the survey upon the completion of stays. The City can be a champion for database management and competitive intelligence sharing for all businesses to use.</p> <ul style="list-style-type: none"> This information will assist in determining what may encourage people to stay or extend their stay in the area. 					<p>Partner City of Welland, Town of Fort Erie, City of Niagara Falls, Regional Municipality of Niagara, Niagara's South Coast Tourism Association</p>
4.5	<p>Link fragmented tourism assets throughout the municipality (e.g. Nickel Beach, Roselawn Centre, etc.). Offering guided tour services or creating trails or cycling routes connecting them all offer interesting opportunities to do this.</p>					<p>Lead Regional Municipality of Niagara, Niagara's South Coast Tourism Association, Niagara Sport Commission</p>



Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
4.6	Host experiential events in shoulder seasons to draw more visitors to the community.					Lead Niagara's South Coast Tourism Association
4.7	Explore the feasibility of attracting new and innovative ecotourism experiences to the area, combining the strong outdoor beauty of the area with a desire by many visitors for conservation and environmental sustainability.					Lead Niagara's South Coast Tourism Association, Regional Municipality of Niagara



Goal: Build on the Current Industrial Base

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
5.1	Explore the feasibility and political interest in developing a new joint industrial park with Fort Erie or Welland. Use examples provided in Appendix B of this strategy to develop a rationale for this innovative initiative.					Partner City of Welland, Town of Fort Erie, City of Niagara Falls, Regional Municipality of Niagara, Niagara Industrial Association, Niagara Association of Realtors
5.2	Reposition information on the City’s website to speak directly to information requirements that site selectors look for including information on business retention, labour force, and broader marketing and promotions information.					Lead Regional Municipality of Niagara, Niagara Industrial Association
5.3	Develop lead generation network connections including key influencers in industrial and commercial real estate involved in site selection in southern Ontario.					Lead Regional Municipality of Niagara, Niagara Industrial Association, Niagara Association of Realtors, Economic Developers Council of Ontario, Economic Developers Association of Canada
5.4	Work with regional post-secondary institutions to explore the feasibility of opening a satellite campus or operation in Port Colborne building on its assets (e.g. water quality testing, Great Lakes testing, shipping and receiving, etc.).					Partner Brock University, Niagara College



5.3 Performance Measurement

Performance measurement is “the process of collecting, assessing and reporting on data in order to evaluate progress towards a desired outcome or objective.”⁹ By carefully tracking and reporting on the performance of their programs, economic development practitioners are able to improve the effectiveness and efficiency of their work while also creating an accountable, transparent, and consistent structure of reporting for political decision-makers and the public to access information on how public resources are being used.

Performance measurement serves a number of other important functions for economic development practitioners, including:

- Informing the design, scope, and purpose of economic development programs
- Creating statistical benchmarks that can be built on over time to illustrate trends and support evidence-based decision-making
- Aiding in decision-making for organizational resource management and budget allocations
- Demonstrating and documenting success (or failure) and change over time

While performance measurement is widely recognized as an important part of any economic development practitioner’s work, a number of challenges persist that can make performance measurement a difficult undertaking. These challenges include trying to measure elements that are less tangible (i.e. qualitative measures require more judgement and can be easily challenged), issues in attributing credit to specific organizations based on broad economy wide outcomes, and a recognition that performance measurement can be a burdensome and costly process for which few resources are allocated. In addition, there are some that see performance measurement as an exercise that yields little helpful information and that fails to accurately capture difficult to understand economic outcomes.

There is no simplistic one-size-fits-all answer in creating successful performance measurement systems. Each economic development practitioner must consider what measures are most useful for their unique situation and build from their base. Regardless of their focus and the challenges that need to be overcome, economic development practitioners must create rigorous and meaningful justification of their work in order to adhere to the strong call by stakeholders and the public to be accountable and effective in creating programming that produces incremental and measurable results for the community.

Moving Beyond “Activities”

The most commonly reported element of a performance measurement system is to report on “activities”. Activities represent the physical, tangible actions taken by an economic development practitioner to achieve a specific goal or objective. Examples of commonly reported activities by economic development practitioners include the number of workshops or meetings hosted or attended,

⁹ As defined by the Ontario Ministry of Agriculture, Food and Rural Affairs



the number of marketing materials created, the creation of a training or mentorship program, and the development of a strategic or economic plan.

While activities are an important part of any performance measurement system, the best and most effective systems focus on measuring the “outputs” and “outcomes” of economic development work. By focusing beyond activities, economic development practitioners are better able to measure the effectiveness and efficiency of their actions, quantifying the results of an activity and helping reveal the relationship between economic development programming and performance and resource allocation.

The most important elements for economic development performance measurement systems to report on are:

- **Inputs** – the resources needed for an economic development plan or program to work. Examples include human, financial, organizational, and community resources.
- **Activities** – the physical actions taken that ultimately support the goals and objectives of an economic development plan or program. Examples include reporting on the number of events hosted, the creation of marketing material, and the number of meetings attended.
- **Outputs** – the measures that help define and quantify the results of an activity. Examples include reporting on the number of people who received training, the number of hits to a website, the number of brochures distributed, or the number of participants at events. Outputs should not be used in isolation to measure the performance of an activity.
- **Outcomes** – the specific changes in behaviours, knowledge, skills, status, level of understanding, and functioning associated with activities and outputs. Outcomes help illustrate the relationship between overall performance and the resources used to achieve the particular outcome. Outcomes are often classified as short, intermediate, and long-term.

A focus on inputs, activities, outputs, and outcomes help economic development practitioners ensure that their actions contribute to their overall objectives and goals, and that they reach those goals in a responsible and resource appropriate manner.

Additional considerations when creating or implementing a successful performance measurement system which can aid in the process include:¹⁰

- **Select a handful of measures rather than measuring everything** – outcomes should be the main focus of the performance measurement system, and it is important to balance the desire for information about performance with an organization’s ability to collect and use it. Too many performance measures increase the cost and complexity of measuring performance, often to the point where the entire process can become paralyzed. It is important to brainstorm a large list of performance measures and to select a critical few for ongoing collection and analysis.
- **Reflect the goals of the organization through the measures selected** – metrics should come directly from the goals of an already established plan. All measures must be clearly defined.

¹⁰ EDAC “Performance Measurement in Economic Development”, September 2011, pg.28-29 and Andrew Young School of Policy Studies at Georgia State University “Performance Measurement in State Economic Development Agencies”, 2004 from EDAC “Performance Measurement in Economic Development”, September 2011, pg. 2



- **Include a few measures to show activity and outputs** – even though the end goal is to focus on measuring outcome, activity and output are useful measures to track what an economic development office is doing and how busy they are (which can be helpful when trying to get budget approval for more resources).
- **Identify a data source for all metrics** – some measures are easier to collect from internal sources. Others take more time and rely on external sources. Some measures may make sense to track on a monthly basis, whereas others will only be meaningful on a quarterly, semi-annual or even annual basis.
- **Survey your clients** – some measures require client feedback and will involve the development of data collection tools.
- **Claim only what your organization played a role in** – only report on outcomes in which your organization can honestly claim credit for. This is difficult when assessing broad outcomes that may have been contributed to by a number of other organizations.
- **Report outcomes over time** – it takes time for economic development projects to take hold, so showing their impacts over time can help show that expenditures in economic development are good long-term investments in the community. All measures should be revisited following a period of time (for at least six months) to determine their usefulness and value.

An important next step is for Port Colborne staff to identify specific performance measures that will track its success. These will be reviewed and approved by both the Advisory Committee and Council.

The charts below outline examples of performance measures under the following classifications:

- **Activities** – the physical actions taken that ultimately support the goals and objectives of the economic development plan or program.
- **Outputs** – the measures that help define and quantify the results of an activity.
- **Outcomes** – the specific changes in behaviours, knowledge, skills, status, level of understanding, and functioning associated with activities and outputs.



Goal: Nurture Port Colborne’s Entrepreneurial Ecosystem

Activity	Output	Outcome
<ul style="list-style-type: none"> ▪ Regular formal and informal communications with businesses ▪ Creation of a Municipal ‘Customer First’ brand identity ▪ Review of development application policies and procedures ▪ Preparation of process flowcharts or checklists ▪ Creation of expedited service channels and processes ▪ Ongoing business BR+E surveys ▪ Creation of an annual Youth Social Forum 	<ul style="list-style-type: none"> ▪ Growth in number of business start-ups ▪ Growth in number of business establishments and business licences ▪ Jobs created due to new businesses and start-ups, business relocation and existing businesses expanding ▪ # of business retention and/or expansion success stories ▪ % change in business composition/diversification ▪ Number of businesses accessing municipal incentive systems ▪ Business participation in school and civic events ▪ # of businesses visited/surveyed/engaged ▪ # of mentoring sessions held and # of mentorship relationships formed 	<ul style="list-style-type: none"> ▪ An entrepreneurial ecosystem that is admired by business owners and communities in the region ▪ An increase in the number of businesses in the city ▪ A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere ▪ An overall ‘very satisfied’ rating when asked about satisfaction working with the City on business needs ▪ A decrease in the unemployment rate in Port Colborne

Goal: Invest in Quality of Place Infrastructure

Activity	Output	Outcome
<ul style="list-style-type: none"> ▪ Conduct an environmental scan on the internet bandwidth ▪ Update the Downtown Central Business District Community Improvement Plan ▪ Identify critical infrastructure investments for businesses and beautification initiatives and create an investment plan 	<ul style="list-style-type: none"> ▪ Improved curb appeal and property standards throughout Port Colborne ▪ Upgrades to infrastructure important in the attraction and retention of business ▪ Number of businesses accessing municipal incentive systems ▪ Growth in number of business establishments, especially in the downtown core 	<ul style="list-style-type: none"> ▪ A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere ▪ An increase in the number of businesses in the city ▪ High satisfaction levels of business in owning/operating in Port Colborne



Goal: Refresh Port Colborne’s Image as an Attractive Place for People to Invest, Live, and Visit

Activity	Output	Outcome
<ul style="list-style-type: none"> ▪ Development of a marketing and promotions campaign targeted at attracting new residents and businesses ▪ Creation of a separate web portal for promotions ▪ Gather testimonials from local entrepreneurs and businesses ▪ Completion of a retail gap analysis ▪ Organization of ‘reverse trade shows’ and seasonal ‘community tours’ 	<ul style="list-style-type: none"> ▪ Successful marketing campaign highlighting why potential residents and investors should look to Port Colborne ▪ Growth in the number of inquiries received about relocating to Port Colborne ▪ Growth in the number of business establishments 	<ul style="list-style-type: none"> ▪ A resident population of 25,000 (approximately 3% compounded growth per year) ▪ Recognition as one of Ontario’s best small cities to live ▪ Increases in average income across Port Colborne ▪ Increases in the percentage of knowledge workers in Port Colborne’s economy ▪ Statistical signs of a younger demographic living in the community

Goal: Grow the Profile of the Tourism Sector

Activity	Output	Outcome
<ul style="list-style-type: none"> ▪ Development of marketing and/or promotional products ▪ Cross-promotion initiatives with neighbouring municipalities ▪ Establishment of a visitor satisfaction survey ▪ Creation of a Tourism and Marketing Strategic Plan ▪ Collection of tourism business feedback through a BR&E survey 	<ul style="list-style-type: none"> ▪ Growth in the number of tourism businesses ▪ Growth in the number of new tourism experiences developed and marketed ▪ Continuously improving visitor satisfaction levels ▪ Growth in the number of new festivals and events ▪ # of collaborative relationships created ▪ Continuously improving web site metrics for tourism related pages (i.e. unique visitors, click-rate, time spent on the site, # of downloads of visitor guide book) 	<ul style="list-style-type: none"> ▪ A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere ▪ Increased number of visitors, length of stay, and visitor spending ▪ Recognition as one of Niagara’s most compelling tourism destinations



Goal: Build on the Current Industrial Base

Activity	Output	Outcome
<ul style="list-style-type: none"> ▪ Connect with neighbouring municipalities to discuss developing a joint industrial park ▪ Develop lead generation network connections ▪ Reposition information on the City's website to address site selector interests ▪ Connect with regional post-secondary institutions to explore the feasibility of opening a satellite campus 	<ul style="list-style-type: none"> ▪ Successful marketing campaign highlighting why investors should look to Port Colborne ▪ Development of a new industrial park/serviced parcels of land ▪ Growth in the number of inquiries received about investing in Port Colborne ▪ Expanded lead generation contact list ▪ Number of site visits 	<ul style="list-style-type: none"> ▪ Attraction of new industrial investments leading to new job creation ▪ An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs ▪ A decrease in the unemployment rate in Port Colborne

5.4 Committee Structures and Next Steps

No major changes are recommended after reviewing the Terms of Reference for Port Colborne's Economic Development Advisory Committee (EDAC). With a clear mandate to provide local perspective, guidance and expert strategic advisement in the delivery of economic development services in the City of Port Colborne and a good representation of Committee members from a cross-section of economic development stakeholders in the city, the EDAC is already organized around a number of leading practices for committees of its type throughout Canada.

In implementing the Economic Development Strategic Plan, it is recommended that the EDAC play a significant role. This role should centre on the establishment and tracking of milestones for implementation, driving the fulfilment of action items, and tracking success and performance over time for the City. These roles should be accomplished in close collaboration with the City's Economic Development Division. To assist with monitoring the delivery of the Economic Development Strategy, we recommend that a Management Group be established including one City staff member, one member of City Council, and 3 EDAC members.

As for the Tourism and Marketing Advisory Committee, it is recommended that the City disband it in favour of the creation of a working group to support specific major activities that emanate from the action plan. There could be multiple depending on the resources that the City puts behind the action plan. Such a group(s) would be more implementation oriented, have a defined expiry date, and would contain interested members of EDAC as well as other members of the public or specific organizations who are partners in the initiative or add value to its completion. In this system, the City will avoid having standing committees that sap staff time and the focus will be on the achieving specific results.

Appendix





Appendix A – Telephone Survey of Port Colborne’s Businesses

A random sample of 100 businesses from Port Colborne’s business directory participated in a statistically valid telephone survey to generate insight into satisfaction with Port Colborne as a place to own and operate a business as well as the identification of areas of opportunity and challenge.

Due to the fact that the survey was a random sample, it can be extrapolated to the broader community to a margin of +/- 9.37%, 19 times out of 20.

Business industries that participated in the telephone survey

Industry by NAICS Code	# of Respondents
44-45 Retail trade	27
72 Accommodation and food services	19
81 Other services (except public administration) ¹¹	18
31-33 Manufacturing	9
48-49 Transportation and warehousing	7
41 Wholesale trade	4
54 Professional, scientific and technical services	4
52 Finance and insurance	3
62 Health care and social assistance	3
51 Information and cultural industries	1
56 Administrative and support, waste management and remediation services	1
71 Arts, entertainment and recreation	1

Q1 Overall how satisfied are you with Port Colborne as a place to open and operate a business?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Very Satisfied	48	48.0	48.0	48.0
2 Somewhat Satisfied	43	43.0	43.0	91.0
3 Somewhat Dissatisfied	8	8.0	8.0	99.0
4 Very Dissatisfied	1	1.0	1.0	100.0
Total	100	100.0	100.0	

¹¹ This sector comprises establishments, not classified to any other sector, primarily engaged in repairing, or performing general or routine maintenance, on motor vehicles, machinery, equipment and other products to ensure that they work efficiently; providing personal care services, funeral services, laundry services and other services to individuals, such as pet care services and photo finishing services; organizing and promoting religious activities; supporting various causes through grant-making, advocating (promoting) various social and political causes, and promoting and defending the interests of their members. Private households are also included.



Q2 How satisfied are you with each of the following factors of doing business in Port Colborne

	Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	Unsure
Development Charges	26%	18%	7%	12%	37%
Municipal property taxes	21%	30%	12%	31%	6%
Development/building permit process	17%	24%	8%	12%	39%
Zoning	28%	27%	8%	5%	32%
Availability and quality of the workforce	24%	39%	20%	12%	5%
Availability of serviced land	31%	18%	6%	7%	38%
Land costs	28%	23%	6%	15%	28%
Availability of space for rent or lease	27%	30%	6%	6%	31%
Energy costs	20%	24%	20%	27%	9%
Revitalization of the downtown area	48%	36%	8%	4%	4%
Quality of business parks and industrial areas	35%	30%	13%	4%	18%
Festivals and events	62%	30%	4%	3%	1%
Retail shops an shopping experience	32%	36%	12%	19%	1%
Diversity of age groups	39%	34%	15%	7%	5%
Availability of adequate housing	32%	35%	10%	8%	15%
Internet Service	62%	26%	5%	5%	2%
Overall quality of life	60%	32%	3%	3%	2%
Support from local residents	55%	32%	8%	2%	3%

Derived Importance Calculation

Derived importance is a measure of the relative importance of each category in relation to the question "Overall how satisfied are you with Port Colborne as a place to open and operate a business?" The correlation for each category has been converted to a 10-point scale, with '10' representing the category that had the highest impact in respondents being satisfied with doing business in Port Colborne. All numbers are in relation to each other and give a sense of the relative comparison between categories and their impact on the satisfaction of businesses.

Areas of priority concern for businesses in Port Colborne (based on the calculation between their identification of the relative importance of factors and their dissatisfaction with factors):

- Availability and quality of the workforce
- Municipal property taxes
- Diversity of age groups
- Energy costs
- Availability of adequate housing



Derived Importance of Businesses across a Variety of Categories

Category	Derived Importance ^φ	Room for Improvement (Proportion answering 'somewhat dissatisfied' or 'very dissatisfied')	Priority Ranking (Derived Importance x Room for Improvement)
Municipal property taxes	7.2	43%	3.11
Energy costs	6.0	47%	2.80
Availability and quality of the workforce	8.5	32%	2.72
Retail shops and shopping experience	5.6	31%	1.73
Diversity of age groups	7.8	22%	1.71
Availability of adequate housing	7.4	18%	1.33
Land costs	6.1	21%	1.29
Development Charges	6.5	19%	1.24
Quality of business parks and industrial areas	6.9	17%	1.17
Development/building permit process	5.6	20%	1.12
Revitalization of the downtown area	7.4	12%	0.89
Availability of space for rent or lease	6.9	12%	0.82
Zoning	6.3	13%	0.82
Availability of serviced land	5.4	13%	0.70
Support from local residents	6.1	10%	0.61
Internet Service	6.1	10%	0.61
Festivals and events	8.7	7%	0.61
Overall quality of life	7.0	6%	0.42

^φ **Derived importance** is a measure of the relative importance of each category in relation to the question "Overall how satisfied are you with Port Colborne as a place to open and operate a business?" The correlation for each category has been converted to a ten-point scale, with '10' representing the category that had the highest impact in respondents being satisfied with doing business in Port Colborne. All numbers are in relation to each other and give a sense of the relative comparison between categories and their impact on the satisfaction of businesses.

Q4 Over the past three years have your revenues at your businesses...

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Increased	42	42.0	42.0	42.0
2 Decreased	8	8.0	8.0	50.0
3 Remained The Same	36	36.0	36.0	86.0
4 Varied By Year	12	12.0	12.0	98.0
9 Not Sure	2	2.0	2.0	100.0
Total	100	100.0	100.0	



Q4_1 What are your expectations for this year's total revenues compared to last year?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Higher	55	55.0	55.0	55.0
	2 Lower	7	7.0	7.0	62.0
	3 The Same	34	34.0	34.0	96.0
	9 Not Sure	4	4.0	4.0	100.0
	Total	100	100.0	100.0	

Q5 Within the next three years, which of the following are you planning for your business?

	Yes	No
Expand	25%	75%
Relocate outside the municipality	3%	87%
Downsize	3%	97%
Close	1%	99%
Sell	4%	96%
Stay the same	25%	75%

Q5A1 Are you currently experiencing difficulties with your expansion plans?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes	4	4.0	16.0	16.0
	2 No	21	21.0	84.0	100.0
	Total	25	25.0	100.0	
Missing	System	75	75.0		
Total		100	100.0		

Q5A2 Are there any reasons why the community may not be considered for future expansion?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes, please specify reasons:	6	6.0	24.0	24.0
	2 No	19	19.0	76.0	100.0
	Total	25	25.0	100.0	
Missing	System	75	75.0		
Total		100	100.0		

Reasons why the community may not be considered for future expansion plans include increasing taxes, lack of support, and an aging population and need for a younger generation in the community.



Q5B-D What is the timeframe for the following?

	Within six months	Longer than six months
Relocating		11%
Downsizing	3.5%	7%
Closure		3.5%
Selling		1%

Q6 During the past 3 years how has the number of people you employ in your business changed?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Increased	30	30.0	30.0	30.0
2 Decreased	17	17.0	17.0	47.0
3 Stayed the Same	53	53.0	53.0	100.0
Total	100	100.0	100.0	

Q7 Does your business currently have difficulties hiring?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes	41	41.0	41.0	41.0
2 No	59	59.0	59.0	100.0
Total	100	100.0	100.0	

Q7AM1-4 Which of the following is giving you difficulty in the job hiring process?

Too Few applicants	25%
Lack of appropriate skills or training	42.5%
Lack of relevant experience	25%
Other	7.5%

Q7B Are the hiring challenges specifically related to the community or industry?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Community	9	9.0	22.0	22.0
2 Industry	12	12.0	29.3	51.2
3 Both	20	20.0	48.8	100.0
Total	41	41.0	100.0	
Missing System	59	59.0		
Total	100	100.0		



Q7_1M1-3 What occupations do you have difficulty in recruiting for your business?

Other; specify	26%
General Labour	26%
Mechanist	4%
Retail/Sales/Sales Clerk	8%
Drivers	5%
Cooks	2%
Skill Technical/Skill Labour/Skill Trade	9%
Welders	2%

Q8 Does your business have difficulty retaining employees?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes	9	9.0	9.0	9.0
2 No	91	91.0	91.0	100.0
Total	100	100.0	100.0	

Q8AM1-4 What are the reasons for these difficulties in retaining employees? - MENTION 1

Wages	24%
Work Environment/Nature of Job	6%
Competition	6%
Seasonal Employment	9%
Other	3%

Q9A-G What elements are most important to you when you think about what a successful economy in Port Colborne looks like over the next 20 years?

	Important	Not Important	Unsure
Having a diverse mix of businesses across industries	92%	8%	
Attracting and developing the local workforce	94%	5%	
Being a top location for new investments	88%	12%	
Supporting entrepreneurs to start new businesses	89%	11%	
Continuing to focus on the success of the downtown	88%	11%	1%
Encouraging more residential development	90%	9%	1%
Oher	47%	2%	51%



Q9GOM1-3 You mentioned other elements as being <Q9G> to you when you think about what a successful economy in Port Colborne looks like over the next 20 years. Can you please specify the other elements?

Other; specify	30%
More industrial/industry	16%
Increase jobs	3%
Get more families	5%
More housing	3%
Lower taxes/Tax breaks	5%
Do more activities for the young/Retain the young	10%
Better maintained roads/Repave	3%
Fix city/Clean up city	3%
More stores/business	10%
More events/festivals	5%
Focus on certain geographical areas/Should focus on other areas too	7%

Q10M1-3 What are one or two top priorities that would help your business be successful that you think is important for the City to know about as it creates a new Economic Development Strategy?

Other; specify	25%
Lower taxes/Lower property taxes	4%
More business/industries	5%
More advertising/let people know	4%
More people/Increase population/families/Residential development	8%
More young people / Do things for young people	5%
Better Economy	2%
More skilled people/labour training programs (co-op)	3%
Traffic flow/Increase lanes/Less traffic interruptions	3%
Promote canal/Better access to canal	2%
Less bureaucracy building permits/Development approval cumbersome	2%
No/None/Nothing	28%
Nothing	11%



Appendix B – Site Selection Considerations

A Site Selector’s Checklist

Communities and companies share many things in common when it comes to the factors that support sustainable strategies and prosperity. Everyone is stronger when a community has modern and well-maintained utility and roadway infrastructure, healthy and safe neighbourhoods, a government that is a productive and valued partner of the business sector, and education and training resources produce a productive and up-to-date workforce.

Selecting the best location for new and expanding facilities requires corporate managers to carefully consider the attributes of candidate locations. Increasingly important is the need for decision makers to identify communities that track the changing needs of niche industrial sectors and the community adjusts offerings accordingly. A facility located in one of these communities is more likely to achieve long-term success by reducing risk from swings in technology, markets, raw materials, workforce and other forces.

The top characteristics site selector’s look for in considering a community for investment are:

Workforce

- Characteristics
 - An available workforce that includes both skilled and unskilled workers
 - Ability to attract talent to move to area
 - Available sources of new labor entrants (i.e. universities)
 - Reasonable wage rates and fringe benefits relative to competing cities
 - Work ethic
- Training Resources
 - K-12 education system – regional occupational training and college prep
 - Community Colleges – certification programs, linkages to businesses, specialized training
 - Universities – specialty programs, industry-related programs, linkages to business community, research

Real Estate

- Available Sites
 - Ready-to-go sites ranging from 1 to 100 acres in settings suitable for office, light & heavy industrial.
 - Served with all utilities, good highway access, proper zoning, compatible neighboring land uses.
 - Controls in place that will stop undesired development.
 - Located near labor force and worker amenities.



- Available Buildings
 - An inventory of industrial buildings ready to go including small industrial and commercial space, and larger industrial buildings.
 - Class A, B, C offices.
- Start up Space
 - Low or no rent space for entrepreneur start-ups
 - Support services in place to help start-up businesses

Sustainability

- Local Sustainability Action Plan
- Local energy conservation and efficiency programs
- Local recycling and reuse programs
- Green building standards
- Fast track development for new / upgrade LEED and Energy Star Buildings
- Community / residents embrace “green” culture

Sense of Community

- Well-funded cultural institutions with active programs
- Mix of high-end and discount shopping choices
- Wide range of quality recreation opportunities
- Wide range of neighborhood living alternatives
- Healthy downtown reflecting community pride

Incentives

- Incentive policy in place and clearly communicated
- Documentation of statutory incentive programs and understanding of how they apply to specific client projects
- Due diligence procedures to vet worthiness of incentive package (impact model, review company financials)

Initial Impressions from Site Selector Community Visit			
Category	Strength	Average	Weakness
1. Organization	_____	_____	_____
2. Business Retention	_____	_____	_____
3. Leadership	_____	_____	_____
4. Permitting	_____	_____	_____
5. Marketing	_____	_____	_____
6. Labor Force	_____	_____	_____
7. Workforce Training	_____	_____	_____
8. Available Sites	_____	_____	_____
9. Available Buildings	_____	_____	_____
10. Incubator Space	_____	_____	_____
11. Utilities	_____	_____	_____
12. Operating Costs	_____	_____	_____
13. One Time Costs	_____	_____	_____
14. Sustainability	_____	_____	_____
15. Living Environment	_____	_____	_____
16. Risk Management	_____	_____	_____
17. Incentives	_____	_____	_____

When a community is shortlisted as a candidate for corporate investment, a site selector will visit to gather information that will go into a comparative study of location alternatives. As the consultant project comes to an end, final recommendations are prepared that weight overall strengths and weaknesses of each location. The communities with the fewest flaws generally rise to the top.

A step in compiling the recommendations the site selector will review is comparing initial impressions from the site visit against data findings. Those impressions can mean the difference between high and low marks in the final tally.



The table above is an example of a scorecard of “gut feelings” at the end of a community visit. Competitive communities are those with economic development programs that address the factors in the checklist, ensuring they meet a high standard or efforts are in place to make needed improvements.

Investment Readiness in Port Colborne – First Impressions

Economic development branding and marketing strategies are often replicated on different platforms; versions on the same theme are found on websites, marketing collateral, advertising, proposals, qualifications and other customized documents. A community’s website is a window to the world that gives site selectors a first impression. Consequently, getting the website “right” has serious implications for overall prospects for program success.

A well run economic development program maintains a repository of up-to-date information that captures both the spectrum and depth of community attributes. When this information is available on a website, a site selector’s confidence in the community’s ability to meet project needs is immediately elevated.

First Impressions

Site selection projects typically begin with a high-level study of location alternatives. Site selectors typically first touch a community through links uncovered when investigating provincial and regional economic development websites. Local authorities generally never know when a review of this type is being conducted.

Once landed on a community’s website, a site selector scans for key elements. Any delays in loading, broken links encountered, or hard to find information will send the site selector to the next community. Key elements that should pop quickly to view include:

- Contact information (phone number, email) for an economic development representative(s)
- Investment targets and associated business case value propositions
- An inventory of industrial sites and buildings along with property information
- A data center that houses details about the economy, demographics, workforce, and other community information
- Business directory listing major employers along with number of employees and products produced

As part of this exercise, the economic development websites for Niagara Region, Port Colborne, Fort Erie, St. Catharines and Welland were scanned, first quickly as in a real site selection project, then with more care.

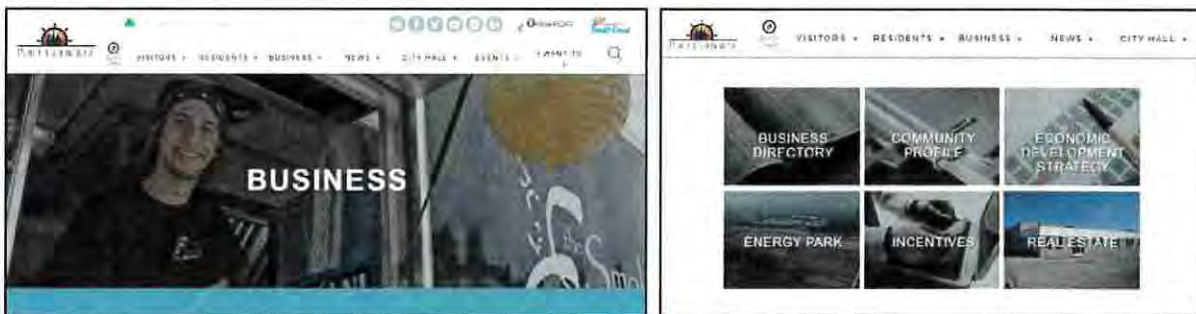
First impressions were mildly positive for Niagara, Welland, Port Colborne and St. Catharines, Fort Erie less so. All the websites lack a cohesive structure that ties together the required depth of information in a navigation format that is intuitive.



Niagara Region and Communities

The Niagara Region landing page makes an attractive case for “Why Niagara?” Locate, Work, Expedite, Start are compelling statements.

Port Colborne Website - Port Colborne’s economic development landing page leads with the picture below left. What does a 20-something in a food truck say about business opportunities in Port Colborne? Scrolling down the page, the viewer comes across the links shown below right. Isn’t this the stronger message?



The website references *Economic Development Strategy & Action Plan* and the *Competitive Analysis of Industries* studies. Impressions after a quick review of these documents are that they contain sound recommendations for growing the economy. However, there is little evidence on the Port Colborne website to suggest that any of the recommendations were implemented.

Port Colborne links to Niagara Site Finder which produces one industrial site, a 2.5 acre parcel in the Loyalist Industrial Park. The Port Colborne website lists two city owned properties, Invertose Drive - 20.7 acres, and Ramey Road - 56.5 acres not currently serviced, but not the Loyalist Park property.

The website also provides a link to Energy Park (Nylon Oil) but without a clear explanation of whether it is available for development. The website does not provide a map showing the location of available properties.

Fort Erie Website - A Google search of the term “Fort Erie economic development” yields the landing page show below left high on search results. This page offers a general statement on the community’s economic development mission but no obvious links to information that site selectors are typically seeking. A careful reading shows a barely visible link to “Bridging Opportunity – Creating Success” taking the viewer to the webpage at right. This page has several links to useful data. One link is “Site Locater/Land” as noted by the longer red arrow.



The Site Locator/Land web page again presents a general statement on available property and goes on to make statements (shown lower left) that are outwardly discouraging to site selectors.

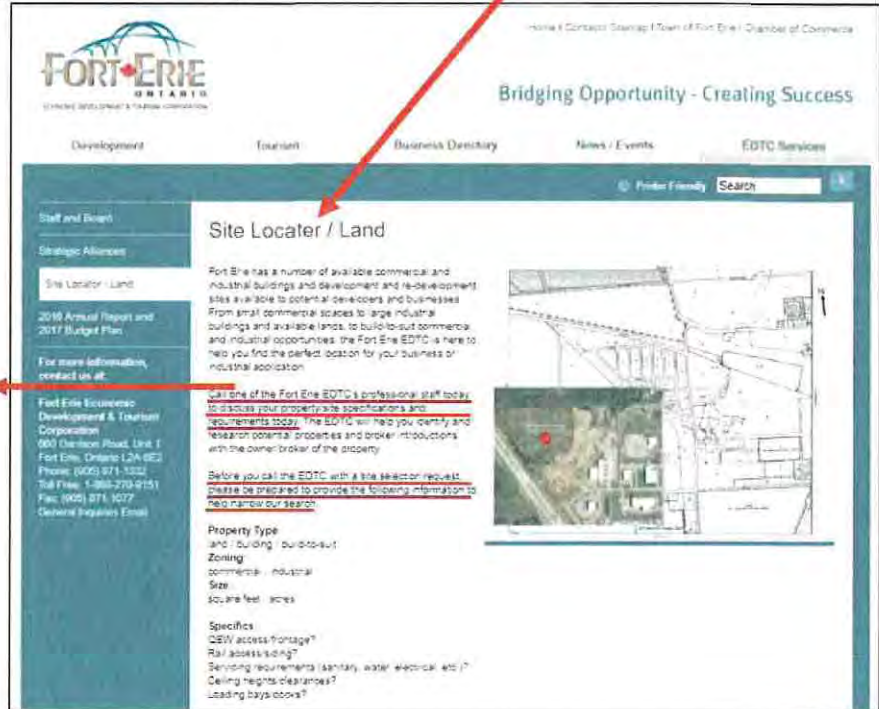


A request to submit project detail before seeing property information is an odd way to sell the community:

“Call one of the Fort Erie EDTC’s professional staff today to discuss your property/site specifications and requirements today. The EDTC will help you identify and research potential properties and broker introductions with the owner/broker of the property.

Before you call the EDTC with a site selection request, please be prepared to provide the following information to help narrow our search...”

“Broker introductions” do not convey confidence that the investigation of property will run smoothly.





Welland Website - Welland's economic development landing page offers both an outline of services and links to site selector relevant information including resources on the #MadeInWelland website. Information spread across two websites gives an impression that economic development branding/messaging is a work-in-progress.

Welland does not rely on the Niagara Site Finder feature to direct visitors to property data but displays properties on a map. The functionality is a little cumbersome, but links to data and an attractive map makes for a satisfactory property search.

The screenshot displays the Welland website's economic development landing page. At the top, there are navigation tabs for 'Live', 'Business', 'City Hall', and 'Discover'. Below this, a section titled 'Investment Opportunity Properties' lists several addresses: 475 Canal Bank Street, 335 Canal Bank Street, 335 Canal Bank Street, 361 Enterprise Drive, 368 Enterprise Drive, 381 Enterprise Drive, 392 Enterprise Drive, and 897 Niagara Street. A map shows the locations of these properties in Welland. To the right, a banner for '#MADEINWELLAND' features the text 'Just 2 hours from Toronto. Just 2 hours from New York State.' Below the banner are icons for location, finance, industry, and energy.

The main content area is divided into 'Commercial Real Estate' and 'Industrial Real Estate'. A table lists several properties with their addresses, types, and contact information.

Address	Property Info	Contact Info
27 Centre Street	Type: Office, Office Building Zoning: O - Office Commercial Listing Price: \$1,288,850	John Hanson, Real Estate Sales Representative Royal LePage Commercial Real Estate Telephone: 905-732-5000 Fax: 905-732-5022 Email: jhanson@royallepage.ca
The Carbon Mill Complex, Premium Industrial Address: 24 Hager St.	Zoning: Industrial/Manufacturing Size Available Units: 3000 sq ft - 10,000 sq ft - 21,000 sq ft Price: \$3.92 - \$9.92 per sq. ft.	John Hanson, Real Estate Sales Representative Royal LePage Realty Inc. Brokerage 905-248-9300
Industrial/Industrial Space 19,000 sq. ft. Address: 24 Hager Street	Type: Warehouse Industrial Building Zoning: I Size: 19,000 sq. ft. Listing Price: \$1.12 per square foot - Call for details	John at 905-732-5442 x222
Industrial Shop for Lease Address: 24 Hager Street	Type: Industrial & Warehouse I Size: 2700 sq. ft. Listing Price: Please Contact	John at 905-732-5442 x222
Secured & Climate Controlled Industrial Storage 300K Address: 24 Hager Street	Type: Industrial & Warehouse Size: 220 sq. ft. 1200 sq. ft. up to 504 sq. ft. Price: From 1250/mo/ft	John at 905-732-5442 x222
708 Hager Street Call for info	Type: Multi-Tenant Industrial Zoning: I Price: 1,699,500	Chris Amore Royal LePage Telephone: 905-221-6648 Fax: 905-221-6622
38th Street (Thornline Road and the Old Canal)	Type: Vacant Land Zoning: I - Light Industrial Listing Price: Negotiable	Don Cepelko Director, Economic Development City of Welland 20 Bloor West Street Welland, Ontario L2B 0T4 Phone: 905-732-1700 ext 2112 Fax: 905-732-2442 Email: don.cepelko@welland.ca

The detailed view for 475 Canal Bank Street includes general property information, a location map, and Google Street View. The general information includes the address, listing date, and zoning (O1A). The location map shows the property's position in Welland. The Google Street View shows a large, open lot with some trees and a building in the distance.



Alternative Industrial Park Models

At one time it was common for neighbouring communities to fiercely compete with one another and, in some cases, steal from one another by luring companies to cross jurisdictional boundaries. The movement toward regionalism was initially sprung from the need to lift a community's marketing profile to compete in a global economy but cooperation often ended there.

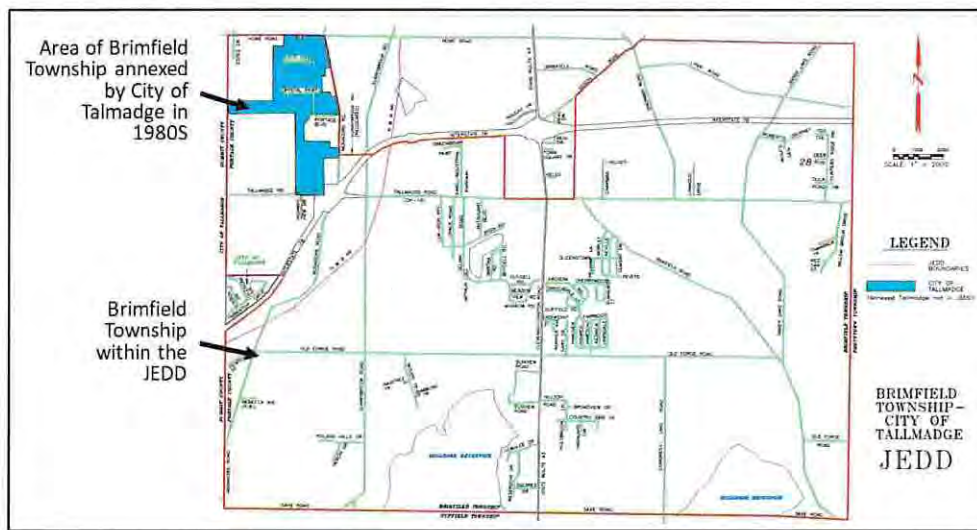
Regionalism has since taken on other forms including municipalities working together to establish a larger portfolio of real estate ready for development. This often favors municipalities with tracks of developable land over those without. Collaboration, therefore, requires building trust among elected officials, community stakeholders and business leaders around a common vision.

Site selectors and corporate managers increasingly recognize that success is best achieved when regional partners work cooperatively to support stable and sustainable economies. Turf battles are both unbecoming of forward-thinking communities and ultimately counter-productive. When communities sit down and talk about what is important for economic prosperity there are always opposing views, but with open lines of communication and trust there is often a path to success.

Tax Sharing Arrangements

Port Districts in Washington State, Industrial Development Districts in Michigan, and Joint Economic Development Districts (JEDDs) in Ohio are among the tax sharing arrangements found in the United States. The Talmadge/Brimfield JEDD near Akron, Ohio is representative of a tax sharing arrangement that employs multi-jurisdictional cooperation on industrial and commercial development.

Land resource poor City of Tallmadge and neighbour Brimfield Township, a roughly 30 square mile community with large tracks of open land, created a JEDD in 2003 under provisions of the Ohio Revised Code for Cities and Townships (see map below). The goal of a JEDD is for communities to work together to develop industrial and commercial areas of the district in conjunction with the hosting community's development plan.





Host community residents benefit as the area develops with additional employment opportunities, while both communities realize increased funding through sharing of new city income tax revenue. Ten percent of all income taxes collected are set aside in a separate fund to be used exclusively within the commercial and industrial areas of the JEDD.

New businesses locating in the JEDD are automatically included in the agreement. Property owners are also able to petition to be part of the JEDD Program as development takes place within the district.

Brimfield Township provides police and fire protection, street services and planning for the district. The City of Tallmadge provides economic development assistance and water and sewer services.

Collaborative Non-Tax Sharing Model

A more common collaborative model is that of non-profit organizations. These organizations are sometimes formed under the umbrella of a chamber of commerce, industrial commission, or economic development/tourism group. All models have been shown to be successful in fostering partnerships across jurisdictional boundaries.

Members of these partnerships abide by a foundational principle; what is good for one is good for all. The model succeeds when connections between communities, companies, places and people are built on a sound economic development strategy. The secret is to identify and cultivate those connections, all aimed at advancing a healthy economy.

Henderson County Economic Development Partnership (HCEDP) in Henderson County, North Carolina is one of many examples of successful collaborative non-tax sharing organizations. A weak economy brought on by decline in traditional manufacturing (textiles, wood products) in the 1980-90s spurred community leaders to pursue new approaches to economic development.

Cities and township governmental units within the county turned over the task of managing economic development to the non-profit HCEDP. HCEDP raises money through corporate donations and member community contributions. The organization also actively pursues public and private grant monies.

Under this organizational form, there is a split in responsibilities. Among the tasks HCEDP undertakes is to develop industrial parks and stand-alone shovel-ready sites around the county, some owned by the non-profit, some by government, and others staying in the hands of private citizens.

Government is responsible for developing and maintaining traditional services such as water, waste water, and transportation infrastructure. A critical aspect in Henderson County's eventual success has been each community's attention to quality of life elements including parks, education, and downtown redevelopment. The area is now a preferred location for skilled workers and wealthy retirees.

The City of Hendersonville has grown significantly over the last 20 years with the help of HCEDP, this despite most industrial development supported by the city occurring outside city boundaries. The downtown district is now fully occupied and prosperous, and the area now has a healthy mix of industrial, commercial and retail employers.

A factor in Henderson County's long-term success has been ongoing attention to strategic planning and project implementation. HCEDP holds an annual Industrial Executives Forum to discuss next steps. The 2016 forum agenda addressed the elements listed below, deemed important to maintaining a sustainable community.



- Affordable Housing – What can we do about helping employers retain workers?
- Millennials and Workforce - How can companies recruit, understand and develop a work environment for millennials?
- Entrepreneurship - Does Henderson County support start-ups?
- Agriculture - How does the agriculture community market itself?
- Business-to-Business Connections - How can we increase awareness of business opportunities internal to the county?
- Broadband - How can Henderson County grow broadband as a necessary utility?
- Recycling and Sustainability - What resources are available for industry recycling and repurposing?
- Transportation - How can Henderson County develop and improve transportation including public transportation and greenways?



Appendix C – Additional Best Practices from Good to Great in U.S. Cities

A good economic development strategy has its origin in community vision; what do we want to be in the future? A good place to start the visioning process is to consider what might be possible by looking the experience of successful communities. Presented below are examples of U.S. cities and towns who were once faced with lagging economies and were able to refashion themselves and become sustainable and prosperous.

Common elements to the achievement of success in these communities include:

- Development of shovel-ready industrial parks and sites
- Downtown redevelopment
- Quality of life initiatives including parks and greenways
- Collaboration with regional partners
- Identification of industry targets aligned with community attributes
- An economic development program with broad community support

City / State	What was the spark?	What actions were taken?	How did the town change?
Hudson, Wisconsin ¹²	Decline in traditional manufacturing weakened the economy at the same time nearby suburbanization from Minneapolis/St. Paul pulled retail from the downtown leading to further decline.	<ul style="list-style-type: none"> • Strong support for the regional development organization (Momentum West). • Community developed plans around improving the urban landscape as a way of becoming more attractive as a place to live. • Investment in a river front park • Downtown streetscape and store front improvements. 	Hudson is now both a daytrip tourist destination, and a favoured bedroom community for the creative class. The population has more than doubled in the last 25 years. Attractive and prosperous downtown.

¹² www.momentumwest.org/momentum-west/our-region/st.-croix-county/hudson/?columns=demographics%2C+higher_education%2C+quality_life%2C+workforce_establishments%2C+workforce_occupations&location=604



City / State	What was the spark?	What actions were taken?	How did the town change?
The Dalles, Oregon ¹³	The decline in the forest products industry that began in 1970s pushed the community into a long period of economic decline. Community stakeholders said, "Enough is enough" and people stepped up to do something.	<ul style="list-style-type: none"> • Strong support for a regional development organization. • Industry targets defined • Development of a community owned industrial park • Downtown streetscape improvement. Became Main Street Community • Community made large investment in waste water treatment plant to keep a major maraschino cherries employer in the community 	Significant increase in population. Attracted several large employers including a \$100 million data centre. The community is now viewed as a hip place to live and starting to attract young entrepreneur types.
Walla Walla, Washington ¹⁴	The economy of sleepy and isolated big agriculture community Walla Walla was dependent on commodity markets and private Whitman College. Leadership emerged that sought to drive economic development through community investment.	<ul style="list-style-type: none"> • Strong support for Port District leadership on economic development • Support of agriculture and wine industry • Downtown streetscape and store front improvements • City/Whitman College collaboration on many fronts • Local emphasis on tourism associated with wine industry • Transit hub developed in the town center and increased routes established to connect the community • Airport terminal built, and air service attracted 	Rapidly growing wine industry and other agriculture related investments. Significant population growth. Global reputation as a great place to visit.
Hendersonville, North Carolina ¹⁵	Weak economy brought on by decline in traditional manufacturing (textiles, wood products) in the 1990s spurred community leaders to pursue new approaches to economic development.	<ul style="list-style-type: none"> • Strong support for county wide economic development organization, giving the organization responsibility for investment attraction, city leaders then focused on making the city better • Downtown streetscape and store front improvements • Local emphasis on tourism and retirement, playing on Blue Ridge Mountains • Development of shovel-ready industrial property 	Hendersonville has grown significantly over the last 20 years. The downtown district is now fully occupied and prosperous. The area now has a healthy mix of industrial and commercial/retail employers.

¹³ www.mcedd.org

¹⁴ www.portwallawalla.com/economic-development

¹⁵ gohendersoncountync.org



City / State	What was the spark?	What actions were taken?	How did the town change?
Bend, Oregon ¹⁶	Decline in the forest products industry that began in 1970s pushed the community into a period of economic decline. Tourists visiting the area started to target the area for retirement. This pressured local leadership to develop long range plans for managing growth.	<ul style="list-style-type: none"> • Support for a regional economic development organization as the primary representative of the community for outside investment • Support for business incubation • Investment in urban revitalization including the cleanup of brownfield sites and new roads/bike trails • Downtown redevelopment - streetscapes and storefronts. 	Bend has had explosive growth over the last 20 years. The area has attracted a creative class that has started many new businesses. The area has also become a retirement destination for high income people.
Twin Falls, Idaho ¹⁷	Traditional rural agriculture town far from large markets was dependent on commodity markets. Economy was stagnating as young talent left the community.	<ul style="list-style-type: none"> • Change in leadership resulted in strong support for economic development investment • Strategy developed to support growth of food industry included efforts to protect water and land resources in support of agriculture. This included investment in waste water utility systems • Downtown streetscape and store front improvements undertaken to improve quality of life to retain young talent and make town more attractive to the outside • Ongoing coordination with College of Southern Idaho on economic development. 	Twin Falls has attracted large food processors including ConAgra Foods, Amalgamated Sugar Company, Cliff Bar, and Chobani. Non-food companies include Jayco RV Manufacturing, C3 Connect, Seastrom Manufacturing. The economy is booming. Population is growing.

¹⁶ edcoinfo.com

¹⁷ www.tfid.org/index.aspx?NID=149



Appendix D - Demographic and Labour Force Analysis and Detailed Background Review

Demographic and Labour Force Analysis

This section references data drawn from the 2011 National Household Survey, 2016 Census Profile and 2006 Community Profile. This section will be updated throughout 2017 as components of the 2016 Census Profile are released.

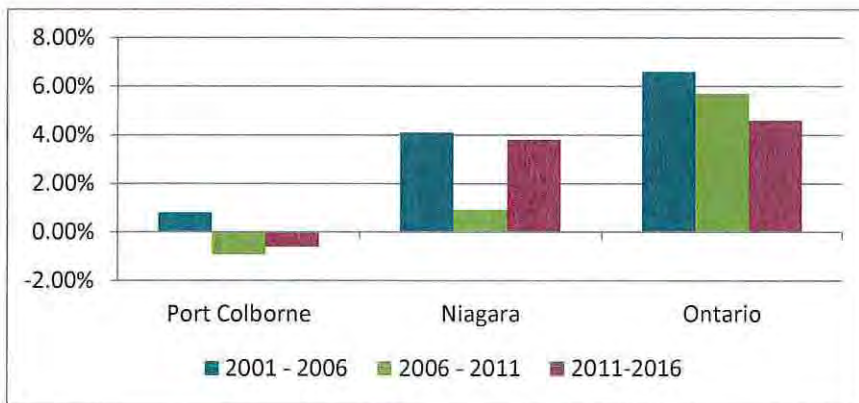
Population and Population Growth

In Port Colborne there was a population decline from 2011 to 2016 of -0.60%. In comparison, Niagara and Ontario both experienced positive growth from 2001 to 2016. Niagara grew by 3.8% from 2011 to 2016 and Ontario grew by 4.6%. In absolute numbers, Port Colborne's population declined by 118 people from 2011 to 2016.

A declining population can be detrimental to the local economy as it can lead to several negative economic impacts. A growing population is one of the main avenues in which a community can increase its economic prospects, and as such this should be made a priority for Port Colborne.

The figure below illustrates the population change in Port Colborne, Niagara, and Ontario over the past 15 years.

Figure 11: Population Growth, 2001 to 2016



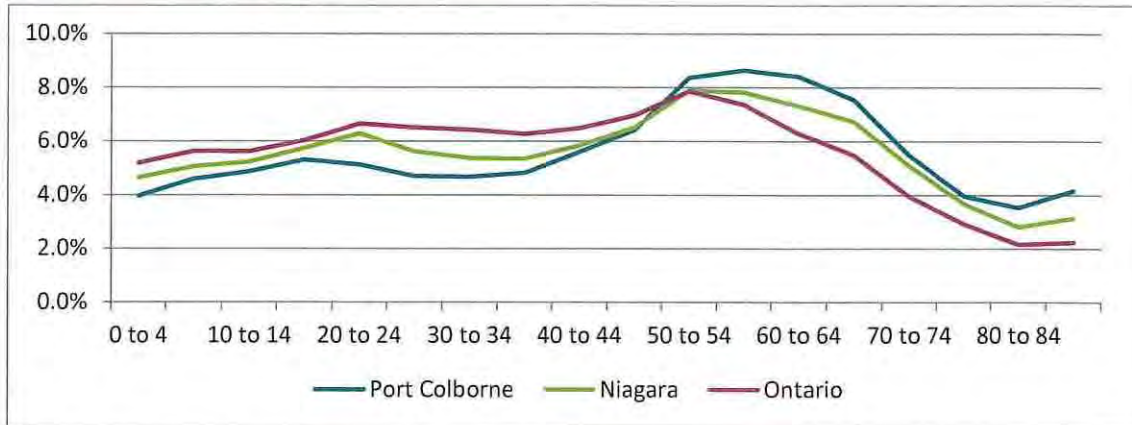
Source: Statistics Canada. 2016 Census Profile, 2011 National Household Survey, 2006 Census Profile.

The graph below represents the age distribution in Port Colborne and other comparator locations. When comparing to other locations, Port Colborne has a noticeably older population. A greater portion of the population lies in the 50+ age category, with less under 50 when comparing to both Niagara and Ontario. This is not typically a favourable age distribution as it has a limited working age population. Communities without a strong working age population could find it difficult to attract businesses to the



area, as businesses will typically choose to locate where their staffing needs will be able to be met. In addition, with a smaller working age population, there is typically less money coming into and being spent in the community. An older age distribution can also indicate a shrinking population with death rate outweighing birth rates.

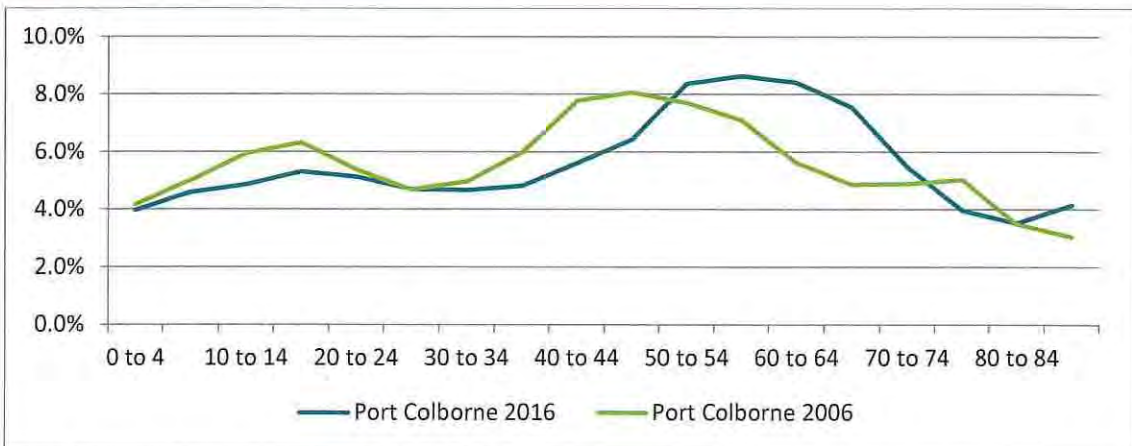
Figure 12: Population by Age Distribution, 2016



Source: Statistics Canada. 2016 Census Profile.

Figure 13 illustrates the change in age distribution in Port Colborne from 2006 to 2016. As evidenced from the figure, Port Colborne has experienced an aging population. In 2006 there is a slight peak in the ages of 5 to 19 but this spike is no longer evident by 2016. One would suspect to see a corresponding spike in the age groups of 20-30 as by 2016 this previous increase in ages 5-19 would now be 10 years older. However, this is not the case. This could be caused by a number of factors. One such factor might be the result of 'brain drain' whereby educated individuals leave the community in search of more specialized jobs, typically in larger centres. Attracting businesses that provide well-paying jobs could help to encourage individuals to remain in Port Colborne after completing schooling.

Figure 13: Population by Age Distribution, Port Colborne 2006 & 2016



Source: Statistics Canada. 2016 Census Profile. 2006 Community Profile



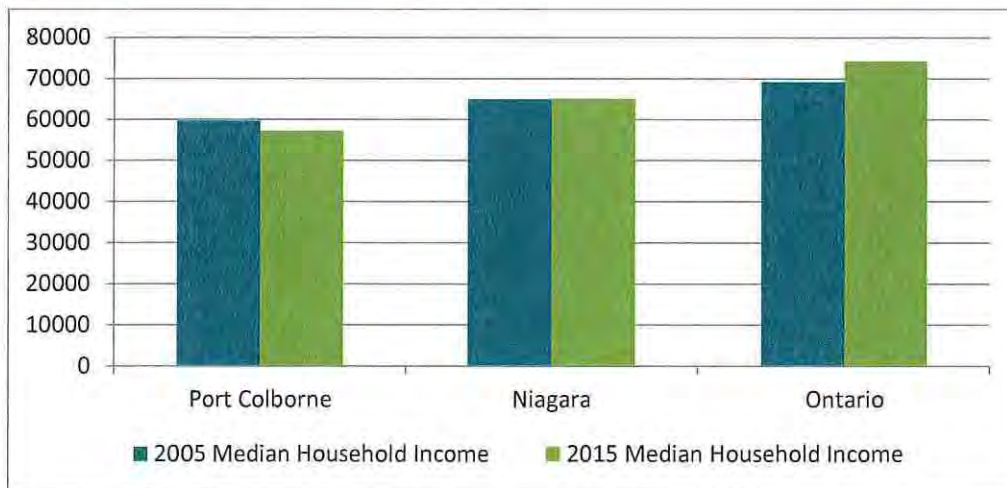
Household and Individual Income

Household income is a measure of the combined incomes of all people sharing a particular household or place of residence. It includes every form of income such as salaries and wages, retirement income, investment gains, and government transfers.¹⁸ The median household income helps to give an indication of quality of life in a particular area and the potential disposable income. From Figure 14 below it is evident that Port Colborne experiences a median household income that falls below Niagara and Ontario. In 2015, the median household income in Port Colborne was \$57,244, this is a decline from 2005, where the median income was \$59,646. This compares to Ontario where the median income in 2015 was \$74,287.

The median household income in Port Colborne could be a deceiving indication of actual wealth in the community. With a low median household income, it is typically assumed that there isn't much wealth in the community. However, with a population consisting of a disproportionate amount of older age cohorts there could be previously accumulated wealth with now only a small proportion of their wealth being reflected as income. If this is the case then the disposable income available in the community could be much higher than is being reflected.

A study by Bank of Montreal confirms this potential theory of seniors having more wealth than is potentially being captured with income statistics. The study found that since 1984 seniors have seen their wealth quadruple which far outpaces the growth of wealth among younger Canadians.¹⁹ Looking at other indicators such as total wealth of households in Port Colborne might give a different story than looking at income.

Figure 14: Median Household Income, 2005 & 2010



Source: Statistics Canada. 2011 National Household Surveys.

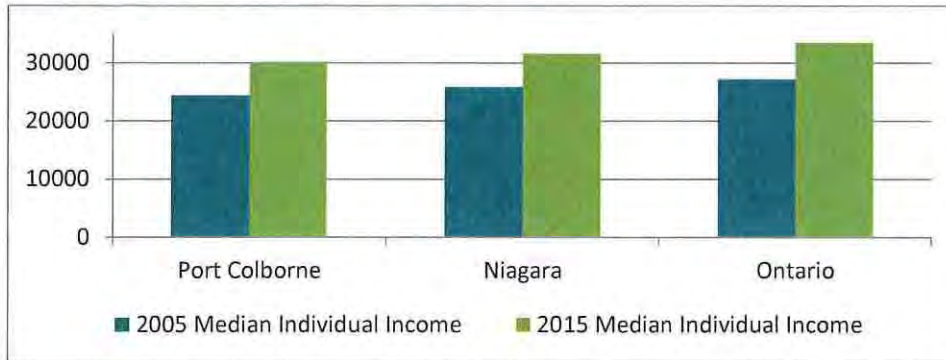
¹⁸ OEC "Glossary of Statistical Terms," November, 2017, www.oecd.org

¹⁹ "Seniors and the generation spending gap," Maclean's. November 2017.



The median individual income in Port Colborne also ranked slightly below Niagara and Ontario. Median individual income in Port Colborne in 2015 was \$29,977, while in Niagara it was \$31,601 and \$33,539 in Ontario. While median household income declined from 2005 to 2015, median individual income in Port Colborne increased over the 10-year period.

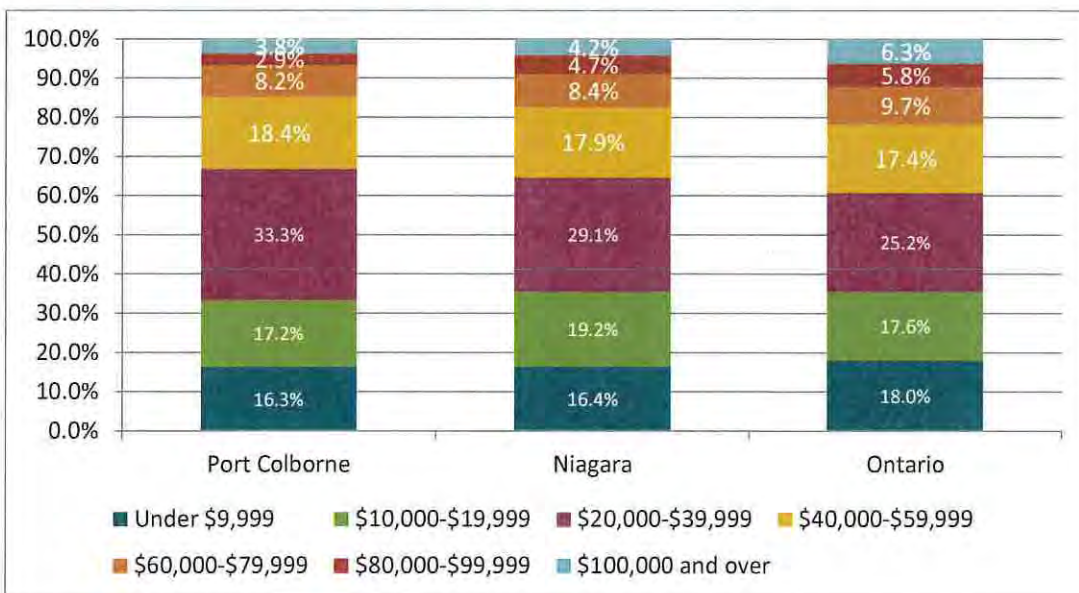
Figure 15: Median Individual Income, 2005 & 2015



Source: Statistics Canada. 2011 National Household Surveys

Figure 16 illustrates the individual income distribution within given income brackets. In Port Colborne, the largest income bracket is \$20,000-\$39,999 with 33% of population falling within it. In Niagara and Ontario this is also the largest income bracket, with Niagara having 29.1% of population earning within this range and Ontario with 25.2%. Port Colborne also has the largest percentage of population falling within the earning bracket of \$40,000-\$59,999 when compared to other comparators. However, Port Colborne has the lowest percentage of the population with an income over \$60,000.

Figure 16: Individual's Income Distribution Aged 15 Years and Over, 2011

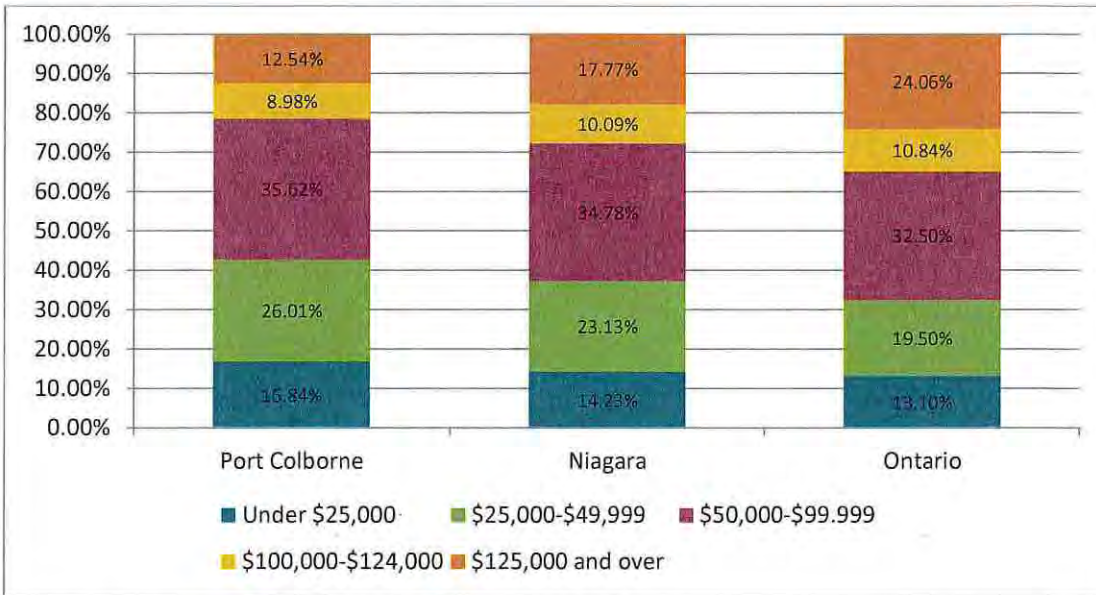


Source: Statistics Canada. 2011 National Household Survey.



The graph below graph illustrates the household income distribution in Port Colborne and comparators. Again, Port Colborne has a smaller percentage of household earnings above \$100,000 when compared with the other regions. 78.5% of households in Port Colborne have an income less than \$100,000, with the remaining 21.5% of households earning over \$100,000. In Niagara 29% of households earn over \$100,000 and in Ontario 35% of households earn above \$100,000. The largest income bracket for all regions is \$50,000-\$99,999.

Figure 17: Household Income Distribution, 2016



Source: Statistics Canada. 2016 Census Profile.

Dwelling Values and Characteristics

Dwelling values in Port Colborne are significantly less than in both Niagara and Ontario. This is promising to see as with lower income, having less to spend on housing helps to compensate with amount of available disposable income and spending on other luxury items that can help to improve quality of life. The average dwelling value in 2016 in Port Colborne was \$237, 725. Niagara’s average dwelling value was \$85,494 more than Port Colborne’s and Ontario’s was \$268,684 more.

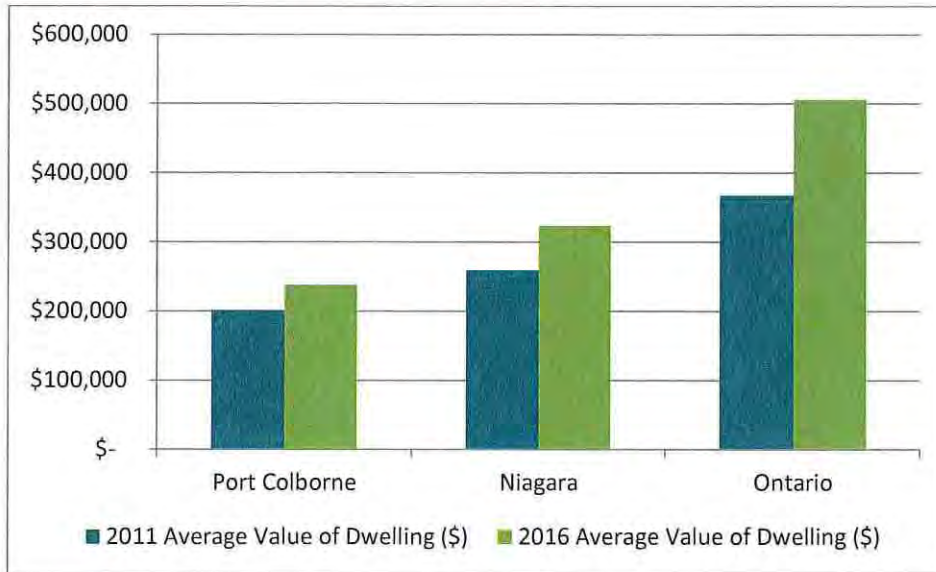
The housing value growth rate from 2011 to 2016 for all comparator regions is as follows:

- Port Colborne: 18.1%
- Niagara: 24.7%
- Ontario: 37.8%

Ontario experienced the greatest growth in housing prices from 2011 to 2016 with Port Colborne being the lowest at 18.1% growth.



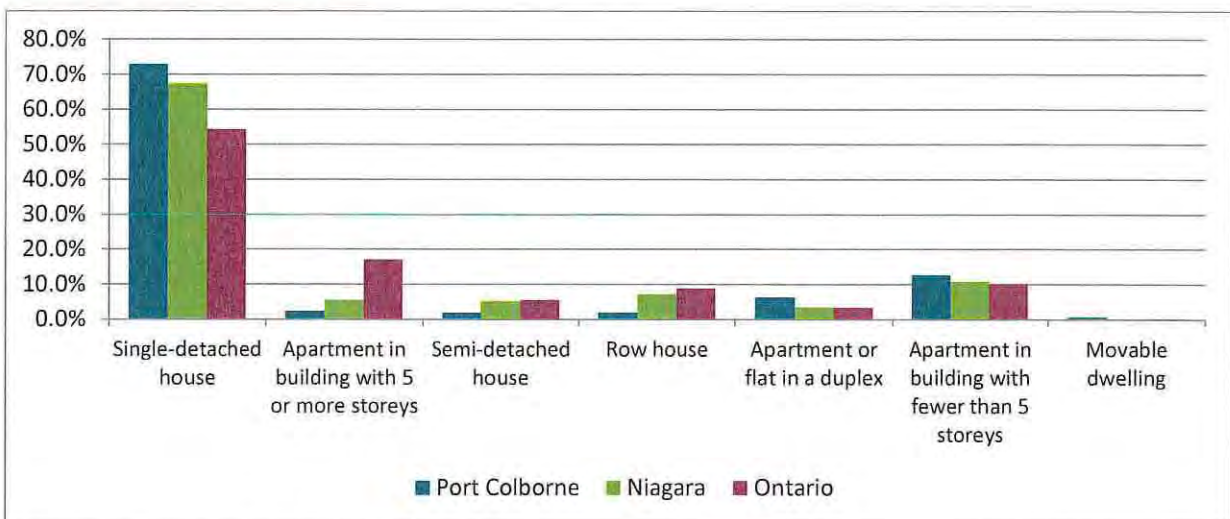
Figure 18: Average Value of Dwellings, 2011 & 2016



Source: Statistics Canada. 2011 National Household Survey, 2006 Community Profile.

Figure 19 below highlights the types of dwellings that are most prominent in the community. Port Colborne had the highest percentage of single-detached housing, apartment in a duplex, and apartment in fewer than 5 stores when compared to Niagara and Ontario. 73% of dwellings in Port Colborne were single-detached. 54.3% of dwellings in Ontario were single-detached. The least common dwelling type in Port Colborne was movable dwelling with 0.7% of homes under this category, followed by semi-detached house at 1.9%.

Figure 19: Types of Dwellings, 2011



Source: Statistics Canada. 2011 National Household Survey.



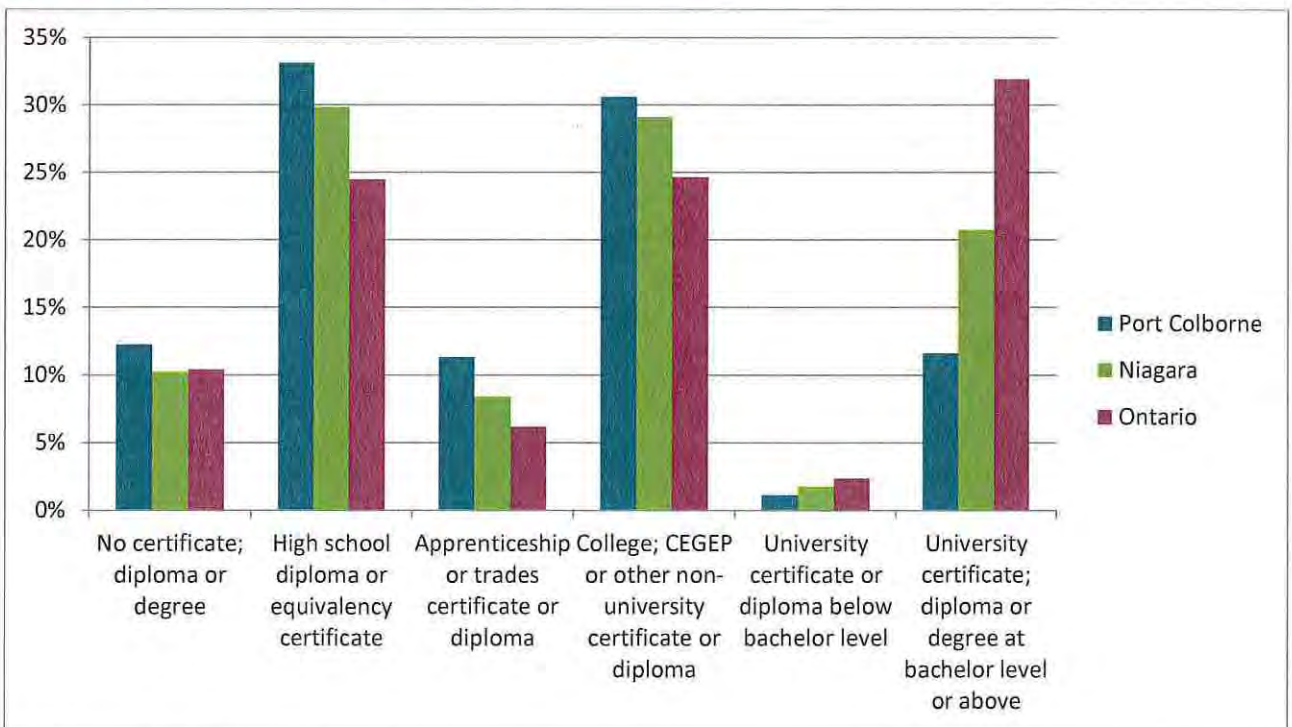
Educational Profile

An educational profile is an important socioeconomic indicator as it reveals a community's ability to staff new and existing businesses. For the purposes of this profile, the total population aged 25 to 64 years old was examined in relation to the highest certificate, diploma or degree they have obtained.

As shown in the figure below Port Colborne has the highest percentage of individuals with no certificate, diploma or degree. Port Colborne also has the highest percentage of individuals having received a high school diploma, apprenticeship or trade certificate or diploma, and college or other non-university certificate or diploma. Port Colborne has the lowest percentage of individuals having attained a university certificate or diploma below bachelor level, and lowest percentage of university certificate, diploma or degree at bachelor level or above.

This speaks to the types of jobs available in Port Colborne with few knowledge-based employment opportunities and more hands-on trades-based jobs. It also speaks to the likelihood of being able to attract certain types of businesses to Port Colborne. It is less likely that a knowledge base business will locate in Port Colborne as the types of businesses would likely require individuals with a university level education. Individuals who would meet this job profile are fewer in Port Colborne than would be in other communities.

Figure 20: Population Aged 25 to 64 Years Old by Educational Attainment, 2016



Source: Statistics Canada. 2016 Census.

Education by major field of study in Port Colborne for those having received higher education is as follows:

- No postsecondary: 45%



- Education: 3.7%
- Visual and performing arts: 2%
- Humanities: 2%
- Social and behavioural sciences and law: 5.6%
- Business; management and public administration: 9%
- Physical and life sciences and technologies: 1%
- Mathematics; computer and information sciences: 1.7%
- Architecture; engineering and related technologies: 13%
- Agriculture; natural resources and conservation: 1.2%
- Health and related fields: 9.7%
- Personal; protective and transportation services: 5.4%

Labour Force

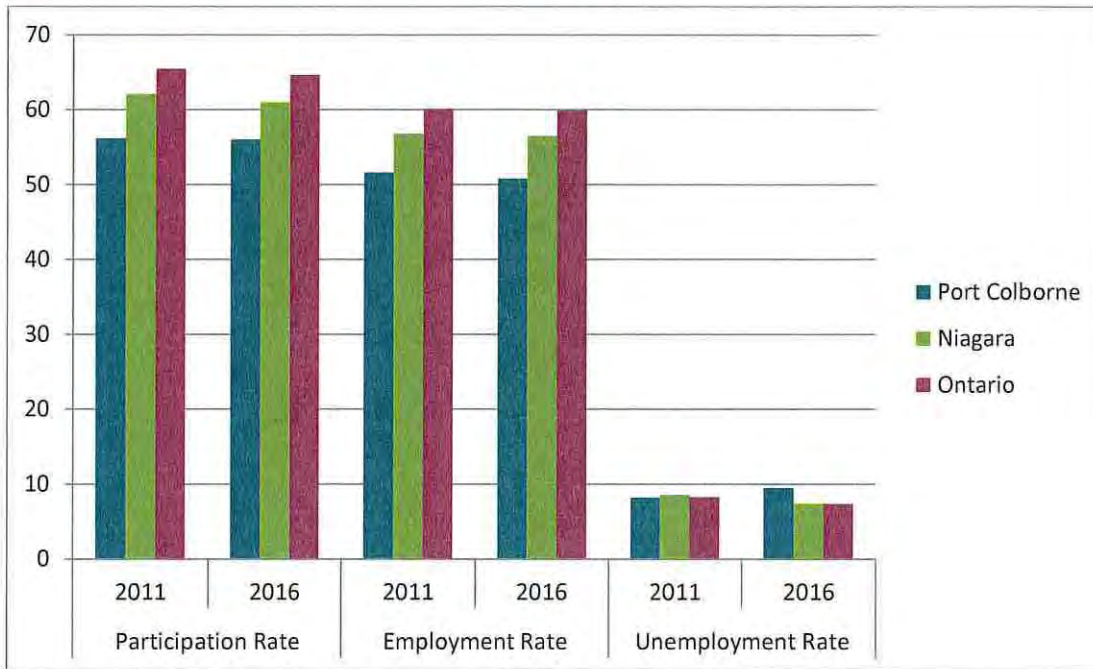
Annual Unemployment, Employment, and Participation Rate

From 2011 to 2016 the unemployment rate in Port Colborne increased by 1.4%, the employment rate therefore had a corresponding decrease effect, with a decrease of 0.8% from 51.6% to 50.8%. The Participation rate is a percentage measure of the population 15 years of age and older who are part of the labour force or actively seeking work. The participation rate in Port Colborne is 56%, this compares to the Ontario average where the participation rate is 61%.

Port Colborne experienced the lowest employment and participation rate when compared to Niagara and Ontario. With the majority of the population in Port Colborne being typically over working age, it is not unexpected to see a low participation rate. However, Port Colborne also experienced the highest Unemployment rate in 2016.



Figure 21: Unemployment and Participation Rate, 2011 & 2016



Source: Statistics Canada. 2011 National Household Survey & 2016 Census Profile.

Labour Force by Industry Sector

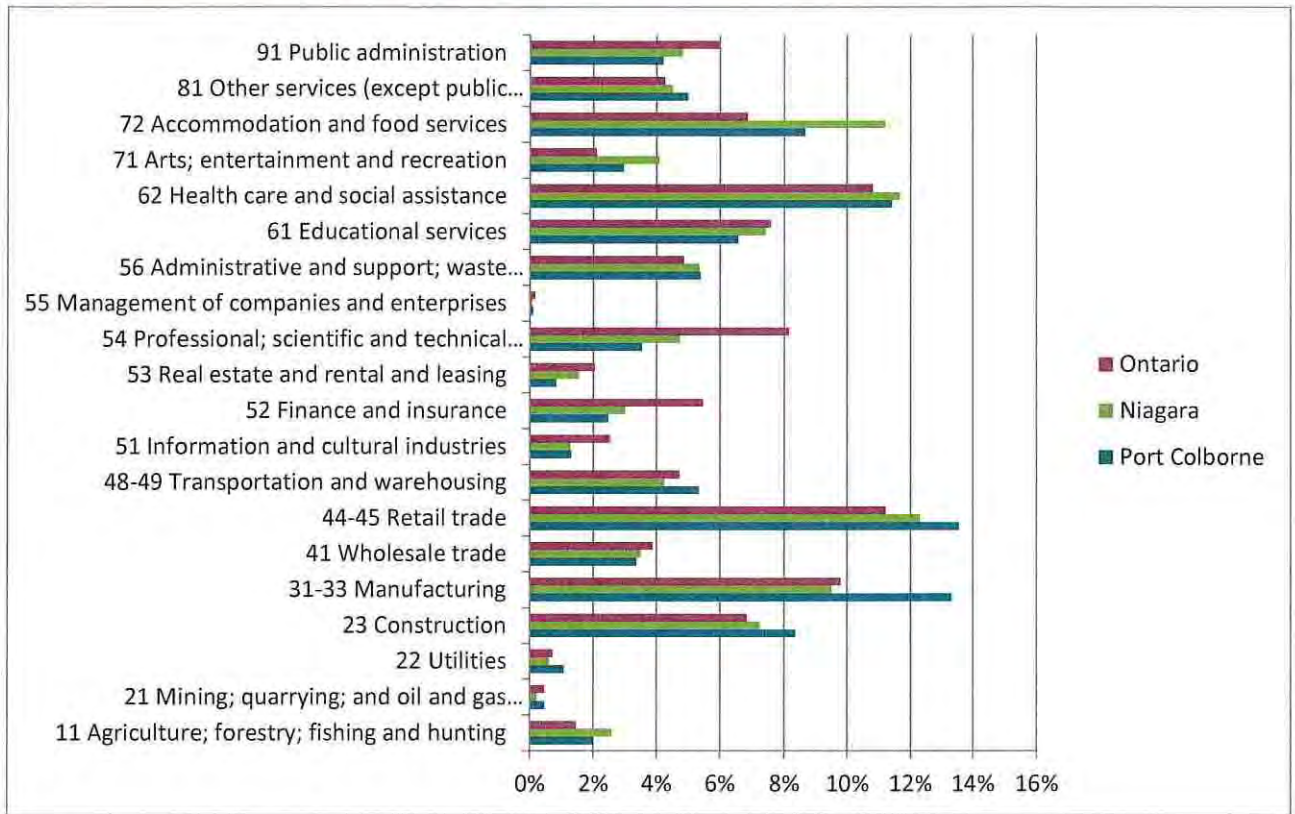
Labour force by industry sector for all comparator regions was examined to determine how Port Colborne's labour force composition compared to Niagara and Ontario. The figure below demonstrates labour force by population in each industry sector.

The top 3 industry sectors by population participation are as follows:

- Retail Trade
- Manufacturing
- Health Care and Social Assistance



Figure 22: Total Labour Force Population Aged 15 Years and Over by Industry, 2011



Source: Statistics Canada. 2016 Census Profile.

Retail Trade jobs in Port Colborne outweighed all other industries, and comparators. Manufacturing was second most dominant, and also outweighed other comparators. It is important to note that this information was based on individuals living in Port Colborne, not total jobs in Port Colborne. Individuals who live in but commute outside of Port Colborne for work are included in this statistic.

Labour Force by Occupational Classification

Examining Port Colborne’s total labour force by occupational classification provides further insight into the composition and skill sets of its local labour force. Figure 23 illustrates the occupational composition in Port Colborne.

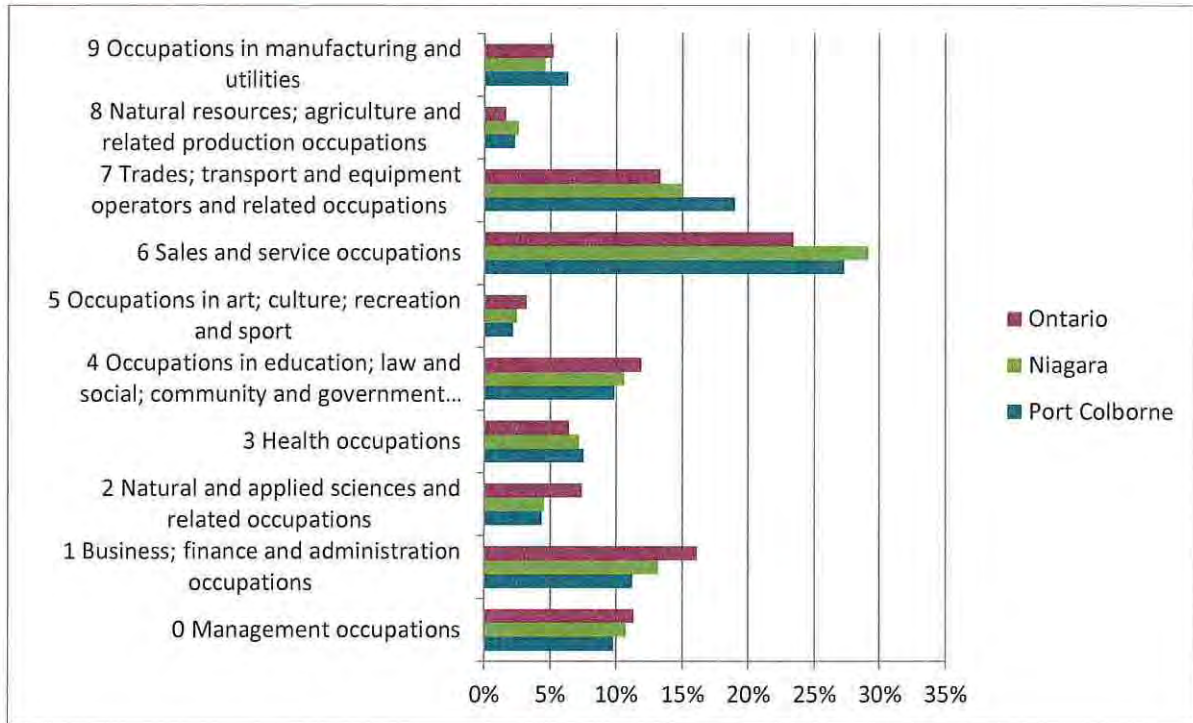
The top three occupational categories in Port Colborne are as follows:

- Sales and service occupations
- Trades; transport and equipment operators and related occupations
- Business; finance and administration occupations



Of the top three occupational classifications in Port Colborne, Port Colborne only outranks other comparator regions in trades. On a percentage of total occupations, Port Colborne also outranks all other regions in occupations in manufacturing and utilities.

Figure 23: Labour Force by Occupational Classification, 2016



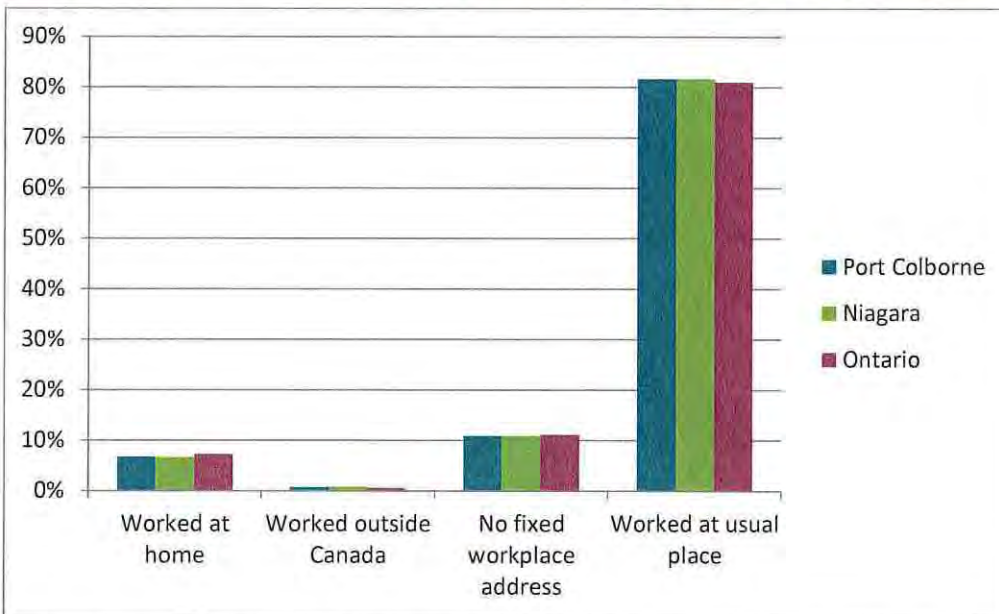
Source: Statistics Canada. 2016 Census Profile

Place of Work Status

Looking at the place of work status can help to give some kind of indication of the nature of the jobs within the city. For example, if there was a high percentage of ‘worked at home’ this might indicate that there are a high percentage of people with home-based businesses. In addition, ‘worked at usual place’ would indicate typically an office type, or given location type of employment. Compared to other regions, Port Colborne experienced the highest percentage of individuals who ‘worked at usual place’ and the smallest percentage of ‘worked at home’ or ‘no fixed workplace address’.



Figure 24: Total Employed Population Aged 15 Years and Over by Place of Work Status, 2016



Source: Statistics Canada.2011 National Household Survey.

Commuting Patterns

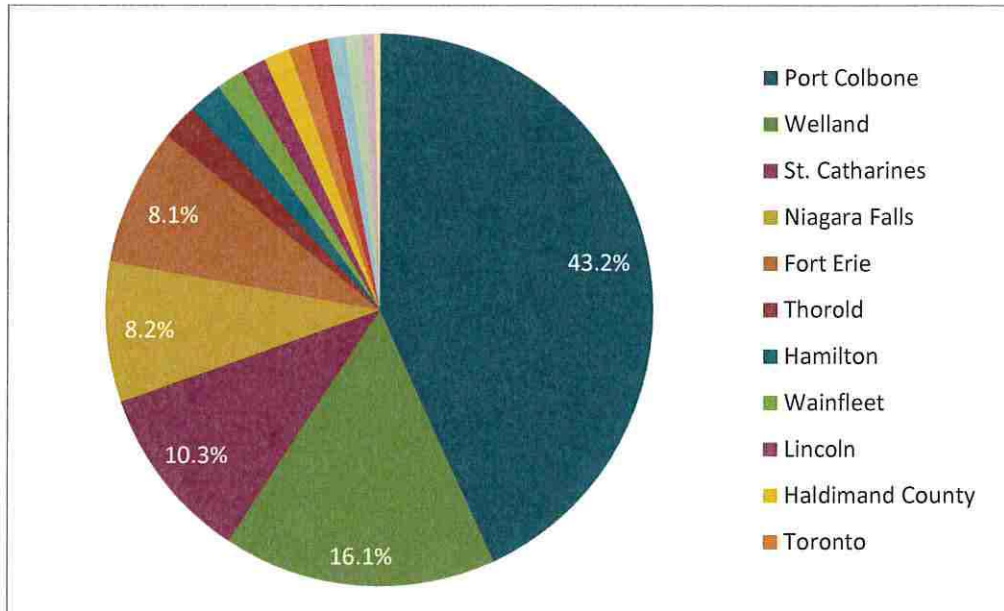
The following two figures display the community patterns for workers that reside in Port Colborne, and for individuals that work within Port Colborne.

Figure 25 shows the locations of where Port Colborne residents commute for work. 43.2% of Port Colborne citizens work in Port Colborne. The second most commuted to location for Port Colborne residents is Welland, followed by Niagara Falls. Over half of the residents (56.8%) commute outside of Port Colborne for work.

As for the commuting patterns of those working in Port Colborne, 55.9% of the available jobs in Port Colborne are filled by local residents (as seen in Figure 26). The other 44.1% of positions are filled by residents living in outside communities. 15.8% of positions are filled by individuals commuting from Welland, 7.8% from Fort Erie, and 5.8% from St. Catharines.

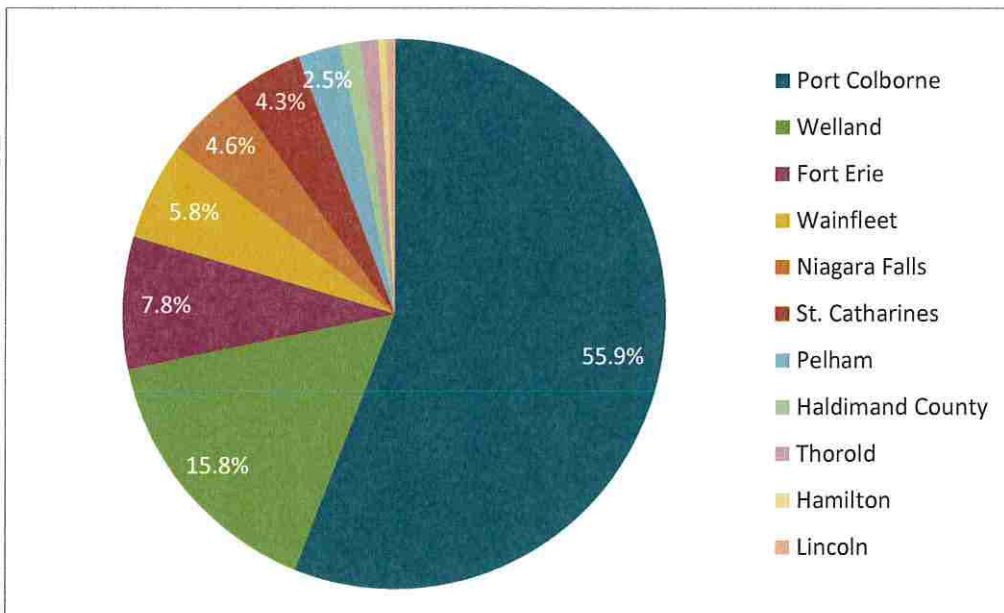


Figure 25: Commuting Pattern of Port Colborne Residents



Source: Statistics Canada 2016 Census Profile.

Figure 26: Commuting Pattern of Individuals Working in Port Colborne



Source: Statistics Canada.2016 Census Profile

With a large portion of Port Colborne residents leaving Port Colborne for work, and just over 40% of jobs available in Port Colborne being filled by outside residents, there is an opportunity to encourage



residents to work within Port Colborne. An emphasis where skills are available might be placed on encouraging the hiring of local residents. This would help to keep more earnings and spending stay in Port Colborne, and also likely decrease turnover rate within jobs of commuters from far distances.

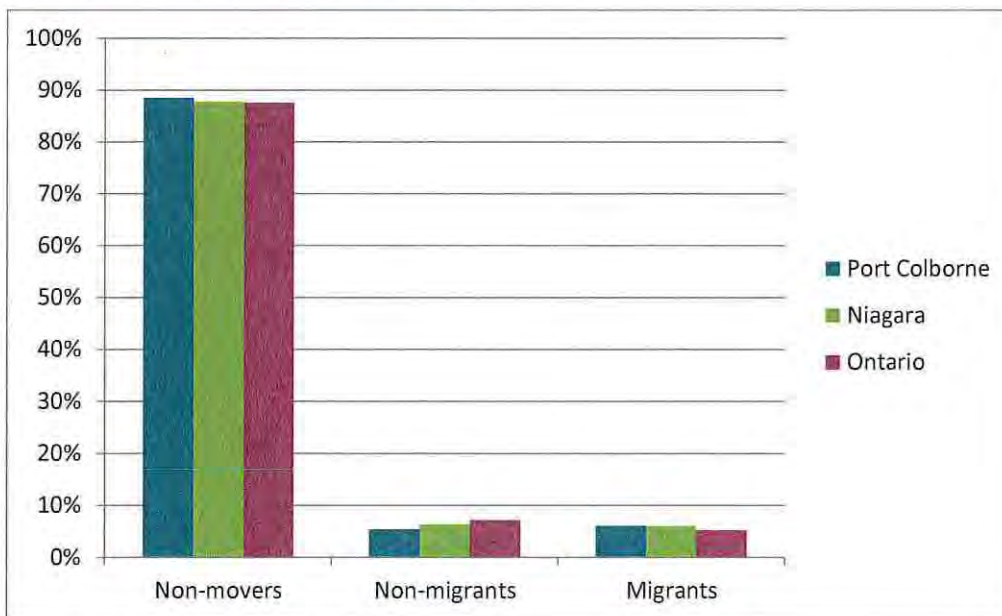
There is a shortage of jobs in Port Colborne to satisfy the number of residents in the workforce. There are 6265 residents from Port Colborne who work, but only 4835 positions in Port Colborne being filled. This means that even if all positions in Port Colborne were filled by local Port Colborne residents, there would still be the need for 1430 individuals to commute elsewhere to find work.

Mobility Status

The mobility status of residents was examined in order to determine the level of new residents that Port Colborne was able to attract in comparison to other geographical locations. The figure below shows the proportion of non-movers (those who have not moved since the last census), non-migrants (those who have moved but remained in the same municipality since the last census), and migrants (those who have moved to a different municipality within Canada since the last census).

Just under 90% of the population in Port Colborne are non-movers. This is similar to other comparator regions. All regions being examined ranked almost the same in regards to percentage of non-movers, non-migrants, and migrants.

Figure 27: Mobility Status for Residents, 2016



Source: Statistics Canada. 2016 Census Profile.



Other Quality of Life Indicators

Drug Use

In Niagara region, Cannabis is the most commonly used illicit drug among secondary students. Overall, 35.5% of students have used cannabis in the past 12 months. 41.2% of students have used Cannabis in their lifetime, compared to Ontario where 31.6% of students have used cannabis in their lifetimes. Cannabis drug use in Niagara is noticeably higher than the average cannabis use for the province. 13.3% of high school students have used prescription pain medication.²⁰

In 2016 there were a total 155 suspected opioid overdoses. By June 2017 there were 209 suspected overdoses.²¹ In 2016, 147 naloxone kits were distributed. In the first half of 2017, there were 190 naloxone kits used.

Crime Severity

The crime severity index takes into account change in volume of a particular crime and the relative seriousness of that crime in comparison to other crimes. The crime severity index is calculated by assigning each type of crime a particular weight. More serious crimes are given a higher weight than less serious crimes. The number of police-reported incidents for each offence is multiplied by the weight for that offence. All weighted offences are then added together and divided by the corresponding population total. The crime severity index in St. Catharines-Niagara was 50. This compares to Canada where the crime severity index was 71.

In 2016 there were 17,922 incidents reported in the St. Catharines-Niagara region. This is a decline from the previous year of -0.16%. In 2016, there were 934 crimes reported by youth aged 12 to 17.²²

Dropout Rate

According to the 2011 National Household Survey 13% of the population aged 25 to 64 did not have a high school diploma.

Business Patterns Assessment

Statistics Canada's Canadian Business Patterns Data provides a record of business establishments by industry sector and size. This data is collected from the Canadian Revenue Agency (CRA). The business data collected for Port Colborne includes all local businesses that meet at least one of the three following criteria:

- Have an employee workforce for which they submit payroll remittances to CRA; or
- Have a minimum of \$30,000 in annual sales revenue; or
- Are incorporated under a federal or provincial act and have filed a federal corporate income tax form within the past three years

²⁰ Youth Substance Misuse, www.niagararegion.ca/health/statistics/behaviour/youth-drugs.aspx

²¹ Niagara Region, Opioid Usage. www.niagararegion.ca/living/health_wellness/alc-sub-abuse/drugs/opioids.aspx

²² Statistics Canada, Incident-based crime statistics, St. Catharines-Niagara.



The Canadian Business Patterns Data records business counts by “Total”, “Without Employees” and “With Employees” categories. The establishments in the “Without Employees” category include the self-employed (i.e. those who do not maintain an employee payroll, but may have a workforce consisting of contracted workers, family members or business owners). It should be noted that the Canadian Business Patterns Data uses the CRA as a primary resource in establishment counts; therefore, businesses without a business number or indicating annual sales less than \$30,000 are not included. The population of these small, unincorporated businesses is thought to be in the range of 600,000 in all of Canada.

Key Business Characteristics

A detailed review of the business patterns provides an understanding of the growth or decline of businesses over time, and the key characteristics that define the municipality’s business community. When combined with the broader industry analysis, the business patterns information will assist in understanding the key industry opportunities for Port Colborne.

Understanding the trends in business growth in the community provides valuable insight into the directions that future growth and investment within Port Colborne might take. It also provides an indication of where the priorities of the municipality should lie, especially with regards to program development and delivery, and strategic planning.

In terms of business composition, the following industry sectors identified in Figure 28 below exhibit the highest proportion of business establishments in Port Colborne as of 2016:

- Real estate and rental and leasing (227 businesses)
- Other services (except public administration) (120 businesses)
- Construction (119)

62% of business establishments in Port Colborne are characterized by self-employed (and/or those who do not maintain an employee payroll, but may have a workforce consisting of contracted workers, family members or business owners).

It is also important to note the prevalence of small sized businesses in Port Colborne. Medium and large firms are generally believed to provide different economic functions within an economic region than small firms. Small firms are seen as the major source of new product and ideas, while large firms typically develop as products become more homogeneous and firms begin to exploit economies of scale.

Up to 90% of new jobs in a community come from already existing businesses. As such, it is important to provide necessary services to assist in business growth and retention.



Figure 28: Business Establishments within Port Colborne by Industry Sector and Size, 2016

Industry	Total	Without Employees	With Employees	1-4	5-9	10-19	20-49	50-99	100+
Total	1,266	802	464	222	118	71	28	17	8
11 - Agriculture, forestry, fishing and hunting	39	30	9	4	1	3	0	0	1
21 - Mining and oil and gas extraction	3	0	3	1	1	1	0	0	0
22 - Utilities	7	6	1	1	0	0	0	0	0
23 - Construction	119	76	43	26	10	4	2	1	0
31-33 - Manufacturing	52	17	35	12	5	4	6	6	2
41 - Wholesale trade	22	9	13	3	5	1	3	1	0
44-45 - Retail trade	116	41	75	37	17	12	4	3	2
48-49 - Transportation and warehousing	65	40	25	11	4	6	3	1	0
51 - Information and cultural industries	11	8	3	1	1	1	0	0	0
52 - Finance and insurance	61	43	18	6	8	3	1	0	0
53 - Real estate and rental and leasing	227	212	15	12	2	1	0	0	0
54 - Professional, scientific and technical services	87	65	22	14	7	1	0	0	0
55 - Management of companies and enterprises	7	6	1	0	0	0	0	1	0
56 - Administrative and support, waste management and remediation services	46	25	21	13	3	4	0	1	0
61 - Educational services	8	3	5	5	0	0	0	0	0
62 - Health care and social assistance	77	35	42	12	18	9	0	1	2
71 - Arts, entertainment and recreation	22	13	9	4	1	2	2	0	0
72 - Accommodation and food services	54	15	39	10	10	14	4	1	0
81 - Other services (except public administration)	120	65	55	32	16	4	2	1	0
91 - Public administration	2	1	1	0	0	0	0	0	1

Source: Statistics Canada. Canadian Business Patterns, December 2016.

It is also valuable to examine the growth in businesses by industry, so as to better understand the areas of emerging opportunity within Port Colborne’s economy, or to take note of industries that might be slipping.

The industries that have experienced the highest rates of percentage growth from 2014 to 2016 include:

- Administrative and support, waste management and remediation services, 21.1%
- Educational services, 14.3%
- Professional, scientific and technical services, 10.1%

Industry sectors that have experienced the greatest negative growth between 2014 and 2016 are as follows:

- Management of companies and enterprises, -46.2%
- Arts, entertainment and recreation, -37.1%
- Wholesale trade, -26.7%



Figure 29: Business Establishments within Port Colborne by Industry Sector and Size, 2014 & 2016

Industry (NAICS)	2014 Total	2014 Without Employees	2014 With Employees	2016 Total	2014 Without Employees	2014 With Employees	Absolute change 2014 to 2016, Total	% change 2014 to 2016, Total
11 - Agriculture, forestry, fishing and hunting	50	41	9	39	30	9	-11	-22.0%
21 - Mining and oil and gas extraction	3	1	2	3	0	3	0	0.0%
22 - Utilities	8	6	2	7	6	1	-1	-12.5%
23 - Construction	114	70	44	119	76	43	5	4.4%
31-33 - Manufacturing	49	17	32	52	17	35	3	6.1%
41 - Wholesale trade	30	14	16	22	9	13	-8	-26.7%
44-45 - Retail trade	132	58	74	116	41	75	-16	-12.1%
48-49 - Transportation and warehousing	61	35	26	65	40	25	4	6.6%
51 - Information and cultural industries	11	9	2	11	8	3	0	0.0%
52 - Finance and insurance	58	33	25	61	43	18	3	5.2%
53 - Real estate and rental and leasing	208	194	14	227	212	15	19	9.1%
54 - Professional, scientific and technical services	79	58	21	87	65	22	8	10.1%
55 - Management of companies and enterprises	13	11	2	7	6	1	-6	-46.2%
56 - Administrative and support, waste management and remediation services	38	22	16	46	25	21	8	21.1%
61 - Educational services	7	4	3	8	3	5	1	14.3%
62 - Health care and social assistance	72	31	41	77	35	42	5	6.9%
71 - Arts, entertainment and recreation	35	27	8	22	13	9	-13	-37.1%
72 - Accommodation and food services	58	18	40	54	15	39	-4	-6.9%
81 - Other services (except public administration)	112	52	60	120	65	55	8	7.1%
91 - Public administration	2	1	1	2	1	1	0	0.0%

Source: Statistics Canada. Canadian Business Patterns, December 2016.

Another important measure is the location quotient (LQ). Location Quotient is a measure of employment specialization or strength based on the concentration of employment as compared to a norm, (i.e. the province or Niagara). It is important when looking at the LQ to remember that it is being compared against another region, and as such changes from year to year in the LQ could be the



reflection of a change within the comparator region, and not necessarily an absolute change in the city. A LQ of 0 to 0.75 is considered low, 0.75 to 1.25 is considered average, 1.25 to 5.0 is high, and 5.0+ is considered very high.

The figure below illustrates the LQ of **total businesses** in 2014 and 2016 within Port Colborne as compared with Ontario.

Industries with the highest LQ (compared against Ontario), indicating the greatest specialization in Port Colborne in 2014 based on total businesses are as follows:

- Utilities, 3.71
- Arts, entertainment and recreation, 1.83
- Mining and oil and gas extraction, 1.58

Industries with the highest LQ (compared against Ontario) in 2016 based on total businesses are as follows:

- Utilities, 2.86
- Mining and oil and gas extraction, 1.73
- Manufacturing, 1.59

Greatest increase in LQ from 2014 to 2016 of total businesses:

- Administrative and support, waste management and remediation services, 0.17
- Manufacturing, 0.12
- Other services (except public administration), 0.09

Greatest decrease in LQ from 2014 to 2016 of total businesses

- Utilities, -0.85
- Arts, entertainment and recreation, -0.69
- Agriculture, forestry, fishing and hunting, -0.20



Figure 30: Local Concentration of Total Businesses in Port Colborne compared to Ontario by Location Quotient, 2014 & 2016

Industry (NAICS)	LQ 2014	2014 Classification	LQ 2016	2016 Classification
11 - Agriculture, forestry, fishing and hunting	1.14	Average	0.94	Average
21 - Mining and oil and gas extraction	1.58	High	1.73	High
22 - Utilities	3.71	High	2.86	High
23 - Construction	0.98	Average	1.00	Average
31-33 - Manufacturing	1.47	High	1.59	High
41 - Wholesale trade	0.76	Average	0.59	Low
44-45 - Retail trade	1.52	High	1.38	High
48-49 - Transportation and warehousing	0.95	Average	0.95	Average
51 - Information and cultural industries	0.59	Low	0.60	Low
52 - Finance and insurance	0.90	Average	0.80	Average
53 - Real estate and rental and leasing	1.03	Average	1.09	Average
54 - Professional, scientific and technical services	0.49	Low	0.52	Low
55 - Management of companies and enterprises	0.42	Low	0.63	Low
56 - Administrative and support, waste management and remediation services	0.79	Average	0.96	Average
61 - Educational services	0.57	Low	0.60	Low
62 - Health care and social assistance	0.90	Average	0.96	Average
71 - Arts, entertainment and recreation	1.83	High	1.14	Average
72 - Accommodation and food services	1.54	High	1.40	High
81 - Other services (except public administration)	1.47	High	1.56	High
91 - Public administration	1.54	High	1.47	High

Source: Statistics Canada. Canadian Business Patterns, 2014 & December 2016. Adapted by MDB Insight Inc.

Figure 31 below illustrates the LQ of Port Colborne when compared against Niagara region of **total businesses** in 2014 and 2016.

Industries with the highest LQ in 2016 based on total businesses measuring against Niagara are as follows:

- Mining and oil and gas extraction, 3.19
- Public Administration, 2.28



- Utilities, 2.23

Industries with the lowest LQ in 2016 based on total businesses measuring against Niagara are as follows:

- Wholesale trade, 0.66
- Management of companies and enterprises, 0.71
- Educational Services, 0.78

Figure 31: Local Concentration of Total Businesses in Port Colborne compared to Niagara Region by Location Quotient 2014 & 2016

Industry	LQ 2014	2014 Classification	LQ 2016	2016 Classification
11 - Agriculture, forestry, fishing and hunting	1.00	Average	0.77	Average
21 - Mining and oil and gas extraction	3.19	High	3.18	High
22 - Utilities	2.56	High	2.23	High
23 - Construction	0.89	Average	0.93	Average
31-33 - Manufacturing	1.34	High	1.41	High
41 - Wholesale trade	0.90	Average	0.66	Low
44-45 - Retail trade	1.26	High	1.10	Average
48-49 - Transportation and warehousing	1.28	High	1.36	High
51 - Information and cultural industries	0.94	Average	0.93	Average
52 - Finance and insurance	0.84	Average	0.87	Average
53 - Real estate and rental and leasing	0.93	Average	1.01	Average
54 - Professional, scientific and technical services	0.73	Low	0.80	Average
55 - Management of companies and enterprises	1.32	High	0.71	Low
56 - Administrative and support, waste management and remediation services	0.84	Average	1.01	Average
61 - Educational services	0.69	Low	0.78	Average
62 - Health care and social assistance	0.88	Average	0.94	Average
71 - Arts, entertainment and recreation	1.50	High	0.94	Average
72 - Accommodation and food services	0.99	Average	0.91	Average
81 - Other services (except public administration)	1.22	Average	1.30	High
91 - Public administration	2.29	High	2.28	High

Source: Statistics Canada. Canadian Business Patterns, 2014 & 2016. Adapted by MDB Insight Inc.

Figure 32 illustrates the top-ranking industry sub-sectors in Port Colborne and corresponding employee size. The top industry sub-sectors based on total businesses in 2016 are as follows:

- Lessors of real estate, 181 businesses
 - Percentage of businesses without employees: 95%
- Other financial investment activities, 34
 - Percentage of businesses without employees: 94%



- Full-service restaurants, 34
 - Percentage of businesses without employees:15%
- Residential building construction, 33
 - Percentage of businesses without employees:76%
- Offices of real estate agents and brokers, 30
 - Percentage of businesses without employees 90%

With the exception of full service restaurants, the majority of top industry business establishments do not have employees. 63% of businesses in Port Colborne did not have employees (802 out of 1266).

Figure 32: Top Business Establishments in Port Colborne by Industry Sub-Sector and Employee Size, 2016

Industry (NAICS)	Total	Without Employees	With Employees	1-4	5-9	10-19	20-49	50-99	100+
Lessors of real estate	181	172	9	8	1	0	0	0	0
Other financial investment activities	34	32	2	1	1	0	0	0	0
Full-service restaurants and limited-service eating places	34	5	29	4	7	13	4	1	0
Residential building construction	33	25	8	7	0	1	0	0	0
Offices of real estate agents and brokers	30	27	3	3	0	0	0	0	0
Management, scientific and technical consulting services	29	25	4	3	1	0	0	0	0
Automotive repair and maintenance	28	13	15	8	3	3	1	0	0
General freight trucking	23	15	8	6	0	0	1	1	0
Building equipment contractors	22	11	11	6	3	1	1	0	0
Personal care services	22	16	6	3	3	0	0	0	0
Building finishing contractors	20	16	4	3	1	0	0	0	0
Offices of other health practitioners	20	13	7	4	3	0	0	0	0
Services to buildings and dwellings	19	9	10	6	1	3	0	0	0
Architectural, engineering and related services	18	14	4	3	1	0	0	0	0
Grocery stores	17	5	12	3	4	1	1	2	1
Offices of physicians	17	7	10	5	5	0	0	0	0
Foundation, structure, and building exterior contractors	16	7	9	6	3	0	0	0	0
Other specialty trade contractors	16	11	5	3	2	0	0	0	0
Accounting, tax preparation, bookkeeping and payroll services	15	12	3	2	0	1	0	0	0
Commercial and industrial machinery and equipment (except automotive and electronic) repair	15	10	5	2	2	0	0	1	0
Other amusement and recreation industries	14	7	7	2	1	2	2	0	0
Specialized freight trucking	12	7	5	2	1	1	1	0	0



Industry (NAICS)	Total	Without Employees	With Employees	1-4	5-9	10-19	20-49	50-99	100+
Agencies, brokerages and other insurance related activities	12	5	7	2	4	1	0	0	0
Health and personal care stores	11	3	8	2	3	0	2	0	1
Religious organizations	11	0	11	9	1	1	0	0	0
Specialty food stores	10	5	5	1	3	1	0	0	0
Other miscellaneous store retailers	10	3	7	5	2	0	0	0	0
Activities related to real estate	10	9	1	1	0	0	0	0	0
Residential developmental handicap, mental health and substance abuse facilities	10	0	10	1	2	7	0	0	0
Oilseed and grain farming	9	8	1	1	0	0	0	0	0

Source: Statistics Canada. Canadian Business Patterns, 2014. Adapted by MDB Insight Inc.

The industry sub-sectors that have experienced the highest rates of percentage growth from 2014 to 2016 include:

- Offices of real estate agents and brokers, 42.9% growth
 - Change of 21 to 30 businesses
- Offices of other practitioners, 42.8% growth
 - Change of 14 to 20 businesses
- Services to buildings and dwellings, 35.71% growth
 - Change of 14 to 19 businesses

Industry sub-sectors sectors that have experienced the greatest negative growth between 2014 and 2016 are as follows:

- Management of companies and enterprises, -46.2%
 - Change of 13 to 7 businesses
- Other amusement and recreation industries, -42.6%
 - Change of 26 to 14 businesses
- Oilseed and grain farming, -40%
 - Change of 15 to 9 businesses



Detailed Background Review

Document	Purpose	Key Takeaways
City of Port Colborne Business Retention & Expansion Project (2015)	The BR&E plan centered around a survey of local businesses in order to better understand the business climate and hear the opinion of entrepreneurs as a place to do business. BR&E aims to retain business as well as facilitate expansion and investment.	<p>Four stages of the project include:</p> <ol style="list-style-type: none"> 1. Project planning 2. Immediate Follow-up 3. Data Analysis and Recommendations 4. Presentation of Findings and Implementation of Action Plan <p>Businesses expressed frustration with lack of skilled or adequately qualified workers that could meet their demands, particularly in high skilled areas such as manufacturing. In addition, most businesses indicated that they did recruiting through personal networks.</p> <p>Work needs to be done to encourage youth to pursue skilled trades and occupations where gap exists in the community. Access to broader formalized network can provide better opportunities to connect employers with workers.</p> <p>Businesses expressed little or no knowledge of existing resources available for them, better awareness initiatives need to be made.</p>
Team Niagara Economic Development Action Plan (2015-2018)	Provides a framework to build on past and current private sector efforts to develop a strategy of cooperation for the future. The action plan identifies and uses the region's strengths to take advantage of opportunities for future growth.	<p>Key pillars critical to region's future:</p> <ul style="list-style-type: none"> ▪ Phase 1: Investment Attraction/Leads Generation, Innovation & Entrepreneurship ▪ Phase 2: Economic Research and Analysis ▪ Phase 3: Advocacy <p>The Plan is geared toward providing real economic benefits, reduced costs, effecting changes in the region's regulatory environment, and toward driving sustained improvements in how business and investors operate in Niagara.</p>
Competitive Analysis of Industries in the City of Port Colborne (2009)	The purpose of the study is to identify and assess relevant trends occurring within industries in the region. These analyses form the basis for informed and strategic decisions regarding the allocation of critical resources aimed at promoting sustainable economic development.	<p>Objective of the competitive analysis is to maximize potential for the following:</p> <ul style="list-style-type: none"> ▪ Retention of existing businesses ▪ Expansion of established firms ▪ Stimulation of entrepreneurial activity ▪ Attraction of new investment opportunities <p>Employment in the City is concentrated in three sectors:</p> <ul style="list-style-type: none"> ▪ Manufacturing



Document	Purpose	Key Takeaways
		<ul style="list-style-type: none"> ▪ Health Care and Social Assistance ▪ Retail Trade <p>Sector development priorities for the city are as follows:</p> <ul style="list-style-type: none"> ▪ Driving: Health Care and Social Assistance, Other Services (except Public Admin) ▪ Accelerating: Arts, Entertainment, and Recreation; and Administrative Waste Management/Remediation Services ▪ Rising: Wholesale trade; Professional, Scientific and Technical Services
<p>Downtown Central Business District Community Improvement Plan (2010)</p>	<p>The purpose of the CIP is to:</p> <ul style="list-style-type: none"> ▪ Identify the physical, economic and other strengths, weaknesses, opportunities and threats in relation to revitalization of the Downtown CBD ▪ Articulate vision for the downtown CBD ▪ Specify a Public Realm Improvement Plan that contains recommended improvements to various elements and features of the downtown CB to improve pedestrian environment and private sector activity ▪ Develop a toolbox of incentive programs that can be offered by the City to directly stimulate private sector investment in the revitalization and redevelopment of the downtown CDB 	<p>The designated project area has begun to show signs of stagnation and early signs of deterioration. A number of critical community improvement needs were identified in the Project Area through a detailed SWOT analysis.</p> <p>From the SWOT a vision was put together for the downtown CDB:</p> <ul style="list-style-type: none"> ▪ Maintain and enhance the authentic feel and character. ▪ Be an active and vibrant commercial area at all times throughout the day and year. ▪ Have greater variety of stores and open longer hours. ▪ Have strong visual and physical relationship with the Welland Canal and celebrate history as a working port. ▪ Be more pedestrian and cycling friendly. Add more street furniture. ▪ Updated building facades and signage. ▪ More people living downtown in diverse range of housing options. ▪ More public gathering space.
<p>City of Port Colborne Industrial Community Improvement Plan</p>	<ul style="list-style-type: none"> ▪ To diversify the local economy by attracting new businesses that represent new and desirable sectors of the local economy 	<p>The Industrial CIP focus on following high-potential sectors that have been identified: Manufacturing, Health Care and Social Services, Tourism, Business Services, Distribution and Logistics, Local Government, Personal Services.</p> <p>Industrial CIP Goals and Objectives:</p>



Document	Purpose	Key Takeaways
	<ul style="list-style-type: none"> ▪ Encourage job creation through the attraction of new businesses and/or expansion of existing businesses into identified sectors of the economy 	<ul style="list-style-type: none"> ▪ Encourage capital investments that create and/or maintain existing permanent jobs, as well as short-term construction jobs ▪ Support investments in specified high potential economic sectors that contribute to diversification of economy ▪ Support investment and development that increases property assessment and grows non-residential tax base ▪ Provide financial incentive programs ▪ Facilitate redevelopment of City's vacant lands, and industrial sites ▪ Support the establishment and on-going development of sector clusters
<p>City of Port Colborne Official Plan (2012-2031)</p>	<p>Purpose of the plan is to provide the City with policies designate to secure health, safety, convenience and welfare of the present and future inhabitants of the Planning Area.</p>	<p>The Plan identifies and addresses subject matter that influences the growth and development of the City such as:</p> <ul style="list-style-type: none"> ▪ Economic development, Development of control tools, Subdivision of land policies, Community improvement policies, Development incentives <p>The plan addresses concepts related to good community building such as:</p> <ul style="list-style-type: none"> ▪ Conservation and/or enhancement of natural resources, heritage resources ▪ Parks and open space requirements ▪ Expectations of water and wastewater servicing <p>The City has been identified as an Economic Gateway Centre and will continue to strategically position itself as part of Ontario's Economic Gateway Centre by:</p> <ul style="list-style-type: none"> ▪ Encouraging cross-border trade ▪ Providing land and infrastructure for continued sustainable development of tourist facilities ▪ Working in partnership with all levels of government to ensure attractive employment lands to allow growth in key sectors: Advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies, and interactive media ▪ Encouraging port facilities and marine transportation industry



Document	Purpose	Key Takeaways
<p>City of Port Colborne Arts & Culture Master Plan (2016)</p>	<p>This plan will leverage the city's cultural resources, which will help to support a prosperous and sustainable economy, improved quality of life, increased community cohesion and civic pride. Purpose of the plan:</p> <ul style="list-style-type: none"> ▪ Provide a shared vision connecting all communities grounded in the continuation of cultural resources to the health and prosperity of all communities in Port Colborne ▪ Recommend a comprehensive mandate in the delivery of Cultural Services ▪ Provide a 10-year plan with short, medium and long-term objectives and recommendations with measurable actions and initiatives 	<p>Vision: In ten years, Port Colborne will be a more culturally vibrant community, supported by collaborative institutions and organizations. The city's cultural resources will be widely accessible and inclusive for residents and visitors of all ages.</p> <p>Cultural Resources: Festivals & Events, Natural Heritage, Cultural Heritage, Cultural Space & Facilities, Community Cultural Organization, Cultural Enterprises</p> <p>The plan has 4 Strategic Directions:</p> <ol style="list-style-type: none"> 1. Demonstrate leadership in the community by connecting individuals and organizations towards shared cultural goals 2. Celebrate and enact policy to support community vitality by enhancing the city's unique cultural spaces and activities 3. Increased local and regional awareness of Port Colborne's depth and range of cultural resources 4. Build a strong and collaborative cultural sector to create opportunities and experiences for cultural development that are inclusive and accessible to residents and visitors of all ages <p>Some notable action items:</p> <ul style="list-style-type: none"> ▪ Hold an annual Civic Night or "Celebrate Port" night at Roselawn Centre ▪ Convene Annual Cultural Summit ▪ Increase vibrancy of downtown ▪ Develop and promote Public Art Policy ▪ Strengthen festivals and events ▪ Reimagine and resource the Roselawn Centre to become a creative/cultural incubator ▪ Emphasize business sponsorship and support for cultural sector ▪ Engage, activate and support local youth, and culturally related volunteerism



Report Number: 2018-50

Date: April 23, 2018

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

1) PURPOSE

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

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On February 26, 2018, Council directed that a second public meeting take place on the draft zoning by-law to allow for further input prior to consideration.

Notice of the second public meeting for the new Comprehensive Zoning By-law was advertised in the Welland Tribune on March 6, 2018 and was placed on the City's website.

3) STAFF COMMENTS AND DISCUSSIONS

Attached as Appendix A is the summary of comments received or presented at the second public meeting on March 26, 2018 and Planning staff's review.

Appendix B is the third draft of the new zoning by-law and includes all tracked changes since the second draft was presented in Planning and Development Report 2018-37.

In response to certain comments made and the lack of current Official Plan Policy respecting asphalt manufacturing and other uses within the Mineral Aggregate & Petroleum Resources designation, staff are recommending that Council pass an interim control by-law to control the use of lands through proper study and policy. What this enables is to eventually identify what uses are prohibited and not prohibited in the Zoning By-law's Mineral Aggregate Operation zone. This will allow the Zoning By-law to move forward for those land uses (eg. residential) that are supported by the Official Plan for development.

Staff are satisfied that all comments made have been addressed representing good planning and that the final draft of the new Comprehensive Zoning By-law can be recommended for approval as it conforms to Official Plan policy.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

N/A

b) Other Options

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

N/A

6) ATTACHMENTS:

Appendix A - Summary of comments and Planning Staff's review.

Appendix B - Final Draft of the new Comprehensive Zoning By-law.

Appendix C - Draft Interim Control By-law.

7) RECOMMENDATION:

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be rescinded and repealed;

That the draft by-law approving the draft Comprehensive Zoning By-law attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix A, 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.

That an Interim Control By-law, attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix C, be approved pursuant to Section 38 of the *Planning Act*, for a period of up to one year for those lands proposed to be zoned Mineral Aggregate Operation to control the use of lands until proper study and policy review has been completed,

8) SIGNATURES:

Prepared on April 14, 2018:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

APPENDIX A

Name & Address	Comment	Review
Megan & Sandro Seca, 646 Stanley Street	Assurance that land is environmentally protected behind their home.	No change as these lands are zoned as Environmental Protection to recognize a Provincially Significant Wetland where no development can occur.
Harry Wells, 548 Highway 3 East	<p>Noted the potential area where the Aggregate sector could expand with potential impact for contamination into the High Vulnerable Aquifer areas.</p> <p>Made reference to the purpose of the Aggregate Resources Act and need for rehabilitation.</p> <p>Reference to the Draft Zoning Bylaw item 2.3(b) and questioned why Asphalt and Cement Manufacturing was removed as a prohibited use. Concern that no protection to the vulnerable aquifer is included and the end result will be ground water contamination.</p>	<p>A successful Zoning By-law, Official Plan & Regional Plan Amendment Application would be required for any new aggregate or expansion together with supporting study.</p> <p>The Ministry of Natural Resources and Forestry as part of their licensing is the need for rehabilitation of Pits 2 and 3. A Site Plan Agreement between Port Colborne Quarries and the City has a clause regarding rehabilitation for Pits 1, 2 and 3.</p> <p>As there is no Official Plan policy regarding asphalt or cement manufacturing, staff will be bringing forward a future report recommending that Council direct that an Interim Control By-law be undertaken for study regarding policy, use and/or location before consideration of any zoning use.</p>
Doug Darbyson on behalf of William Gordon of 970 Empire Road.	Request that Bertie Golf Carts be zoned to recognize use as approved by the Committee of Adjustment.	No change as the City's Official Plan does not support commercial uses on Agricultural designated lands. Commercial uses are directed to the Hamlet Areas as per Provincial Policy Statement Guidelines.

<p>Jack Hellinga, 770 Highway 3</p>	<p>Concern that that the current definition in the draft Zoning Bylaw would infringe on existing uses adjacent to the Mineral Aggregate Operations uses.</p> <p>Requested that the City amend the current wording of permitted uses "a) Mineral Aggregate Operations" to read: a) Mineral Aggregate Operations, except for Asphalt Plant and Concrete Batching Plant facilities".</p> <p>Requested to amend the wording of "d) Agricultural Operations to read d) Agricultural Operations except Intensive Animal Operations and Medical Marijuana Production Facilities".</p> <p>Requested that the City an amend the definition of Mineral Aggregate Operations to read: "Mineral Aggregate Operation: means a) An operation other than wayside pits and quarries, conducted under a license of permit under the Aggregate Resources Act or</p>	<p>The Provincial Policy Statement, Regional Policy Plan and the City's Official Plan (policy 10.1.1b) 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. Existing uses however can continue as lands adjacent to Port Colborne Quarries are limited in development opportunities being outside of the urban service boundary or having limited inability to service. Staff have not provided setback requirement in the draft for these reasons.</p> <p>The proposed definition of Mineral Aggregate Operations was added after comments from the Region of Niagara were received.</p> <p>The PPS and Regional Plan defines and the City Official Plan (minus "b"): Mineral aggregate operation: means a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act; b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and c)</p>
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	<p>successors thereto; and b) Associated accessory facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources.”</p> <p>Concern regarding the potential environmental effects on the High Vulnerable aquifer and requested that a restriction be included in Section 28.3 such as “d) No recycling of asphalt and concrete, including crushing or stockpiling of such product, shall be permitted below the natural top water level of the High Vulnerable Aquifer nominally defined as elevation 176.0m, and that all rainwater runoff from the processing and stockpiling site(s) be contained and discharged in accordance with MOECC regulations.”</p> <p>Requested that the zone requirements for Section 28.3 also identify the necessity for progressive rehabilitation.</p>	<p>associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products <u>such as asphalt and concrete</u>, or the production of secondary related products.</p> <p>The requested change to exclude Asphalt Plant and Concrete Batching Plant facilities” from Mineral Aggregate Operations’ can’t be supported as it is contrary to Provincial, Regional and City Policy. Staff however will recommend that an Interim Control By-law be directed so that study can occur regarding policies and uses within the Mineral Aggregate Operation designation and zone.</p> <p>Under Official Plan Aggregate policy when considering new aggregate areas:</p> <p>10.2.2b) The City will review and provide comments to the Ministry of Natural Resources when circulated on major site plan amendments under the <i>Aggregate Resources Act</i>. In order to encourage land use compatibility of <i>mineral aggregate operations</i>, the City may request additional setbacks or separation distances be established by the Ministry of Natural Resources through the licensing process.</p> <p>The rehabilitation of an aggregate operation is a Provincial, Regional and Official Plan Policy. It is also a Provincial</p>
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		<p>Licensing requirement included in site plan agreements and not regulated through a zoning by-law.</p> <p>As previously mentioned, as here is no Official Plan policy regarding asphalt or cement manufacturing it will be recommended in a future report that Council direct that an Interim Control By-law be in place for study regarding policy, use and/or location before consideration of zoning use.</p>
<p>Dr. Sean McFarland, Golder Associates on behalf of Port Colborne Quarries</p>	<p>Advised that the existing quarry is excavated below the water table and is dewatered by a sump on the existing quarry floor. That the quarry is excavated below the surrounding groundwater levels and there is inward</p>	<p>Planning Staff are not qualified to provide a review of Dr. McFarland's comments. There would have to be budgeted monies available in order to have a peer review completed.</p>

	<p>groundwater pressure from the existing quarry walls. There is also consistent upward groundwater pressure from the base of the quarry, under existing conditions, since the groundwater levels in wells installed in the boreholes on the adjacent property are above the level of the quarry floor.</p> <p>As the quarry is excavated to the top of a low permeability grey to black shale there is considered to be a very low potential for groundwater contamination from activities in the quarry, as groundwater is flowing inward toward the quarry excavation.</p> <p>Advised that any contaminants from industrial usage would not flow outward from the site, due to the inward groundwater pressure. There would also not be significant leakage of contaminants (if any) through the base of the quarry due to the presence of the low permeability shale beneath the quarry and upward hydraulic gradients beneath the quarry.</p> <p>There is considered to be a very low potential for groundwater contamination arising from minor extraction industrial use at the site. In addition, contaminants resulting from spills would be managed through a spill response plan, such that they do</p>	
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	<p>not enter the quarry sump to be discharged off site.</p> <p>In response to questions concerning well impacts it was also discussed that the quarry dewatering and discharge of the pumped water is regulated by the MOECC through the PTTW process. This includes an evaluation of potential impacts on surrounding water wells and the quality of water discharged off site. That the quarry is responsible for restoring the groundwater supply of any wells that are impacted from drawdown related to quarry dewatering.</p>	
<p>Dave Sisco, IBI Group on behalf of Port Colborne Quarries</p>	<p>That the MOA Zone clause 28.3 c) be deleted based on the clause was not part of the February 12, 2018 version of the draft Zoning By-law which is the document that Senior City Staff recommended Council to approve as part of your previous Staff Report 2018-14.</p> <p>The licensing of pits and quarries in Ontario is the mandate of the Ministry of Natural Resources and Forestry (MNRF) which facilitated through the Aggregate Resources Act and its' regulations referred to as the 'Provincial Standards'.</p> <p>Within the Provincial Standards are 'Operational Standards' that every new</p>	<p>Clause 28.3c) was included in the February 12, 2018 version of the Draft By-law. The report included the June 2017 draft by-law as an appendix which is believed why this comment was made in error.</p> <p>However after review of 28.3c) it is recommended for deletion as the City should not apply its own setbacks that are not in line with provincial licensing standards set by the Ministry of Natural Resources and Forestry (MNRF) through the Aggregate Resources Act.</p> <p>Further it is not appropriate for the City to apply its own setback standards for aggregate uses, as aggregates are regulated at the provincial level. S. 66(1)</p>

	<p>quarry license applicant is required to retain experts in their field and each must determine if the proposed extraction operation may result in a negative impacts, not only to sensitive receivers, but also to any other identified provincially significant resource; and all based on established provincial guidelines and/or policies, and if any are determined, to recommend appropriate mitigation.</p> <p>Therefore, the use of an arbitrary extraction setback is contrary to provincial regulation.</p> <p>The Aggregate Resources Act (ARA) is explicit inasmuch that the Act overrides municipal by-laws, official plans or development agreements where with the same subject matter is deal with by the ARA.</p> <p>Act overrides municipal by-laws, etc. 66 (1) This Act, the regulations and the provisions of licences and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative. 1999, c. 12, Sched. N, s. 1 (4).</p>	<p>of the Aggregate Resource Act states that to the extent that a zoning by-law deals with the same subject matter as the Act and the regulations or provisions of a licence or Site Plan, the by-law is inoperative.</p>
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	<p>Therefore, since the regulations and the provisions of licenses and site plans include the matter of setbacks, clause 28.3 c) would be deemed overridden by the Act.</p> <p>viii. The clause is contrary to the Provincial Policy Statement and specifically Policy 2.5.2.1 wherein ; <i>"As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible".</i></p> <p>It is our opinion that the only qualified manner to determine the limits of what is 'realistically possible', is through the completion of 'site specific' assessments as prepared by the above noted experts, not through an arbitrary setback.</p> <p>Definitions</p> <p>Under Section 38 of the draft By-law and the definition for '<u>Mineral Aggregate Operations</u>' we anticipate the City cited the definition from the Provincial Policy Statement. However, we note that under b), a comma is missing between "transport" and "beneficiation". PCQI is supportive of the definition for <u>Wayside Pits and Quarries</u>.</p>	<p>Grammatical correction will be made.</p>
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	That Port Colborne Quarries is supportive of the overall draft Zoning By-Law subject to the deletion of clause 28.3 c) and the minor correction to the definition of Mineral Aggregate Operations.	
George Beaulieu, 644 Second Concession Road	Concern that a cement or asphalt plant will cause noise and air pollution.	A cement or asphalt plant will not be a permitted use. It is recommended that an interim control by-law be in place requiring proper study and review before any usage is contemplated in the Mineral Aggregate Operation Zone.
David Stovell, 874 Second Concession Road	Commented of dust experienced when he lived at 1170 Main Street East and that it was accepted because he was told the quarry would be rehabilitated. Inquired on the need for preconsultation.	A rehabilitation plan is a requirement of a provincial license for pits 2 and 3 and a requirement of pit 1 in a Site Plan Agreement between the City and Port Colborne Quarries.



PORT COLBORNE

City of Port Colborne

Comprehensive Zoning By-law __ / __ /18

April 23, 2018

Deleted: February 12

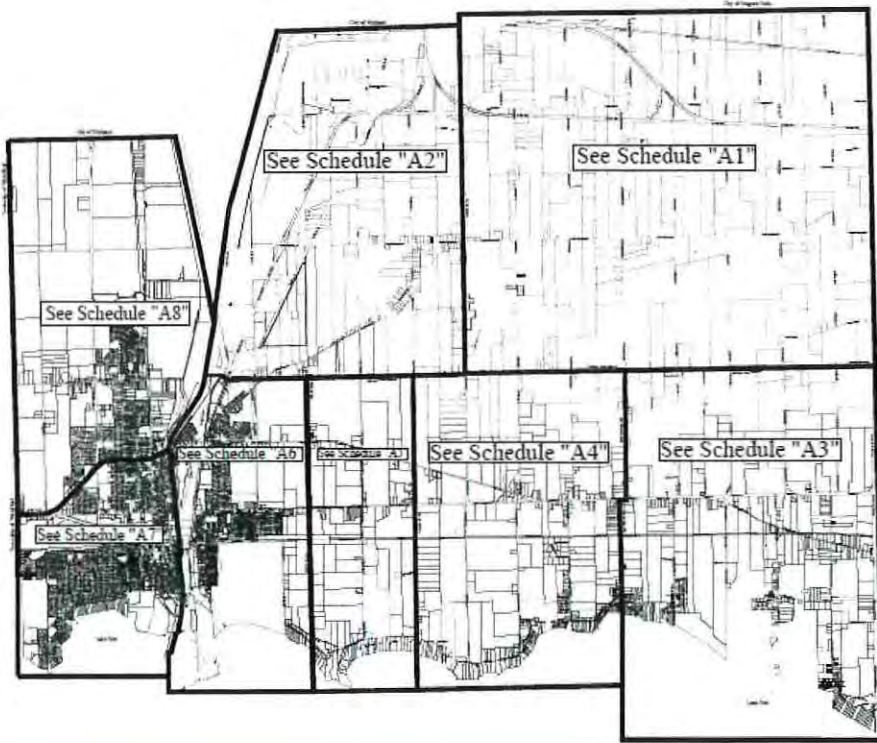


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Preamble

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;
- c) Mobile Home Park;
- d) Salvage Yard;
- e) Solid Waste Disposal Facility;

Deleted: b) Asphalt and Cement Manufacturing;

- 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:
 - 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 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.

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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 homes 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

Deleted: ¶

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;

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- 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.

- 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.

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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, statues, 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 Corner Side Yard Rear Yard	1.2 metres
Cantilever – Walls or Windows	All	0.3 metres
	Front Yard 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 Marijuana 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
Standard Parking Space	2.6	5.2	-
Standard Parking Space Obstructed on Two Sides	3.5	5.2	Abutting any wall, column or structure on both sides
Standard Space Obstructed on One Side	3	5.2	Abutting any wall or column, or structure on one side
Accessible Space	3.7	5.2	-

Two (2) Accessible Spaces Side by Side	2.6 ea.	5.2	2.6 m common space between accessible spaces
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3.3 Accessible Parking

a) Accessible parking spaces shall be provided at the following rate:

<u>Number of Required Standard Parking Spaces</u>	<u>Number of Accessible Parking Spaces</u>	<u>Number of Required Standard Parking Spaces</u>	<u>Number of Accessible Parking Spaces</u>
1-25	1	151-200	7
26-50	2	201-300	8
51-75	3	301-400	10
76-100	4	401-500	12
101-150	6	501 and over	2% of the required parking

3.4 Parking Location

- a) Required parking shall be provided on the same lot as the use requiring the parking; or
- b) On any lot that is not a road or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.

3.5 Parking Area

- a) Every parking area, loading space and driveway connecting a parking area to a road shall be maintained with a hard surface.
- b) On a residential lot with 4 or fewer dwelling units the following provisions shall apply:
 - i) Maximum Parking Area Coverage 50 percent
 - ii) Maximum Width 7.5 metres or 50% of the lot frontage, whichever is less

3.6 Encroachment into Yards

- a) A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.

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 Second 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) Dwelling, Triplex;~~

~~d) Dwelling, Fourplex;~~

~~e) Dwelling, Townhouse Block;~~

~~f) Dwelling, Townhouse Street;~~

~~g) Apartment Buildings;~~

~~g) Apartment Buildings, Public; and~~

~~h) Uses, structures and buildings accessory thereto~~

Deleted: a)

Deleted: b)

Deleted: c)

Deleted: d)

Deleted: e)

Deleted: f)

Deleted: g)

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 | 15, percent |
| h) Maximum Height | 11 metres |

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Section 11: Lakeshore Residential Zone (LR)

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 | 15 percent |
| h) | Maximum Height | 11 metres |

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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)

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 | 15 percent |
| h) Maximum Height | 11 metres |

Deleted: 0

Section 13: Residential Development Zone (RD)

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

13.3 Zone Requirements – Dwelling Detached

- a) Minimum Lot Frontage ~~30m~~ Deleted: as existing
- b) Minimum Lot Area as existing
- c) Minimum Front Yard ~~8m~~ Deleted: as existing
- d) Minimum Interior Side Yard ~~5m~~ Deleted: as existing
- e) Minimum Corner Side Yard ~~8m~~ Deleted: as existing
- f) Minimum Rear Yard ~~8m~~ Deleted: as existing
- g) Maximum Lot Coverage ~~10 percent~~ Deleted: as existing
- h) Maximum Height ~~11m~~ Deleted: as 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) ~~uses, structures and buildings accessory thereto~~

Deleted: Existing

14.3 Zone Requirements – Dwelling Detached

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

Deleted: as existing

Deleted: as existing

Deleted: as existing

Deleted: as existing

Deleted: as existing

Deleted: as 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 | 10 percent |
| h) Maximum Height | 11 metres |

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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
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 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)

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)

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

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)

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 | no minimum |
| g) Minimum Corner Side Yard | 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 | 26 metres |
| k) Maximum Gross Floor Area | 100% of the lot area |

Deleted: 2.5 metres

Deleted: 2 metres

Deleted: 2

Deleted: 5

Deleted: or 1000 square metres, 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	Deleted: 125 square
c)	Minimum Front Yard	no minimum	Deleted: metres
d)	Minimum Interior Side Yard	no minimum	Deleted: 9 metres
e)	Minimum Corner Side Yard	no minimum	Deleted: 3 metres
f)	Minimum Rear Yard	no minimum	Deleted: 7.5 metres
g)	Maximum Lot Coverage	no minimum	Deleted: 6 metres
h)	Maximum Height	26 metres	Deleted: 40 percent
i)	Minimum Landscaped Area	25 percent	Deleted: 0
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	200 percent	Deleted: 50
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
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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.

- 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 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.

Deleted: 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,
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
To properties fronting onto Beach Road | 30 metres |
| d) | Minimum Buffer Area
Residential Use | 50 metres |
| e) | Minimum Buffer Area
Eastern limit of Wyldewood Road | 50 metres |
| f) | Minimum Buffer Area
Private Water Supply and Treatment
Facility | 100 metres abutting any
campground, temporary;
campground, permanent;
retail store; restaurant, fast
food; restaurant, full-
service; restaurant, take-
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 |

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Section 34: Environmental Protection Zone (EP)

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

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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

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

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 1st and October 31st 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 ~~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:

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- 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
Zoned Residential | 9 metres |
| iii) | Minimum Width in All
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
for a Mobile Home | 7 percent |
| d) | Minimum Front Yard
for a Mobile Home | 75 metres |
| e) | Minimum West Side Yard
for a Mobile Home | 25 metres |
| f) | Minimum East Side Yard | 75 metres |
| g) | Minimum Rear Yard
for a Mobile Home | 75 metres |
| h) | Minimum Ground Floor Area
for a Mobile Home | 65 square metres |

- i) Maximum Height for a Mobile Home one storey

Special Provision: DC-44 Formerly: CC-65 By-law No.: n/a

In addition to the uses permitted in the Downtown Commercial (DC) Zone, this land may also be used for marine sales and service, uses buildings and structures accessory thereto and the following regulations shall apply:

- a) Minimum Front Yard as existing
- b) Maximum Building Height 1 storey
- c) Minimum Parking Requirements in accordance with Section 3 of this By-law

Special Provision: HMC-45 Formerly: HD-365 By-law No.: 6050/16/14

Notwithstanding the provisions of the Hamlet Commercial (HMC) Zone, the use of this land shall be restricted to the sale, service and storage of golf carts and the following shall apply:

- a) Maximum Height 9 metres

Special Provision: HI-46-H Formerly: n/a By-law No.: 5989/95/13

Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

- a) The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56 tank petrochemical storage facility.
- b) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure 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 have been undertaken to the satisfaction of the City and appropriate approval authorities. 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) 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

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.

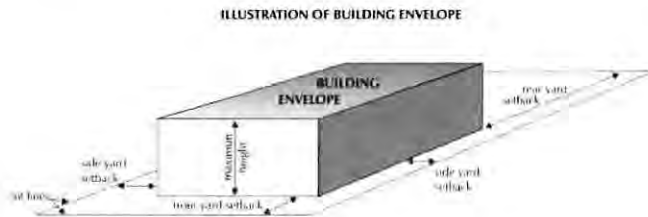
Boat House: means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the principal residential occupancy of the lot.

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.

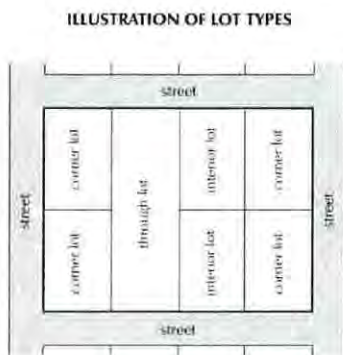
Livestock: means farm animals and includes but is not limited to: dairy and beef cattle, horses, swine, sheep, poultry, goats, fowl, mink, rabbits and other fur bearing animals.

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°);
- 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 CORNER LOT
ON A SINGLE STREET**



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

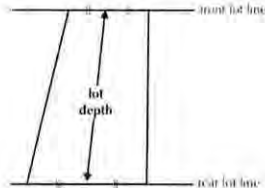
Lot Coverage: means that percentage of a lot covered by building or structure but does not include:

- 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.

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ILLUSTRATION OF LOT DEPTH



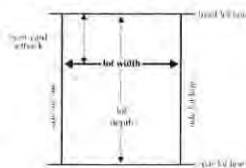
Lot Line: means the boundary of a lot and includes:

- 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 of 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.

ILLUSTRATION OF LOT WIDTH



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.

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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 preformed 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

d) 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.

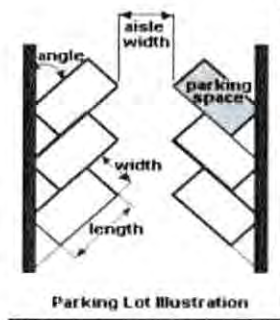
Owner: means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

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.

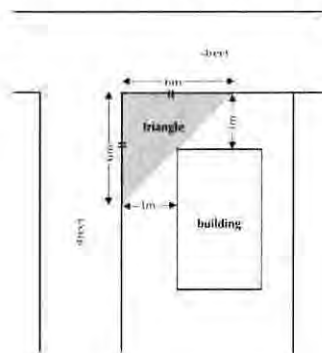
Service, Commercial: means a building or part thereof wherein articles or goods are repaired or serviced or where replacement parts for such articles or goods are offered for sale.

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:

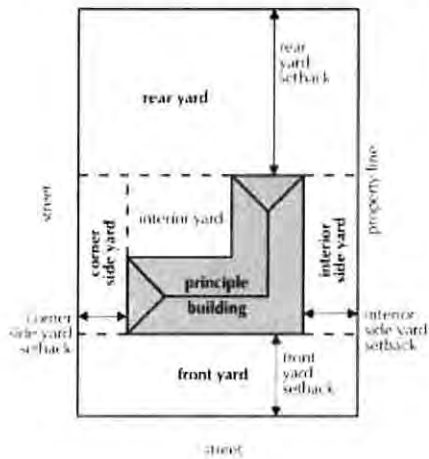
- a) **Front Yard:** which means that yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
- b) **Rear Yard:** which means that yard that extends across the full width of the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



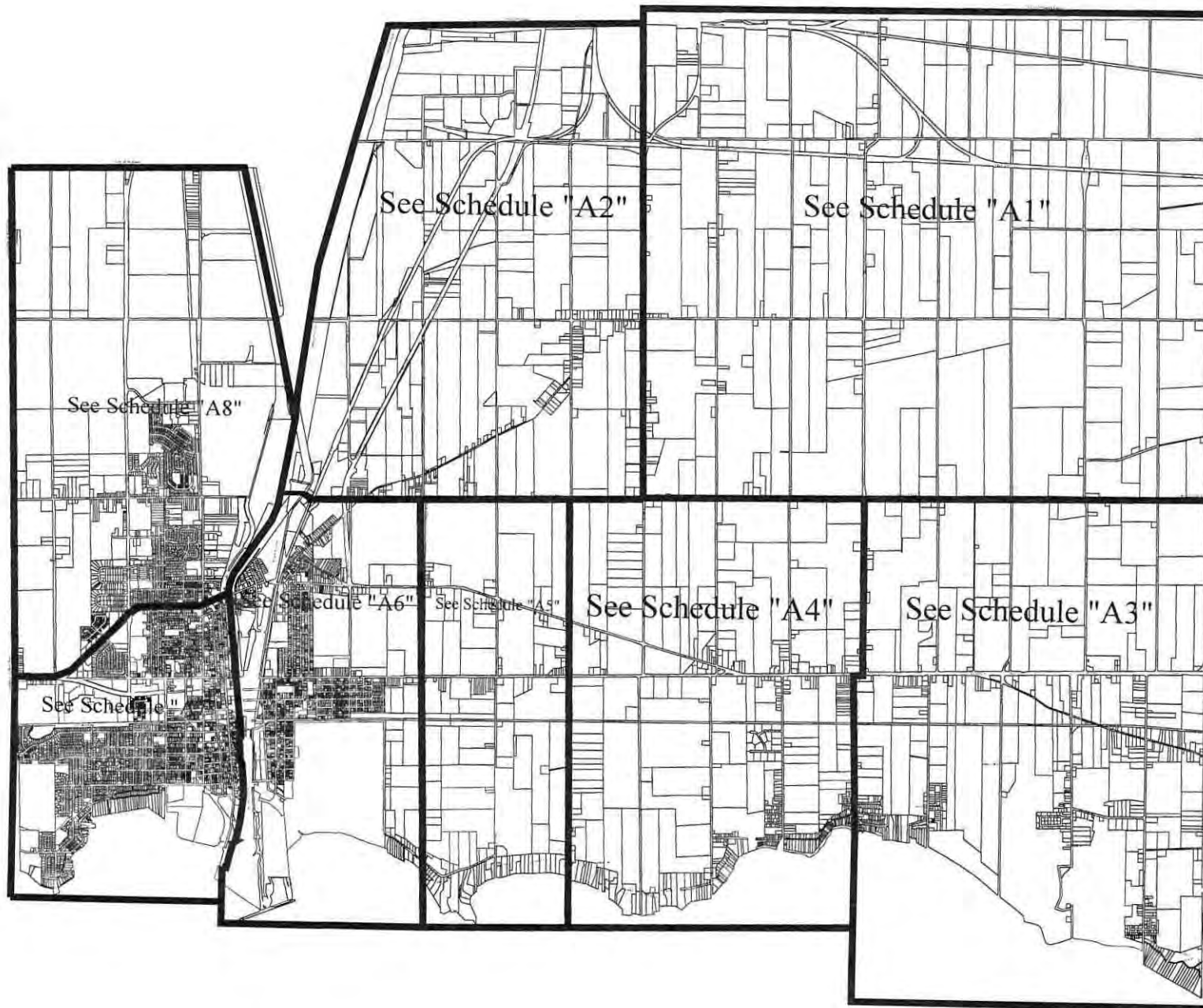
Yard, Required: means that portion of a lot between a specified lot line and the specified distance to where a building or structure may be located.

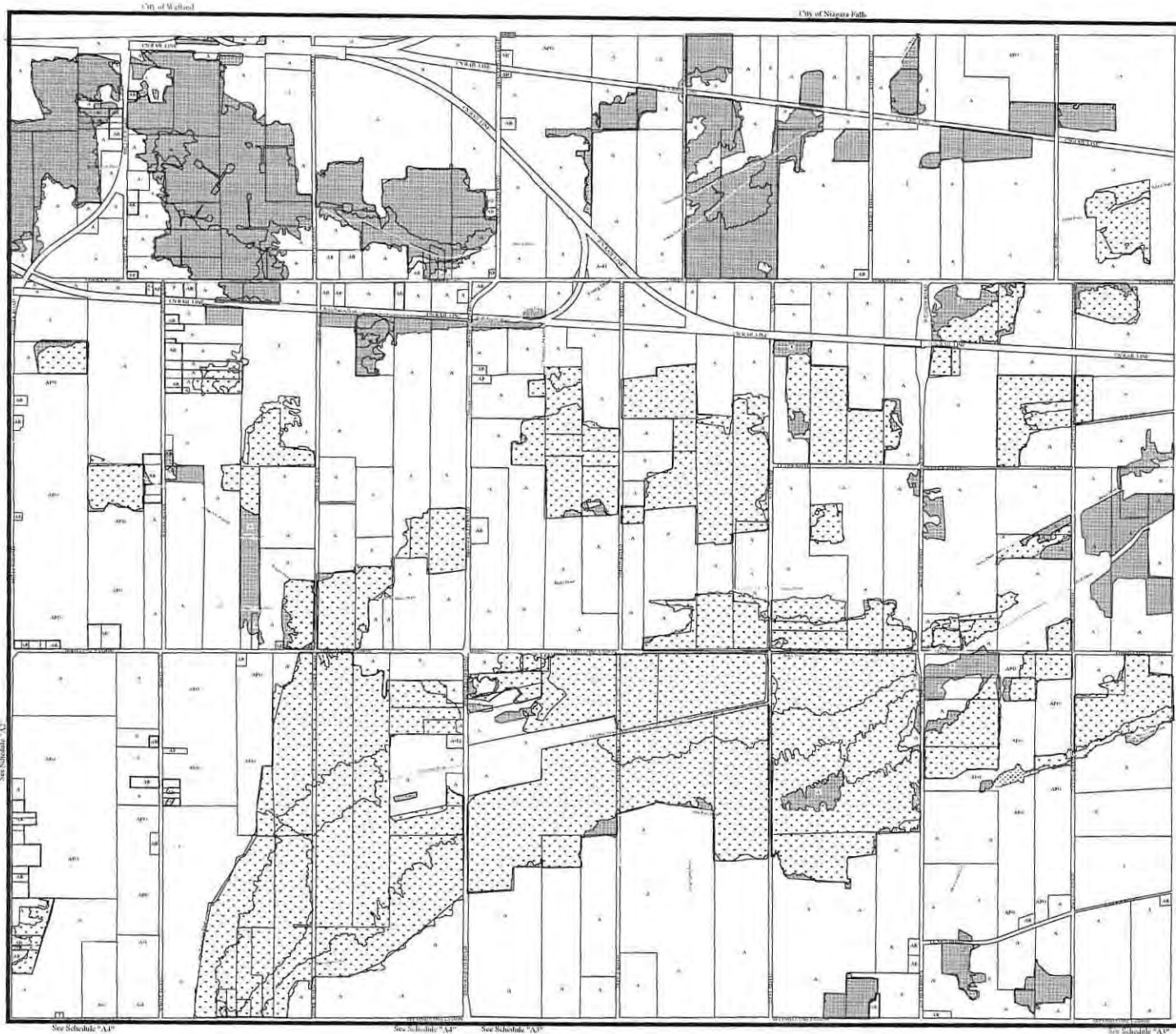
Zone: means a designated area of land use shown on Schedules A1 – A8 in Section 38 of this By-law.



SCHEDULE "A"

Zoning Maps "Index"





City of Port Colborne

SCHEDULE "A1"
to By-law 500

Legend

Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
I	INSTITUTIONAL PROTECTION
E	ENVIRONMENTAL PROTECTION
EC	ENVIRONMENTAL CONSERVATION

This is Schedule "A1" to By-law 500
Passed on 2nd Oct of April 2004

John Maloney, Mayor
Andrew LaCombe, City Clerk



Town of Port Hope

City of Welland

City of Port Colborne

SCHEDULE "A2"
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
ID	INDUSTRIAL DEVELOPMENT
GI	GATEWAY INDUSTRIAL
HI	HEAVY INDUSTRIAL
P	PUBLIC AND PARK
	ENVIRONMENTAL PROTECTION
	ENVIRONMENTAL CONSERVATION

This Schedule "A2" is By-law No. _____ Passed On 25th Day of April 2018



Tom Maloney, Mayor

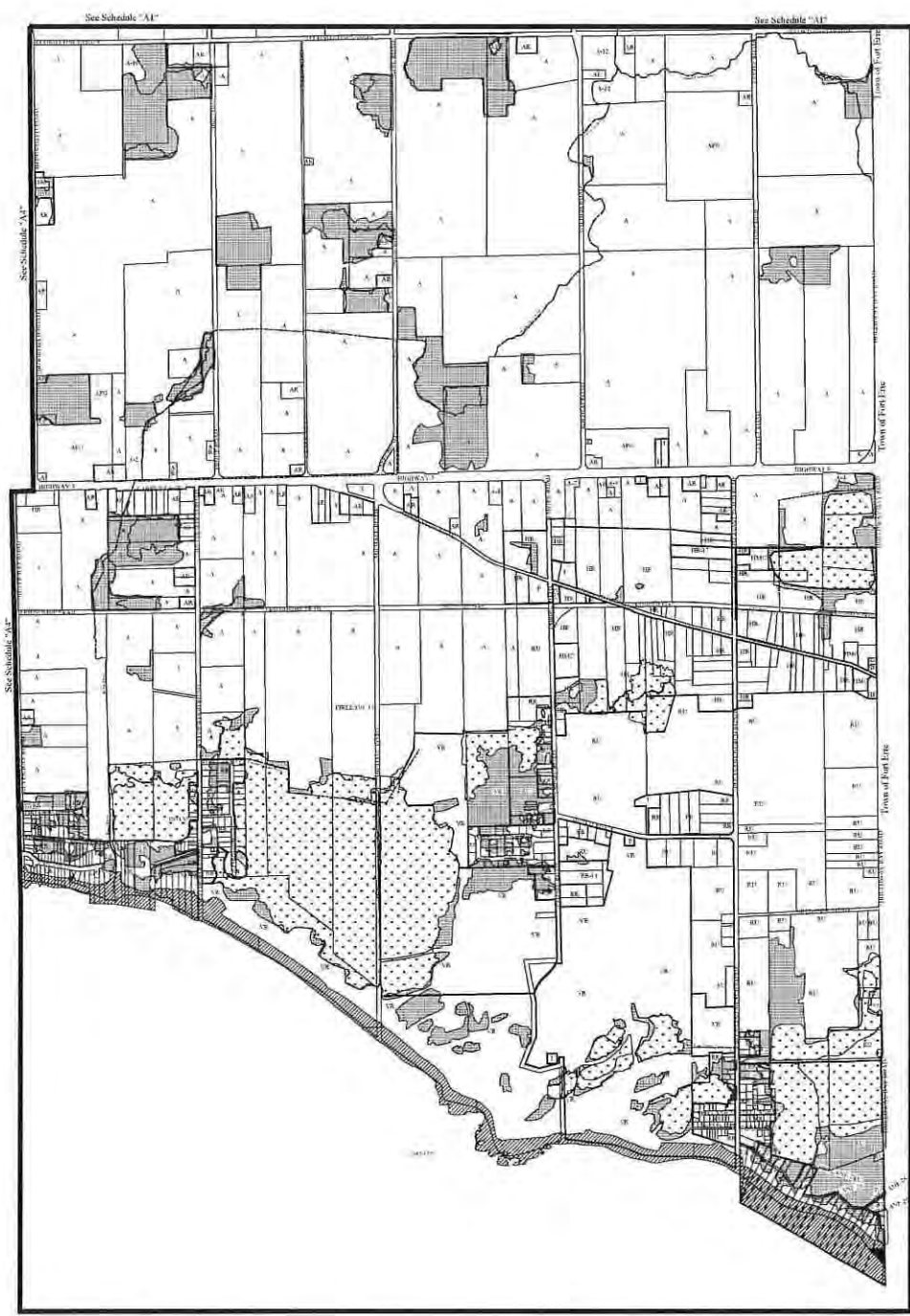
Barbara Lobosco, CIP Clerk



See Schedule "A5"

See Schedule "A5"

See Schedule "A1"



City of Port Colborne
SCHEDULE "A3"
 to By-law No. _____

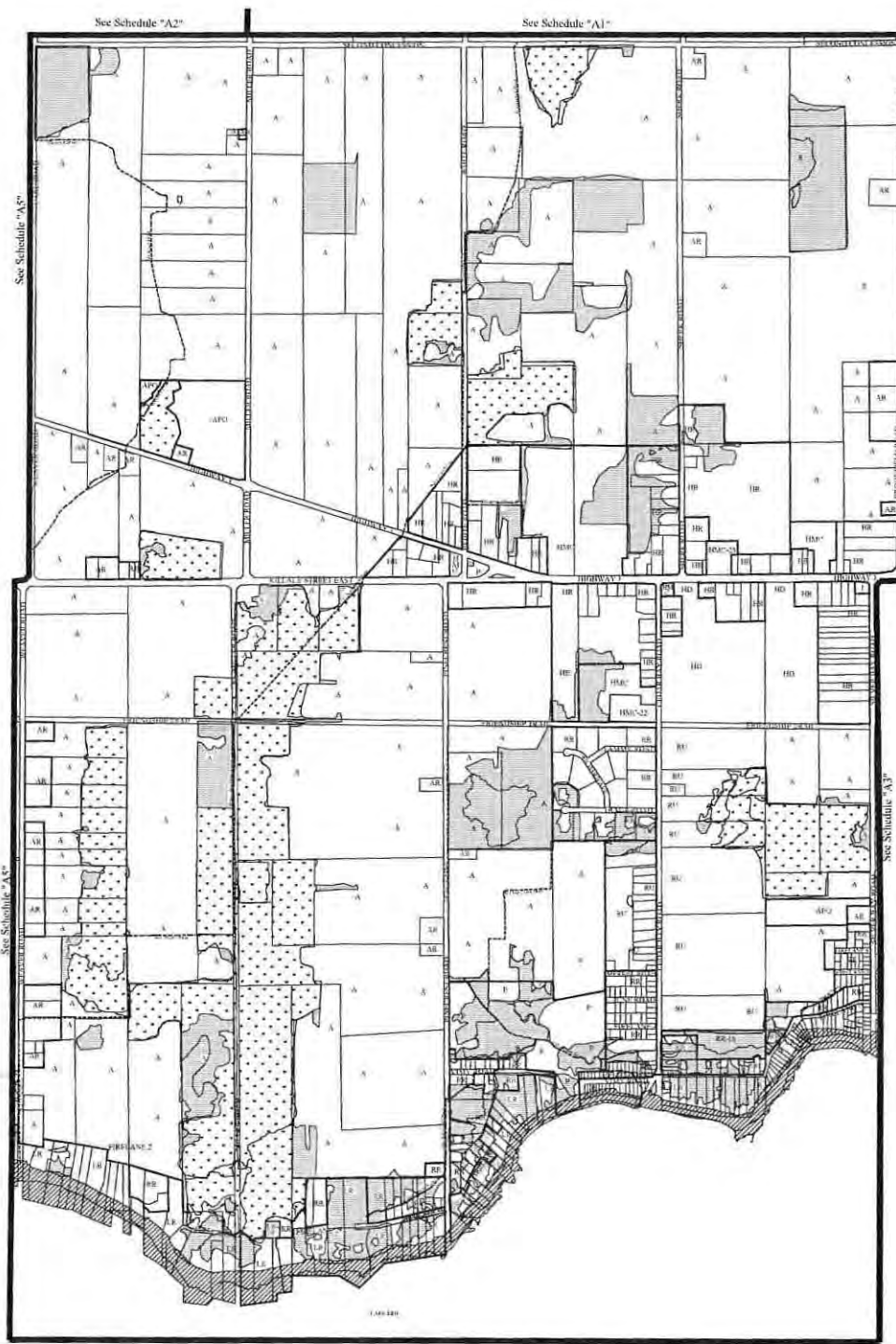
LEGEND

Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
RU	RURAL
RR	RURAL RESIDENTIAL
I	INSTITUTIONAL
HR	HAMLET RESIDENTIAL
HMC	HAMLET COMMERCIAL
VR	VACATION RESIDENTIAL
[Diagonal Hatching]	HAZARD
[Dotted Pattern]	ENVIRONMENTAL PROTECTION
[Cross-hatch Pattern]	ENVIRONMENTAL CONSERVATION

This Schedule "A3" to By-law No. _____
 Passed by _____ Council _____ 2018

John Maloney Mayor

Malcolm Stacey City Clerk



City of Port Colborne
 TYPED & REPRODUCED
SCHEDULE "A4"
 to By-law No.

LEGEND

Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
RU	RURAL
RR	RURAL RESIDENTIAL
LR	LAKESHORE RESIDENTIAL
HR	HAMLET RESIDENTIAL
HD	HAMLET DEVELOPMENT
HMC	HAMLET COMMERCIAL
F	INSTITUTIONAL
P	PUBLIC AND PARK
[Hatched Box]	ENVIRONMENTAL PROTECTION
[Dotted Box]	HAZARD
[Stippled Box]	ENVIRONMENTAL CONSERVATION

This is Schedule "A4" to By-law No.
 Passed by 2nd Day of April 2011

John Palmer, Mayor

Robert Lallonde, City Clerk

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	LAKE SHORE RESIDENTIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
MAO	MINERAL AGGREGATE OPERATIONS
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

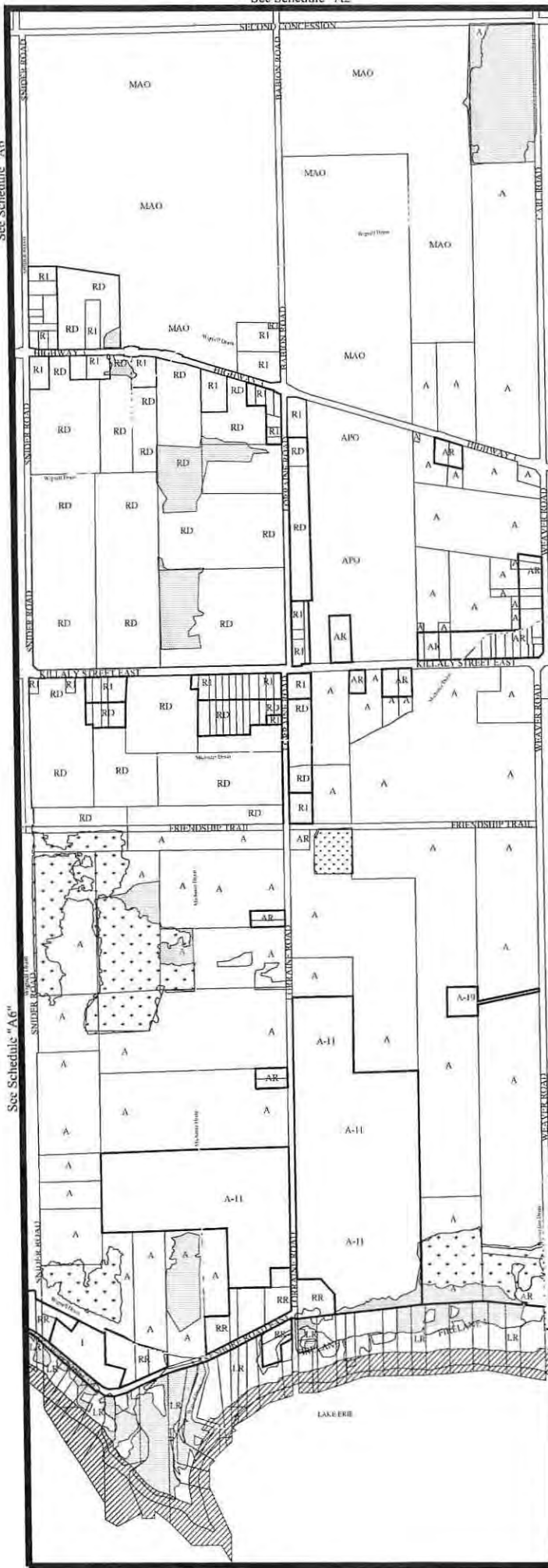
This is Schedule "A5" to By-law No. _____
Passed the 23rd day of April 218



John Maloney, Mayor

Amber LaPonte, City Clerk

See Schedule "A6"



See Schedule "A4"

City of Port Colborne

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
[Dotted Pattern]	ENVIRONMENTAL PROTECTION
[Diagonal Lines]	HAZARD
[Stippled Pattern]	ENVIRONMENTAL CONSERVATION

This is Schedule "A6" to By-law No.
Passed the 23rd Day of April 2018



John Maloney, Mayor

Amber LaPointe, City Clerk

See Schedule "A7"

See Schedule "A7"

See Schedule "A4"



Township of Wainfleet



Township of Wainfleet



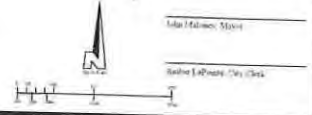


SCHEDULE "A8"
 to By-law No.

LEGEND

- R1 FIRST DENSITY RESIDENTIAL
- R2 SECOND DENSITY RESIDENTIAL
- R3 THIRD DENSITY RESIDENTIAL
- R4 FOURTH DENSITY RESIDENTIAL
- RT RESIDENTIAL TOWNHOUSE
- RD RESIDENTIAL DEVELOPMENT
- MU 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
- APD AGRICULTURAL PURPOSES ONLY
- AR AGRICULTURAL RESIDENTIAL
- RR RURAL RESIDENTIAL
-  ENVIRONMENTAL PROTECTION
-  ENVIRONMENTAL CONSERVATION

This Schedule "A8" to By-law No.
 Passed On 2nd Day of April 2018



John H. Adams, Mayor
 Robert L. Powers, City Clerk

See Schedule "A7"

See Schedule "A10"
 See Schedule "A11"
 See Schedule "A12"
 See Schedule "A13"
 See Schedule "A14"
 See Schedule "A15"
 See Schedule "A16"
 See Schedule "A17"
 See Schedule "A18"
 See Schedule "A19"
 See Schedule "A20"
 See Schedule "A21"
 See Schedule "A22"
 See Schedule "A23"
 See Schedule "A24"
 See Schedule "A25"
 See Schedule "A26"
 See Schedule "A27"
 See Schedule "A28"
 See Schedule "A29"
 See Schedule "A30"
 See Schedule "A31"
 See Schedule "A32"
 See Schedule "A33"
 See Schedule "A34"
 See Schedule "A35"
 See Schedule "A36"
 See Schedule "A37"
 See Schedule "A38"
 See Schedule "A39"
 See Schedule "A40"
 See Schedule "A41"
 See Schedule "A42"
 See Schedule "A43"
 See Schedule "A44"
 See Schedule "A45"
 See Schedule "A46"
 See Schedule "A47"
 See Schedule "A48"
 See Schedule "A49"
 See Schedule "A50"

The Corporation of the City of Port Colborne

By-law No.

Being an Interim Control By-law

Whereas the Municipal Council of The Corporation of the City of Port Colborne, pursuant to Section 38(1) of the *Planning Act, R.S.O. 1990*, as amended, passed a resolution on April 23, 2018 directing that the Planning and Development Department undertake a review or study in respect of land use planning policies of the Official Plan and uses permitted in the Mineral Aggregate Operation zone;

Whereas it is deemed necessary in accordance with sound planning principals to restrict and permit development of land and uses in the Mineral Aggregate Operation zone;

Whereas Section 38 of the *Planning Act, R.S.O., 1990*, as amended, allows for the passing of an Interim Control By-law prohibiting the use of land, buildings or structures within the municipality for, or except for, such purposes as are set out in the by-law;

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

1. No land, building or structure in the Mineral Aggregate Operation zone as shown in the new Zoning By-law shall be used other than the following uses:
 - a) 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;
 - b) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
 - c) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.
2. This by-law shall be in effect for a period of one year from the date of passing of this by-law, or until repealed.
3. This by-law shall come into force pursuant to Section 38 of the *Planning Act, RSO 1990*, as amended.

Enacted and passed this 23rd day of April, 2018.

John Maloney
Mayor

Amber Lapointe
City Clerk

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Fire and Emergency Services Department

Report Number: 2018-48

Date: April 23, 2018

SUBJECT: Fire Marque Indemnification Technology®

1) PURPOSE

This report was prepared by the Fire Chief as a result of an inquiry from Mr. Chris Carrier, National Municipal Accounts Manager, Fire Marque.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Fire Marque is a licensed Canadian company that could provide funding to the Fire Department by billing insurance companies when the City's Fire Department responds to fires.

A modification of the City's fee schedule established for the Fire Department under By-law No. 6558/13/18 would be required. In addition, a by-law entering into an agreement with Fire Marque and the Corporation of the City of Port Colborne would also be required. The Fire Marque program would not cost the municipality any money. A percentage of the fees collected would be retained by Fire Marque.

Some frequently asked questions are the following:

Will local insurance rates go up as a result of the Fire Marque program?

No. Property insurance policies already have fire department expense coverage in it.

Why do auto premiums go up after an accident and property premiums do not?

Auto policies are rated on the driver's driving record including the driver's age, sex, experience, vehicle use, as well as the type of vehicle driven. Any changes, such as an accident or ticket, will result in a driving record adjustment and therefore, may result in a premium change.

Property insurance is rated on the building and contents. Some of the factors underwriters consider include: how close a building is to a fire hydrant, what the replacement cost of the building is and whether there is an alarm system, a wood stove, etc.

When Fire Marques' invoice is more than the insurance coverage, what happens then?

The insurance company will pay the claim to the limit of the policy's coverage. The municipality absorbs the balance.

Property taxes include the cost of fire department services, so is the department charging again for their service?

No, the municipality is not charging again. The property owner has already paid for fire department expense coverage in their insurance policy. Indemnification Technology® makes it possible to tap into that coverage.

Does Fire Marque have a legal right to claim reimbursement of these expenses?

Yes. In addition to the user's fee schedule by-law, Fire Marque sets up an agreement with the municipality. This gives Fire Marque the legal right to collect funds through Indemnification Technology®. All municipal agreements are available under the Freedom of Information Act.

Do the funds Fire Marque collects go to the Fire Department?

Yes, all funds must go to the Fire Department. That is clearly stipulated in the legal agreement between Fire Marque and your municipality.

What happens if the insurance company simply does not pay?

In such cases, Fire Marque makes a request to the Superintendent of Insurance to investigate in accordance with the Insurance Act. When an insurer charges a premium for a coverage, they are obligated to pay the claim as per the coverage.

What happens if there is a disagreement with the costs?

Fire Marque invoices are in accordance with the established Provincial Transportation Rates and the municipality's by-laws. Should a disagreement arise, Fire Marque sits down with the insurance company and discusses the costs to reach a resolution.

What happens with any personal information collected?

As per Fire Marques' Privacy Policy, personal information is deleted from records after the file is paid or closed.

Will the Fire Department charges reduce the insurance payout or the amount of insurance coverage for the property policy holder?

No. The coverage for Fire Department expenses in a property policy is usually over and above the policy limits. However, on some policies the Fire Department Expense Coverage is part of the limits of the total coverage. For example, if the cost to put out the fire is \$10,000 and the remaining coverage available after the structure is rebuilt is only \$5,000 then the recovery would only be \$5,000. Fire Marque will only submit a claim for fire department expense coverage according to the limits and wordings of the insurance policy. This is defined in the federal definition of Indemnification Technology®.

Within many insurance policies the following statement appears:

Fire Department service charges

- We will pay for the reasonable additional expenses you incur when the fire department is called to save or protect “covered property” from “covered cause of loss” occurring at a “premise”.
- Fire department service charges are those resulting from the cost of fire extinguishing materials expended and:
 - a) assumed by contract or agreement prior to loss or damage; or
 - b) required by local ordinance

3) STAFF COMMENTS AND DISCUSSIONS

The Fire Chief has discussed this opportunity with the Chief Administrator Officer, as well as senior staff. Additionally, members of Council, specifically the Mayor, was approached at a recent AMO Conference by a representative of Fire Marque. A decision was made that a brief report should be provided to Council as well as asking a representative of Fire Marque to attend a Council meeting to answer any questions that members of Council may have.

This proposal/program does provide additional funding opportunities that can be added to the Fire Department's fee schedule. Funds raised through this program must be earmarked towards fire equipment, public education and fire safety programs within the city.

Those yet to be determined amounts would allow on-going safety programs to continue to be funded with limited strain on budgets. Indicated within the information provided by Fire Marque that only the insurance companies will be billed and not the homeowner. Should there be no homeowner insurance no bill would be processed.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Option 1

Council could determine that it does not want to enter into an agreement with Fire Marque.

Not Recommended

b) Option 2

Council could determine that an agreement with Fire Marque would be beneficial to the City and provide additional funding that would have no negative affect on taxpayers.

Recommended

Financial Considerations

Should Council determine that the City should enter into an agreement with Fire Marque

the City will receive 70% of all money collected. The fees are based on the current appraisal rate at the time of the call, plus the wages of those attending the call.

Example: Three apparatus - \$459.45 times 3
Wages – full-time – per person
Wages – volunteers - person

The Fire Department operates within a point system. Rate would be determined off the average point value of the previous year. For example: 2017 rate was approximately \$42 per hour.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix "A" – List of Municipalities participating in program.

7) RECOMMENDATION

That entering into an agreement with Fire Marque be approved; and

That the Mayor and City Clerk be authorized to execute the agreement with Fire Marque; and

That the City's fee schedule be amended incorporating the appropriate fees as per the agreement with Fire Marque.

8) SIGNATURES

Prepared on March 26, 2018

Reviewed by:

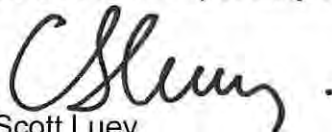


Thomas B. Cartwright,
City Fire Chief

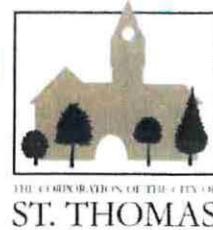


Peter Senese,
Director of Corporate Services

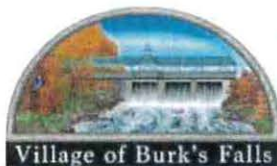
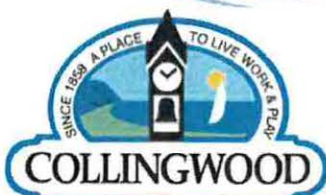
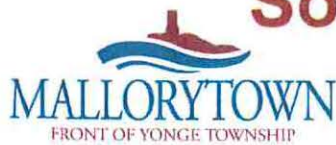
Reviewed and respectfully submitted by:



C. Scott Luey,
Chief Administrative Officer



Some of Fire Marque's Clients





WAWKESBURY



Some of Fire Marque's Clients



**BRACEBRIDGE
GODERICH**

Hanover
TOWN OF
Lincoln



KITCHENER

Brock
breathe it in.

West **Nipissing** Oust



CLEARVIEW
TOWN OF
WHITCHURCH-STOUFFVILLE



Clarence-Rockland



Mapleton



THE CORPORATION OF THE TOWN OF
GANANOQUE
Canadian Gateway to the 1000 Islands

TOWNSHIP OF
CAVAN MONAGHAN



Chatsworth



Centre
Wellington



KINCARDINE

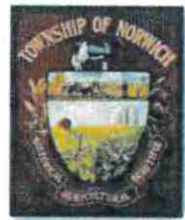


NORTH BAY
ONTARIO CANADA

SWIFT CURRENT



Municipality of
French River
Municipalité de la Rivière des Français



Township of
Lucan Biddulph



The Township of Perry
Gateway to the Almaguin Highlands



BROCKVILLE
CITY OF THE 1000 ISLANDS

TOWN OF
ERIN



TOWNSHIP OF MACHAR

NORTH HURON



KAPUSKASING

Report Number: 2018-58

Date: April 23, 2018

SUBJECT: Use of Corporate Resources for Election Purposes

1) PURPOSE

The purpose of this report is to seek approval of a policy to oversee the use of corporate resources for election purposes.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In accordance with the *Municipal Election Act, 1996 (MEA)*, the City of Port Colborne is prohibited from providing a contribution to a candidate. A contribution may include not simply money, but also goods and services. As such, each municipality is now required to establish a policy for the use of corporate resources for election purposes by May 1 of the election year.

In response to the new direct-election of the Regional Chair position, the Niagara area municipal clerks have set up a task force to ensure consistency throughout the Region in delivering the Election in 2018. The task force conducted a review of corporate resources and established a draft policy to be adapted to each municipality's needs and approved by Council.

3) STAFF COMMENTS AND DISCUSSIONS

The proposed policy, attached as Appendix A, sets out a list of guidelines restricting the use of City resources for election purposes in general. Additional restrictions are also added after Nomination Day, which is July 27, in order to limit access to resources for sitting members of Council who are also registered candidates. This draft policy is similar to the policy that was in place during the 2014 Election with additions including added clarification of the use of electronics and social media.

As sitting members of Council are often registered candidates in an election, it is important to provide clear guidelines in order for the sitting member to be able to continue to perform duties while ensuring that there is no benefit by virtue of the office. The approval of this policy would add clarification by setting clear expectations to all candidates and City staff during the election year. This would decrease the chance that a violation of the *MEA* would occur and therefore would provide a more fair and open election process.

If approved, this policy will be provided to all registered candidates and information will be circulated to staff in order to ensure full understanding and compliance.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

In accordance with the *Municipal Election Act, 1996 (MEA)* Council must pass a policy outlining the use of corporate resources during the campaign period before May 1 in an election year.

b) Other Options

Council can approve the attached policy recommended by staff, or make modifications to the policy before approval.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

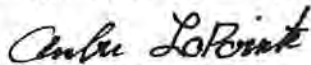
Appendix A: Draft Use of Corporate Resources for Election Purposes Policy

7) RECOMMENDATION

That the Use of Corporate Resources for Election Purposes policy, attached as Appendix A to report Corporate Services Department, Clerks Division Report 2018–58, be approved.

8) SIGNATURES

Prepared on April 12, 2018 by:



Amber LaPointe
Manager of Legislative Services/City Clerk

Reviewed by:



Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Policy Overview

Administrative Policy No:	
Policy:	
Effective:	
Revised:	
Current Legislation:	
Applicable to:	

Policy Statement

The purpose of this policy is to notify all registered candidates, including members of City Council of the requirement to follow the provisions of the *Municipal Elections Act, 1996*, (the *Act*) as amended, and that:

- No member/candidate shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including City letterhead, City business cards, City e-mail accounts, City computers, ipads, cell phones and any Councillor budgets) for any election campaign or campaign-related activities;
- No member/candidate shall undertake campaign-related activities on municipal property during regular working hours; and
- No member/candidate shall use the services of persons during hours in which those persons receive any compensation from the municipality.

Purpose

To ensure that members of City Council, registered candidates, and staff adhere to the provisions of the *Act*, as amended.

Scope

This policy is applicable to all registered candidates, including sitting members of Municipal Council.

This policy is applicable to municipal elections, including bi-elections and applies, with necessary modifications, to provincial and federal elections.

Definitions

“The *Act*” means the *Municipal Elections Act, 1996*, as amended from time to time, and includes any regulation made there under;

“Blackout Period” is a term which refers to the temporary period from the day prior to Nomination Day to and including Voting Day in which certain privileges are discontinued for sitting members of Municipal Council and the Mayor;

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“Candidate” means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Act*;

“Campaign Period” begins on the date a candidate files their nomination through to and including Voting Day;

“City of Port Colborne” means The Corporation of the City of Port Colborne;

“Corporate Resources” includes but is not limited to the City of Port Colborne staff, events, funds, information and assets;

“Election Period” means May 1 through to and including Voting Day;

“Municipal Facilities” means any real property owned or under the control of the City of Port Colborne;

“Nomination Day” for a regular municipal election is the fourth Friday of July in the year of the election;

“Staff” includes full-time, part-time, and contract employees, paid by the City of Port Colborne;

“Voting Day” is the day on which the final vote is to be taken in an election.

Policy

1. That in accordance with the provisions of the *Act*:
 - a. Corporate resources may not be used for campaign related purposes;
 - b. Staff shall not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
 - c. Members of Council, including the Mayor, candidates, and registered third parties shall not use any municipal facilities for any election-related purposes. Campaign-related signs or any other election-related material shall not be displayed in any municipally owned facility;
 - d. Candidates shall not engage in any campaign related activity at a municipally-sponsored event or festival;
 - e. During the Blackout Period, no Member of Council, including the Mayor shall:

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- Advertise, including in municipality funded publications;
 - Print, photocopy or distribute any newsletters unless so directed and approved by Council;
 - Order office furniture or furnishings, except those of an emergency nature; or
 - Order any stationery or business cards, except within reason and as needed to carry out their current duties.
- f. Members of Council, including the Mayor shall not deliver any unsolicited material outside of their existing ward where the printing and/or distribution costs are paid by the municipality. Care should be taken to ensure that the mailing of newsletters be restricted to the member's ward only;
- g. Members of Council shall not:
- Print or distribute any material using municipal funds that make reference to, contain the names or photographs of, or identifies registered candidates for municipal elections; and that minutes of municipal council and committee meetings be exempt from this policy; or
 - Enter into joint ventures using corporate resources outside of their existing wards from Nomination Day to Voting Day, unless specifically approved by Council.
- h. Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality for the operation of each Councillor's office, is not directly election-related;
- i. Websites or domain names that are funded by the municipality may not include any election-related campaign material, including;
- Candidates are permitted to link to any City document available to the public or on a public City webpage from their campaign website;
 - Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the City has proprietary rights on their own webpage;
 - Sitting members of Council shall not use the City's IT resources, including individual websites linked through the City's website and social media accounts used for communication, for any election campaign and/or campaign-related activities;
 - If a Member of Council uses any social media account for campaigning, such accounts must not be created or supported by corporate resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers;
 - Sitting Members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the election period, a clear

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- statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes and is not related to their duties as a Member of Council; and
- All Candidates are permitted to place a campaign phone number, website and e-mail address on the election page of the City's website.
- j. Candidates must not, under any circumstances, use a City logo or any variation of it on any campaign material, election signs, social media, or campaign websites;
 - k. City of Port Colborne e-mail may not be used for the distribution of campaign related correspondence or include campaign related material;
 - l. Members of Council may not use the municipality's voicemail system and/or cell phones to record election related messages;
 - m. Photographs produced for and owned by the City of Port Colborne may not be used for any election purposes;
 - n. The policies contained herein also apply to an acclaimed member, a member not seeking re-election, or to a registered third party.
2. That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

Limitation:

This policy does not restrict the City Clerk from utilizing municipal resources for the proper conduct of an election in accordance with the requirements of the *Act*.

This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor, or Regional Chair nor inhibit them from representing the interests of the constituents who elected them.

Implementation: This policy shall become effective immediately upon approval by the Municipal Council.

Rationale and Legislative Authority: It is necessary to establish on the appropriate use of corporate resources during an election period to protect the interests of both members of Council and the City of Port Colborne. The *Act* prohibits a municipality from making a contribution to a candidate. The *Act*, also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for their election campaign would be viewed as a contribution by the municipality to the member, which is a violation of the *Act*.

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Document Name:	Revision No: 0 (uncontrolled when printed)	Authorized by: Council



Report Number: 2018-41

Date: April 23, 2018

SUBJECT: Cancellation, Reduction or Refund of Realty Tax

1) PURPOSE

The purpose of this report is to seek approval of Council in order to cancel, reduce or refund realty tax of the applicant in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Under section 357/358 of the *Municipal Act, 2001*, as amended, an application to Council may be made by the taxpayer for the cancellation, reduction or refund of tax levied in the current and previous year for specific purposes. In some cases, a review may increase the property assessment and increase a property's tax levied.

Once an application is received from a taxpayer under Section 357/358 and processed by staff, the application is forwarded to MPAC for a revised assessment recommendation. These applications are then returned to the municipality for staff to calculate the amount of cancellation or adjustment of taxes.

Section 357 Application Numbers 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 were received and are in the Treasurer's possession.

3) STAFF COMMENTS AND DISCUSSIONS

The attached summary report encompasses the applications received to date for submission to Council for approval.

Staff recommends Council approval of the recommendation of the MPAC assessor for the Section 357 applications. It is a rarity that the taxpayer challenges any recommendation, however, if such did occur, staff would request MPAC to attend the committee meeting to defend or amend the recommendation. Staff have received no objections from the taxpayers.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Application numbers under Section 357/358 require Council's approval.

- 2015-39 for 2015 total reduction \$1,391.55, \$639.76 being the municipal portion
- 2015-39 for 2016 total reduction \$1,499.52, \$716.68 being the municipal portion
- 2017-50 for 2017 total reduction \$33.88, \$12.99 being the municipal portion
- 2017-51 for 2017 total increase \$15.12, \$7.42 being the municipal portion
- 2017-49 for 2017 total reduction \$4,015.28, \$1,971.25 being the municipal portion
- 2016-49 for 2016 total reduction \$1,305.48, \$623.94 being the municipal portion

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS


Schedule 1 - Calculation of adjustments based on the Assessor's reports and comments.

7) RECOMMENDATION

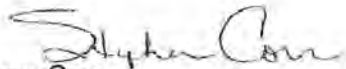
That the applications pursuant to Section 357/358 of the Municipal Act, 2001, as amended, numbered 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 be approved to cancel or reduce taxes in the total amount of \$8,230.59, in which \$3,957.20 is the municipal portion.

8) SIGNATURES

Prepared on April 9, 2018 by:


Andrea Hawkins
Tax Clerk

Reviewed by:


Stephen Corr
Manager of Revenue & Taxation

Reviewed and respectfully submitted by:


C. Scott Luey
Chief Administrative Officer

Reviewed by:


Peter Senese
Director of Corporate Services

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Report Number: 2018-53

Date: April 23, 2018

SUBJECT: Ontario's Main Street Revitalization Initiative Municipal Funding Agreement

1) PURPOSE

The Province of Ontario has allocated funding to the City of Port Colborne under the Ontario's Main Street Revitalization Initiative and the City must enter into a Funding Agreement with the Association of Municipalities of Ontario to administer the program on behalf of the Province.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Province of Ontario has made \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario. The Association of Municipalities of Ontario (AMO) has agreed to administer this program on behalf of the Province. The initiative is provided to ensure investment in communities' main street/downtown areas to support businesses.

There is no application process to receive the funding under this program and the municipal governments are required to pass a by-law authorizing it to sign a funding agreement with AMO. The municipal treasurers are delegated to administer the agreement. Municipalities need to identify the program category, the project(s), anticipated results and estimated cost when council deals with the agreement by-law.

The funding can be used to support revitalization efforts related to energy efficiency, accessibility, aesthetics and marketability. The program categories are:

- Implementing priorities under existing Community Improvement Plans, including renovations, retrofits and structural improvements; and/or
- Funding for municipal improvements that will support main street/downtown businesses, such as signage, streetscape improvement and marketing plan implementation.

The Province of Ontario has allocated \$53,839.99 to the City of Port Colborne with the funds to be spent by March 31, 2020 on eligible projects. The City must report the initial anticipated projects for 2018 and once annually on projects until the funds are expended. Reports on projects are due to AMO by May 15, 2019 and each year until the funds are expended.

The attached Funding Agreement sets out the terms and conditions for the use of the funds provided by the Ontario's Main Street Revitalization Initiative. The Province and AMO require a by-law to be prepared for the routine execution of this agreement. The by-law will require the Mayor and City Clerk to fully execute the agreement referencing the Ontario's Main Street Revitalization Initiative and include the names of the designated signatories.

3) STAFF COMMENTS AND DISCUSSIONS

The City of Port Colborne is eligible to receive an allocation of \$53,839.99 to be expended by March 31, 2020. Funding will be provided once the signed Funding Agreement and supporting by-law is provided to AMO.

During the 2018 budget, approved by Council on April 9, 2018, staff recommended a project which meets the criteria for this funding. Council approved the design and installation of a pedestrian crossing (streetscaping category) at the corner of Clarence Street and Catharine Street for the estimated cost of \$45,000 and the upgrade to the traffic signal power supply (energy efficiency) at Welland Street and Clarence Street for the estimated cost of \$10,000. The additional cost to be funded from the budgeted capital levy.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do nothing.

In order to obtain Ontario's Main Street Revitalization Initiative funds the Province of Ontario and AMO's guidelines must be followed which includes executing the Funding Agreement.

b) Other Options

That Council authorize entering into the Funding Agreement to be eligible to receive the provincial funding of \$53,839.99 to be expended by March 31, 2020.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

- a) Ontario's Main Street Revitalization Initiative Funding Agreement
- b) Guide to the Municipal Funding Agreement

7) RECOMMENDATION

That the Mayor, City Clerk and City Treasurer be authorized to execute the Funding Agreement with The Association of Municipalities Of Ontario for the use of Ontario's Main Street Revitalization Initiative funds from the Province of Ontario; and

That the appropriate by-law be executed by the Mayor and City Clerk.

8) SIGNATURES

Prepared on April 10, 2018 by:



Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

MUNICIPAL FUNDING AGREEMENT

ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE

This Agreement made as of 1st day of April, 2018.

BETWEEN:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

(referred to herein as "AMO")

AND:

THE CITY OF PORT COLBORNE

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the "Recipient")

WHEREAS the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

WHEREAS the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the "OMAFRA-AMO Agreement"), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

WHEREAS the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

WHEREAS the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

WHEREAS AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

THEREFORE the Parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

- 1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings ascribed to them below unless the subject matter or context is inconsistent therewith:

“Agreement” means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

“Annual Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

“Association of Municipalities of Ontario (AMO)” means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

“Communication Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

“Community Improvement Plan” has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

“Contract” means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Effective Date” is April 1, 2018.

“Eligible Costs” means those expenditures described as eligible in Schedule C.

“Eligible Projects” means projects as described in Schedule B.

“Eligible Recipient” means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

“Event of Default” has the meaning given to it in Section 11.1 of this Agreement.

“Funds” mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

“Ineligible Costs” means those expenditures described as ineligible in Schedule C.

“Lower-tier Municipality” means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

“Municipal Fiscal Year” means the period beginning January 1st of a year and ending December 31st of the same year.

“Municipality” and “Municipalities” means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

“Municipal Physical Infrastructure” means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

“Ontario” means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

“Parties” means AMO and the Recipient.

“Project Completion Date” means the Recipient must complete its Project under this Agreement by March 31, 2020.

“Recipient” has the meaning given to it on the first page of this Agreement.

“Results Report” means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

“Single-tier Municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

“Third Party” means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

“Transfer By-law” means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

“Unspent Funds” means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient’s Annual Report.

1.2 Interpretations:

Herein, etc. The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

Currency. Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

Statutes. Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

Gender, singular, etc. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

2. TERM OF AGREEMENT

- 2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.
- 2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.
- 2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

3. RECIPIENT REQUIREMENTS

- 3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.
- a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: "The Project is funded [if it is partly funded the Recipient should use "in part"] by the Ontario Ministry of Agriculture, Food and Rural Affairs."
 - b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.
- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be

awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

6. FUNDS

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"):

- a) The allocation and transfer shall be authorized by by-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
- b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
- c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.

6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:

- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
- b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
- c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.

6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.

6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:

- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,

- b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

7. REPORTING REQUIREMENTS

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:
 - a) the amounts received from AMO under this Agreement;
 - b) the amounts received from another Eligible Recipient;
 - c) the amounts transferred to another Eligible Recipient;
 - d) amounts paid by the Recipient in aggregate for Eligible Projects;
 - e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
 - f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,

- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

8. RECORDS AND AUDIT

8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.

8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.

8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

9. INSURANCE AND INDEMNITY

9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.

9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended

or transferred pursuant to this Agreement until such certificate has been delivered to AMO.

- 9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:
- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
 - (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.
- 9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.
- 9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnitee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnitee incurred by any Indemnitee or asserted against any Indemnitee by whomsoever brought or prosecuted in any manner based upon, or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:
- (a) the Funds;
 - (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
 - (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
 - (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

10. DISPOSAL

- 10.1 **Disposal.** The Recipient will not, without Ontario's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or

for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

11. DEFAULT AND TERMINATION

- 11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an "Event of Default":
- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
 - (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
 - (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
 - (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
 - (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.
- 11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.
- 11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient's receipt of the notice of an Event of Default, it may immediately terminate this Agreement.
- 11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

12. CONFLICT OF INTEREST

- 12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

13. NOTICE

13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.

13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.

13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:

a) If to AMO:

Executive Director
Main Streets Agreement
Association of Municipalities of Ontario 200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Telephone: 416-971-9856
Email: mainstreets@amo.on.ca

b) If to the Recipient:

Director of Corporate Services/Treasurer
Peter M. Senese
CITY OF PORT COLBORNE
66 Charlotte Street
Port Colborne, ON L3K 3C8
(905) 835-2900 x105
petersenese@portcolborne.ca

14. MISCELLANEOUS

14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.

14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this

Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient, between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.
- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

15. SCHEDULES

- 15.1 This Agreement, including:
- Schedule A Municipal Allocation
 - Schedule B Eligible Projects
 - Schedule C Eligible and Ineligible Costs
 - Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

16. SIGNATURES

IN WITNESS WHEREOF, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

RECIPIENT'S NAME:

CITY OF PORT COLBORNE

Mayor Name

Signature

Clerk Name

Signature

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

By Title

Signature

In the presence of:

Witness Title

Signature

**SCHEDULE A
MUNICIPAL ALLOCATION**

RECIPIENT'S NAME: CITY OF PORT COLBORNE

ALLOCATION: \$53839.9923

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

SCHEDULE B

ELIGIBLE PROJECTS

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

1. **Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
 - a. Commercial building façade improvements
 - b. Preservation and adaptive reuse of heritage and industrial buildings
 - c. Provision of affordable housing
 - d. Space conversion for residential and commercial uses
 - e. Structural improvements to buildings (e.g. Building Code upgrades)
 - f. Improvement of community energy efficiency
 - g. Accessibility enhancements
2. **Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
 - a. Signage – wayfinding/directional, and gateway.
 - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
 - c. Marketing plan implementation – business attraction and promotion activities, special events.

SCHEDULE C

ELIGIBLE AND INELIGIBLE COSTS

1. Eligible Costs include:

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

2. Ineligible Costs include:

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics of marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Costs above;
- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,
- j. Routine repair and maintenance Municipal Physical Infrastructure.

SCHEDULE D

REPORTING

1. Communication Report

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

Project Title	Project Description	Eligible Project Category (CIP/ Municipal Physical Infrastructure	Total Project Cost	Estimate of Funds (Main Street) Spent

2. Annual Report

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

- b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/Ongoing

3. Project Results.

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
 - Number of small businesses supported;
 - Total value of physical improvements;
 - Total Main Street Funds provided;
 - Total Municipal investment; and,
 - Total private investment.

- b. Municipal Physical Infrastructure Eligible Projects
 - Total value of physical improvements;
 - Total Main Street Funds provided; and
 - Total municipal investment.

ONTARIO'S

MAIN STREET

REVITALIZATION INITIATIVE



GUIDE TO THE MUNICIPAL FUNDING AGREEMENT

CONTACT: mainstreets@amo.on.ca

200 University Avenue, Suite 801

Toronto, ON., M5H 3C6

P: 416.971.9856

MARCH 2018

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MUNICIPAL CHECKLIST

Immediate Action	Where is More Info	When
Pass Municipal By-Law Authorizing MFA	See Appendix A for a sample	As soon as possible
E-sign MFA and electronically submit to AMO E-mail (mainstreets@amo.on.ca) the Authorizing By-law to AMO	See page 8 for more information	As soon as possible
2018 Project notification for communications purposes to AMO	See page 9 for details on what is required	As soon as possible
Longer Term Action	Where is More Info	When
Annual and Results Report	See page 7 for details on what is required	By May 15th of every year (until funds are spent)

INTRODUCTION

The Main Street Revitalization Initiative is a \$26 million fund to help municipal governments undertake main street revitalization activities that support and benefit small businesses. AMO has agreed to administer the funding on behalf of the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). AMO signed the Agreement with OMAFRA on March 12, 2018. The Agreement's effective date is April 1, 2018.

All lower and single tier municipal governments are eligible for the allocation based funding. The formula for the funding was established by OMAFRA without the need for an application or matching funding. It empowers municipalities to make investment decisions within the program's parameters.

What is eligible?

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing Community Improvement Plan or municipal physical infrastructure priorities identified through other municipal land use planning document for the municipality's main street that involves the construction, renewal, renovation or redevelopment, or material enhancement in each of the following categories:

Implementation of priority financial incentives in existing Community Improvement Plans such as:

- a. Commercial building façade improvements;
- b. Preservation and adaptive reuse of heritage and industrial buildings;
- c. Provision of affordable housing;
- d. Space conversion for residential and commercial uses;
- e. Structural improvements to buildings (e.g. Building Code upgrades);
- f. Improvement of community energy efficiency; and
- g. Accessibility enhancements.

Funding of strategic municipal physical infrastructure such as:

- a. Signage – wayfinding/directional, and gateway;
- b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and
- c. Marketing plan implementation – business attraction and promotion activities, special events.

Municipalities can identify projects in one or both categories.

What types of costs are eligible?

Eligible Costs

- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal, or material enhancement activities funded under existing Community Improvement Plan financial incentive programs; and/or,
- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

Ineligible Costs

- Costs incurred prior to April 1, 2018 or after March 31, 2020;
- Any costs associated with providing any Reports to AMO;
- Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- Costs for infrastructure works in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- Costs of infrastructure works that does not improve energy efficiency, accessibility, aesthetics or marketability of small business within a main street area;
- Costs of infrastructure works outside of main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- The cost of leasing of equipment, any overhead costs, including salaries and other employment benefits of any employees, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with eligible costs above;
- Taxes, to which the municipality is eligible for a tax rebate;
- Purchase of land or any interest therein, and related costs; and,
- Routine repair and maintenance costs.

Would the development of a Community Improvement Plan be eligible?

No. The program is focused on implementation of existing Community Improvement Plans or priorities through other existing municipal land use planning policies. Municipalities that do not have a Community Improvement Plan can implement eligible priority projects through the official plan, economic development strategy, downtown revitalization plan or another related plan in support of the municipal main street.

When does the money have to be spent?

Municipalities have to March 31, 2020 to spend the funds on an eligible project. During this time, municipalities must earn interest on the Funds so that they have more for the project later.

What about the municipal share of a project that will receive funding from another revenue source or program?

Municipalities can fund 100% of total project costs with Main Street dollars. If another program has restrictions on the use of funds, they must be adhered to.

If you are using multiple sources of funding, the project also has to be eligible under the terms and conditions of these multiple programs.

What if our municipality wants to partner on a project?

The Main Street Agreement encourages collaboration, building of partnerships and strategic alliances when working on eligible projects.

If a municipality is transferring funds to another municipality, it must be done via by-law. The municipality transferring funds is responsible for reporting on the transfer in annual reporting. The municipality receiving Main Street Funds is responsible for reporting that the Funds were received and is responsible for all other reporting requirements, including project details and spending.

If a municipality is transferring funds to a non-municipal entity, such as a for-profit company, council will have to endorse the project through a grant agreement. Under this situation, municipalities are still responsible for meeting all the requirements of the Agreement related to the use of the transferred Main Street Funds, including all reporting.

What is the allocation formula?



Total funding, less administrative costs, is allocated as follows across the three components:

- Base Funding: 50% of total funding;
- Small Community Adjustment: 11.5% of total funding;
- Per Capita Component: 38.5% of total funding.

Once a municipal government has fully executed an Agreement with AMO and provide the appropriate information for the transfer of the funds, the one time allocation will be paid out.

How much of the funding is AMO using for administration?

AMO will need just 6% of the \$26 million to deliver this program to all eligible municipalities and report in aggregate to OMAFRA as required by the Agreement.

What reporting is required of municipalities?

Building on the success of the risk management framework established under the federal Gas Tax Agreement, municipalities only need to report initial upfront anticipated projects for 2018 and then once annually on projects until all the funds are spent.

Remind me how the audit framework works?

Municipalities will not have to complete audits. Instead the program will use a risk based approach that recognizes municipalities as a mature and accountable order of government. In this approach, the municipal contact for the Main Street Municipal Funding Agreement will be the Treasurer, no exceptions. In addition, AMO will audit approximately 10% of municipalities annually to provide assurance to Ontario on municipal compliance.

Is there an agreement municipalities have to sign?

Yes. AMO is using the a digital platform provided by its partner, Solutions Notarius Inc., to sign the Municipal Funding Agreement (MFA). A municipality must electronically sign (e-sign) the MFA with AMO to receive funding. Please have the appropriate signing officers e-sign the MFA. The municipal by-law authorizing the municipality to enter into the agreement can be emailed to AMO at mainstreets@amo.on.ca. See Appendix A for a sample by-law.

Appendix B includes a cross-reference between the MFA with the OMAFRA-AMO Agreement.

What is e-signing?

An e-signature is a signature that can be applied in a document by a signer electronically. AMO uses Notarius' Consigno Cloud software to sign documents electronically.

The municipal signing officer will receive a signature request to the MFA by email from AMO. They will be asked to open a link to a signing session in that email. The Consigno Cloud software certifies a signer's identity with two-factor authentication. The signing officer will be asked to provide a second authentication credential (e.g. an answer to a security question, like an online money transfer) before they can access the document. Once they are able to access the document, they will be asked to fill-in specific fields prior to finally signing off on the MFA. AMO will then be notified that the document has been signed and staff will review to ensure the document is complete before AMO e-signs the MFA. A final, signed copy of the MFA will then be provided to the municipality and to AMO electronically for record keeping.

Signing officers to the MFA are not required to subscribe or install any software on their computer to sign the document. Documents can be signed on a mobile device or on a desktop computer. For further details on the e-signing requirement, please refer to the process document.

What else is required of municipalities?

There are a number of requirements both now and over the life of the Agreement.

As soon as possible, notification to AMO of the types of projects council wishes to undertake in 2018 is required.

As well there is annual reporting and results reporting similar to what municipalities already do under the federal Gas Tax Agreement through AMO's website. These reports will be due to AMO by May 15, 2019 and every year thereafter until the funds are spent.

What is results reporting?

The results report will demonstrate how the funding has been invested in a community to support revitalization within main street areas:

Community Improvement Plan Eligible Projects

- Number of small businesses supported;
- Total value of physical improvements;
- Total Main Street Funds provided;
- Total Municipal investment; and,
- Total private investment.

Municipal Physical Infrastructure Eligible Projects

- Total value of physical improvements;
- Total Main Street Funds provided; and
- Total municipal investment.

More details are in Schedule D of the MFA.

Are there communication requirements?

Yes. Municipal governments will be expected to acknowledge funding of projects by the Province by inviting the Province to participate in media events or announcements related to projects funded under the Main Street Revitalization Initiative.

More details are in Section 3 of the MFA.

Can we sell the asset?

Assets purchased or constructed using Main Street funds must be for public use and benefit. If a municipality wishes to dispose of assets prior to March 31, 2021 and it is valued at more than \$50,000 at the time of disposal the written consent of the province is required.

APPENDIX A

Sample Municipal By-Law

WHEREAS the Municipality wishes to enter into an Agreement in order to participate in Ontario's Main Streets Revitalization Initiative;

AND WHEREAS the Municipality acknowledges that Funds received through the Agreement must be invested in an interest bearing reserve account until the earliest of expenditure or March 31, 2020;

Now THEREFORE, the Council of the [MUNICIPAL NAME], a municipal corporation pursuant to the Municipal Act, 2001;

ENACTS AS FOLLOWS

That the Mayor/Reeve/Regional Chair/Warden and [SIGNING AUTHORITY, i.e. Clerk] are hereby authorized to execute this Municipal Funding Agreement for the transfer of Main Streets Revitalization Initiatives funds between the Association of Municipalities of Ontario and [MUNICIPAL NAME] as in Schedule A attached hereto.

Schedule A shall form part of this by-law.

APPENDIX B

● Cross-Reference Table Between MFA and OMAFRA-AMO Agreement

12

Guide to the Municipal Funding Agreement / March 2018

Municipal Funding Agreement (MFA) Provision

OMAFRA-AMO Agreement Provision

Section 1 – Definitions and Interpretation	Schedule A Article 1
Section 1.1 Definitions	Schedule A Article A1.2
Section 1.2 Interpretation	Schedule A Article A1.1
Section 2 – Term of Agreement	Schedule A Article A3
Section 2.1 Term	Schedule A Article A3.1
Section 2.2 Amendment	Section 3.1
Section 2.3 Notice	Schedule A Article A12
Section 3 – Recipient Requirements	Schedule A Article A5, A8
Section 3.1 Communications	Schedule B Article B1.7
Section 3.2 Contracts	Schedule A Article A5.2
Section 4 – Eligible Projects	Schedule D Article D2.1
Section 4.1 Eligible Projects	Schedule D Article D2.1 5 and 6
Section 4.2 Recipient Fully Responsible	Schedule A Article A4.4
Section 5 – Eligible Costs	Schedule D Article D3.1
Section 5.1 Eligible Costs	Schedule D Article D3.1
Section 5.2 Discretion of Ontario	Schedule D Article D2.1
Section 5.3 Unspent Funds	Schedule A Article A15
Section 5.4 Reasonable Access	Schedule A Article A7
Section 5.5 Retention Receipts	Schedule A Article A7
Section 6 – Funds	Schedule C Activity 1
Section 6.1 Allocation of Funds	Schedule C Activity 1
Section 6.2 Transfer of Funds to a Municipality	AMO Provision
Section 6.3 Transfer of Funds to a non-municipal entity	AMO Provision
Section 6.4 Use of Funds	Schedule D Article D2.1
Section 6.5 Payout of Funds	AMO Provision
Section 6.6 Use of Funds	Schedule A Article A4.6
Section 6.7 Funds Advanced	Schedule A Article A17
Section 6.8 Expenditure of Funds	Schedule B Article B1.2
Section 6.9 GST & HST	Schedule A Article A4.10
Section 6.10 Limit of Ontario's Financial Commitments	Schedule A Article A4.2
Section 6.11 Stacking	AMO Provision
Section 6.12 Insufficient funds provided by Ontario	AMO Provision
Section 7 – Reporting Requirements	Schedule F

Section 7.1 Communication Report	Schedule F
Section 7.2 Annual Report	Schedule F
Section 7.3 Results Report	Schedule F
Section 8 – Records and Audit	Schedule A Article A7
Section 8.1 Accounting Principles	Schedule A Article A1.1, A7.2
Section 8.2 Separate Records	Schedule A Article A7.2
Section 8.3 External Auditor	Schedule A Article A7.3
Section 9 – Insurance and Indemnity	Schedule A Article A11
Section 9.1 Insurance	Schedule A Article A11
Section 9.2 Certificates of Insurance	Schedule A Article A11.2
Section 9.3 AMO not liable	AMO Provision
Section 9.4 Recipient to Compensate Ontario	Schedule A Article A11
Section 9.5 Recipient to Indemnify AMO	AMO Provision
Section 10 – Disposal	Schedule A Article A5.3
Section 10.1 Disposal	Schedule A Article A5.3 and Schedule B Article B1.5
Section 11 – Default and Termination	Schedule A Article A14
Section 11.1 Event of Default	Schedule A Article A14.1
Section 11.2 Waiver	AMO Provision
Section 11.3 Remedies of Default	Schedule A Article A14.3
Section 11.4 Repayment of Funds	Schedule A Article A14.2
Section 12 – Conflict of Interest	Schedule A Article A6
Section 12.1 No conflict of interest	Schedule A Article A6.2
Section 13 – Notice	Standard Provision
Section 13.1 Notice	Standard Provision
Section 13.2 Representatives	Standard Provision
Section 13.3 Addresses for Notice	Standard Provision
Section 14 – Miscellaneous	Various sections listed in detail below
Section 14.1 Counterpart Signature	Section 2.1
Section 14.2 Severability	Schedule A Article A20
Section 14.3 Waiver	Schedule A Article A21
Section 14.4 Governing Law	Schedule A Article A24
Section 14.5 Survival	Schedule A Article A30
Section 14.6 AMO, Ontario and Recipient independent	Schedule A Article A22
Section 14.7 No Authority to Represent	AMO Provision
Section 14.8 Debts Due to AMO	Schedule A Article A15, A17.2
Section 14.9 Priority	Schedule A Article A1.3
Section 15 – Schedules	Standard Provision
Section 16 – Signatures	Standard Provision
Schedule A – Municipal Allocation	Schedule C Activity 1
Schedule B – Eligible Projects	Schedule D Article D2.1 5 and 6
Schedule C – Eligible and Ineligible Costs	Schedule D Article D3.1
Schedule D – Reporting	Schedule F

Main Streets Revitalization Initiative is funded by the Ontario Ministry of Agriculture, Food and Rural Affairs



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Report Number: 2018-51

Date: April 23, 2018

SUBJECT: Port Colborne Downtown Cruiser's Association - 2018 Cruise Nights

1) PURPOSE

The purpose of this report is to present a request from the Port Colborne Downtown Cruiser's Association for the temporary closure of City roads in order to host the 2018 Downtown Cruise Nights. In 2018, Cruise Nights are proposed to take place on reoccurring Thursdays from 5:00 p.m. to 9:00 p.m. beginning on May 17, 2018 and continuing until September 27, 2018.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Port Colborne Downtown Cruiser's Association (PCDCA) was established to display hot rods, classic cars and trucks in Downtown Port Colborne. The PCDCA has successfully hosted the Cruise Night event in Downtown Port Colborne for the past four years. This weekly, summer-time event is vibrant and has successfully attracted visitors, and benefits the City's tourism and economic sectors.

Cruise Nights draw participants and visitors from throughout the Niagara Region and beyond, including the United States. The PCDCA has proposed to use the same event footprint used in previous years, utilizing Clarence Street, between Elm Street and West Street, as well as the Market Square. The event generally showcases more than 150 classic vehicles. Participants register with PCDCA to take part in the event each week.

The City's policies and procedures concerning festivals and events outline guidelines for the City to provide assistance to local associations and organizations to host special events in municipally owned facilities and/or property. To manage municipal resources for these events, and ensure public safety (as per the City's User Pay Policy) event organizers may request to borrow certain City-owned equipment and materials. Equipment such as picnic tables, waste receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, provided the event organizer reimburses the City for any additional costs that may be incurred (i.e. through the transportation and delivery of materials, staff overtime, and equipment, etc.). Event organizers are also responsible for any loss and/or damage to municipal facilities/property, including equipment/materials on loan, which are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that may be imposed by the City, the City's festivals and events insurance policy requires event organizers to carry a minimum of \$2 million in general liability insurance (or \$5 million for an event involving alcohol). The organizer is required to file a Certificate of Insurance, naming the City as an additional insured, to the City prior to the event. Further, event organizers are required to submit an application for a Noise By-law exemption to the By-law Enforcement Division, if they are intending to provide amplified music during the event.

3) STAFF COMMENTS AND DISCUSSIONS

As a result of this event's continued growth and success, which in 2017 garnered higher than expected visitor and participant registrations, the PCDCa has requested to extend the duration of the event this year. This year, the PCDCa is proposing the Cruise Night event schedule begin on May 17, 2018 and end on September 27, 2018. The proposed schedule is attached as Appendix "A".

The Community and Economic Development Department is in support of this request, and recommends temporary road closure approvals, as follows:

- Clarence Street, from eastern limit of the western driveway in the Food Basics parking lot to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;
- Clarence Street, from the eastern limit of King Street to the western limit of West Street; and
- Market Square.

The proposed road closure map, as submitted by PCDCa, is attached as Appendix "B". Emergency vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, will be exempt from the closures. Further, members and qualified volunteers of the PCDCa, and registered participants, will also be exempt from the closures. Traffic accommodations through the event area will be made as follows:

- Traffic travelling westbound on Clarence Street from the Clarence Street Bridge will be able to turn left or right on West Street (road closure barricades will be installed on Clarence Street, at the western limit of West Street);
- North and south bound traffic at the intersection of King Street and Clarence Street will be permitted (subject to traffic signal controls at this intersection), with no left or right turns permitted onto Clarence Street (road closure barricades will be installed at the eastern and western limits of King Street and Clarence Street intersection);
- North and South bound traffic will be permitted on Catherine Street;
- PCDCa volunteers will monitor the closure area on Clarence Street, at the western driveway of the Food Basics parking lot.

As in the past, City staff will deliver road closure barricades at each predetermined intersection, before the end of the regular workday each Thursday, from May 17, 2018 to September 27, 2018.

In addition, the PCDCa is planning to host special theme Cruise Nights that will be used to display certain makes and/or models of vehicles. In order to accommodate this request, staff recommend closing Market Square at 1 p.m. on Thursday, May 17, June 8, June 15, July 13, and September 21, 2018, with the exception of the western access lane way (which will provide ingress and egress to the CIBC Bank until 5 p.m.). The

PCDCA will utilize Market Square during this time to provide a secure location for out-of-town participants to store their special theme vehicles prior to the start of the event. The PCDCA has confirmed approximately three volunteers will be used to monitor the Market Square area during this closure and will limit any incoming vehicles. It should be noted that vehicles parked within the Market Square at the time of the closure will not be removed.

PCDCA volunteers will install City approved signage at each intersection of the closure, stating "Cruisers Night Clarence Street Temporarily Closed – 5:00 to 9:00 p.m.". Signage will also be installed at Market Square. As in the past, PCDCA volunteers will ensure barricades are promptly removed and returned to pick-up areas at the end of the event each Thursday.

The above plan provides an adequate staging area for event organizers, while also ensuring pedestrian safety and accommodating traffic flow. All PCDCA volunteers will be registered through the City and receive appropriate training regarding road closures.

Staff/Stakeholder Comments:

This report was circulated for comment to the By-law Enforcement Division, Engineering and Operations Department and the Downtown Business Improvement Area for comment, with input provided as follows:

By-law Enforcement Division:

The By-law Enforcement Division will process the Noise Variance request in a timely manner. The Downtown Cruiser's Association has not requested By-law Services for this event; therefore, this Division has no objections to the proposed event.

Engineering & Operations Department:

No comments received.

Downtown Business Improvement Area:

No objections.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively denying the PCDCA request. This option is not recommended.

b) Other Options

Council may provide alternative direction regarding the event and/or road closures. For example, Council may determine to accommodate special theme nights by temporarily closing the King Street municipal parking lot (rather than Market Square) at 1 p.m. on Thursday, May 11, June 8, June 15 and July 13, and September 21, 2018. While this option would provide a location for special theme night participants with a secure location in which to store their vehicles, King Street will not be closed for the event. Extending the event layout north of Clarence Street may result in an increased number

of visitors and participants using the unclosed roadway as a pedestrian access to the event grounds. This option could pose an increased risk to visitor and pedestrian safety. Further, certain makes/models of participant vehicles are not deemed road worthy (i.e. racecars and tractors). Event access for these participants is contingent on roads being "closed to vehicles - pedestrians only". The PCDCa commented on this option, by indicating that moving the parking area to the King Street municipal parking lot could result in decreased participation and attendance and may necessitate a change in the Cruise Night schedule of events. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative supports the City's strategic goal of developing collaborative partnerships and engaging community groups to host events that benefit the local economy, as outlined in the City's Strategic Plan.

6) ATTACHMENTS

Appendix "A" - PCDCa Proposed Event Schedule
Appendix "B" – PCDCa Proposed Road Closure Map

7) RECOMMENDATION

That the road closures necessary for the 2018 Downtown Cruise Night event on recurring Thursday evenings, from May 17, 2018 to September 27, 2018, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCa) and outlined in Community and Economic Development, Parks and Recreation Division Report No: 2018-51, be approved;

That the following roads be closed to general vehicular traffic and parking from 5:00 p.m. to 9:00 p.m., each Thursday from May 17, 2018 to September 27, 2018:

- Market Square;
- Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;
- Clarence Street, from the eastern limit of King Street to the western limit of West Street;

That Market Square be closed to vehicular traffic on May 17, June 8, June 15, July 13, and September 21, 2018 from 1:00 p.m. to 5:00 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the PCDCa, be exempt from the above noted closures, through the issuance of an authorized permit;

That traffic barricades be supplied by Public Works staff every Thursday, from May 17, 2018 to September 27, 2018, and delivered before the end of the regular work day at the predetermined locations requiring barricades;

That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5:00 to 9:00 p.m.", including Market Square, for the duration of the event;

That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;

That the PCDCA be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;

That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and

That the appropriate by-law be presented for approval.

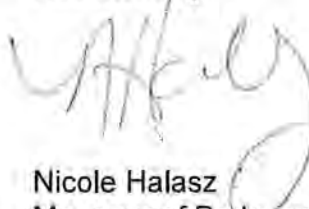
8) SIGNATURES

Prepared on March 20, 2018 by:



Gina Tartaglia
Event Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



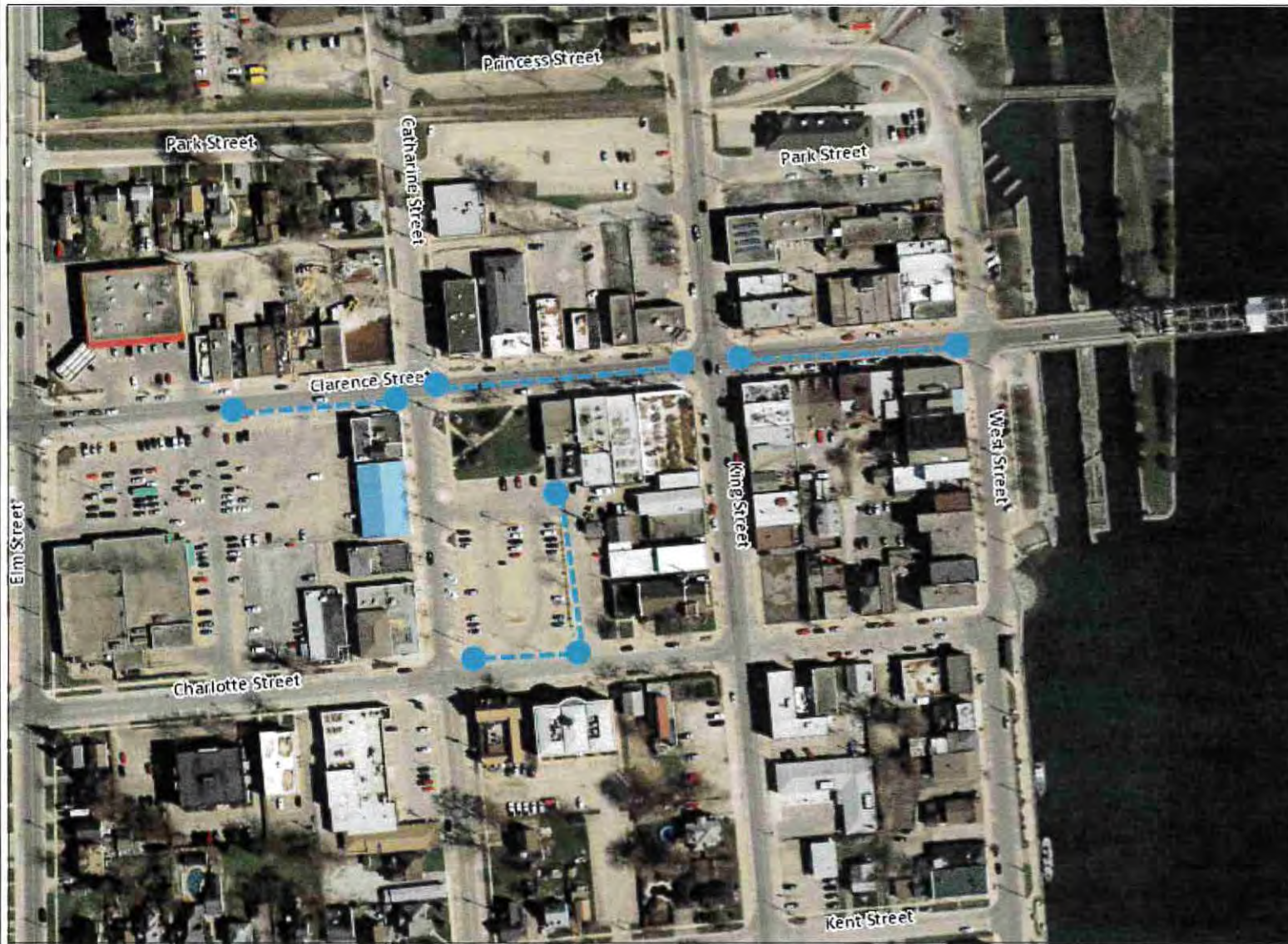
Port Calhoun
DOWNTOWN
CRUISERS
ASSOCIATION

May 17 – Bob St. Amand Racer Night
May 24 – 1950s Theme
May 31 – 1960s Theme
June 7 – 1970s Theme
June 14 – 1980s Theme
June 21 – GM Night
June 28 – Ford Night
July 5 – Truck & Tractor Night
July 12 - Mopar Night
July 19 - Rat Rod Night
July 26 – Youth Night
August 2 – Canal Day Pre-Show
August 9 – Corvette Night
August 16 – Import Night
August 23 – Hot Rod Night
August 30 – Bike Night
September 6 – Cars & Coffee
September 13 – Awards Night

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Legend

Streets Labels

0.1 0 0.06 0.1 Kilometers

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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
Parks and Recreation Division**

Report Number: 2018-54

Date: April 23, 2018

SUBJECT: 2018 Moonlight Flicks at H.H. Knoll Lakeview Park

1) PURPOSE

This purpose of this report is to present a request from Patrick Gagliardi seeking Council's approval to host the Moonlight Flicks event at H.H. Knoll Lakeview Park (on Wednesdays) on July 4, 11, 18, 25 and August 22 and 29, 2018.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

This report was prepared following a request from Patrick Gagliardi, organizer of the Moonlight Flicks event. Moonlight Flicks is an annual summer event that takes place in a variety of parks within Niagara. The event invites members of the community to watch a film outdoors in the evening in a public park. Moonlight Flicks has requested to host an outdoor movie showcase at H.H. Knoll Lakeview Park on five Wednesdays during the summer from 6 p.m. until midnight. While spectators wait for the movie to begin at dusk, they can find a location to setup chairs/blankets and participate in activities and games. The event is free, however spectators are requested to donate canned goods to benefit the local food bank, including Port Cares. 2017 was the first year that Mr. Gagliardi hosted the event. With the previous year's success, Mr. Gagliardi would like to expand this year's event and is proposing a larger movie screen and sound system.

The City's policies and procedures concerning festivals and events outline guidelines for the City to provide assistance to local associations and organizations to host special events in municipally owned facilities and/or property. To manage municipal resources for these events, and ensure public safety (as per the City's User Pay Policy) event organizers may request to borrow certain City-owned equipment and materials. Equipment such as picnic tables, garbage receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, provided the event organizer reimburses the City for any additional costs that may be incurred (i.e. through the transportation and delivery of materials, staff overtime, and equipment, etc.). Event organizers are also responsible for any loss and/or damage to municipal facilities/property, including equipment/materials on loan, which are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that may be imposed by the City, the City's festivals and events insurance policy requires event organizers to carry a minimum of \$2 million in general liability insurance (or \$5 million for an event involving alcohol). The organizer is required to file a Certificate of Insurance, naming the City as an additional insured, to the City prior to the event.

Further, event organizers are required to submit an application for a Noise By-law exemption to the By-law Enforcement Division, if they are intending to provide amplified music during the event.

3) STAFF COMMENTS AND DISCUSSIONS

Event organizers will carry out the majority of the work, with minimal staff support, and will setup the inflatable movie screen, speakers, projector, signage, and sponsor tents, beginning at 6 p.m. concluding between 11 p.m. and 12 a.m. Event organizers will disassemble and remove equipment each night.

Community and Economic Development staff are prepared to assist, when required, and will ensure infrastructure and logistical support complies with municipal standards, and public health and safety requirements. Event organizers are requesting access to the bandshell (to provide washroom access and hydro). Utility locates for staking the movie screen and tents would be the responsibility of event organizers. Three to four tents are proposed (10' x 10' each), which do not require a building permit, providing they are not connected in a length greater than 10' x 30'.

In order to accommodate this event, an exemption from Section 4 (Prohibited Hours of Entrance) of By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, would be required (the public would be in attendance past the 11 p.m. park closure time).

Event Organizers will be required to notify Niagara Regional Police and the Fire and Emergency Services Department of the event. Event organizers have requested City support as follows:

- Provision of waste receptacles;
- Use of public washroom facilities (at the bandshell) until 12 a.m.;
- Waiving of fees associated with park permits and hydro;
- Waiving of fee associated with the application for a Noise By-Law Exemption;
- Exemption from section 4 of By-law 5503/100/10 (Prohibited Hours of Entrance).

Staff/Stakeholder Comments:

This report was circulated for comment to the Parks and Recreation Division, By-law Enforcement Division, Building Division, Fire and Emergency Services Department, and the Niagara Regional Police Service, with input provided as follows:

Parks and Recreation Division:

No adverse comments.

By-law Enforcement Division:

The By-law Enforcement Division is not opposed to the event. Review and processing will take place upon receipt of the Noise Variance application.

Building Division:

The size and number of tents do not meet the criteria for building permits.

Fire and Emergency Services Department:

- A portable fire extinguisher shall be supplied in the area of the projection system and shall have not less than one 2A:10BC extinguisher;

- Cooking with fuel fired appliances, open fires, smoking, the use of candles or other open flames is strictly prohibited in any tents used by the public;
- An area of at least three metres (nine feet) surrounding the tent shall be kept clear of all materials and/or vegetation that will support and allow fire extension;
- Hay, straw, shavings or similar combustible materials shall not be used within a tent or air-supported structure;
- No temporary barriers shall be used on roads or to control the flow of people;
- No open air burning or fireworks is permitted.

Niagara Regional Police:

No comments received.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively denying the event request. This option is not recommended.

b) Other Options

Council may provide alternative direction regarding the event. Staff have worked with the event organizer to determine logistical needs. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative supports the City's strategic goal of developing collaborative partnerships and engaging community groups to host events that benefit the local economy.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the Moonlight Flicks event, to be held on Wednesday July 4, 11, 18, 25 and August 22 and 29, 2018, be supported;

That fees for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;

That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;

That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;

That Moonlight Flicks be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event.

That the City's park permit, hydro, and waste receptacle fees, be waived.


8) SIGNATURES

Prepared on March 29, 2018 by:



Gina Tartaglia
Event Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



Report Number: 2018-56

Date: April 23 2018

SUBJECT: 2018 Heart & Stroke Big Bike Campaign

1) PURPOSE

The purpose of this report is to present a request from Melissa Allen, Area Coordinator, Niagara Region Heart & Stroke Foundation, for approval to host the 2018 Heart & Stroke Big Bike event, to be held on May 16, 2018.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City's policies and procedures concerning festivals and events outline guidelines for the City to provide assistance to local associations and organizations to host special events in municipally owned facilities and/or property. To manage municipal resources for these events, and ensure public safety (as per the City's User Pay Policy) event organizers may request to borrow certain City-owned equipment and materials. Equipment such as picnic tables, waste receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, provided the event organizer reimburses the City for any additional costs that may be incurred (i.e. through the transportation and delivery of materials, staff overtime, and equipment, etc.). Event organizers are also responsible for any loss and/or damage to municipal facilities/property, including equipment/materials on loan, which are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that may be imposed by the City, the City's festivals and events insurance policy requires event organizers to carry a minimum of \$2 million in general liability insurance (or \$5 million for an event involving alcohol). The organizer is required to file a Certificate of Insurance, naming the City as an additional insured, to the City prior to the event.

3) STAFF COMMENTS AND DISCUSSIONS

The Heart and Stroke Foundation Niagara Office has requested approval to allow the Heart & Stroke Big Bike to take place in Port Colborne, beginning at 5 p.m. and ending at approximately 8:30 p.m. on May 16, 2018. Council has approved this event for several years. Participating teams will ride a route beginning on West Street at Canalside Pub & Eatery, travelling south on West Street, then west on Victoria Street, north on Elm Street, east on Clarence Street, and south onto West Street, ending at Canalside Pub & Eatery. A copy of the route map is attached as Appendix "A".

A total of ten teams are expected to participate, organizers have arranged for a Niagara Regional Police escort to travel with participants to ensure safety for both riders and motorists. The Niagara Region Heart & Stroke Foundation office is also requesting permission from the Region of Niagara.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively denying the event request. This option is not recommended.

b) Other Options

Council may provide alternative direction regarding the event. Staff have worked with the event organizer to determine logistical needs. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative supports the City's strategic goal of developing collaborative partnerships and engaging community groups to host events that benefit the local economy.

6) ATTACHMENTS

Appendix "A" – Heart & Stroke Big Bike Event Route Map

7) RECOMMENDATION

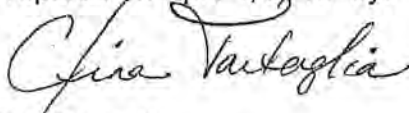
That the 2018 Heart & Stroke Big Bike Event, to be held on May 16, 2018, be approved;

That the Niagara Region Heart & Stroke Foundation be responsible for coordinating emergency services support; and

That the Niagara Region Heart & Stroke Foundation be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event.


8) SIGNATURES

Prepared on April 4, 2018 by:



Gina Tartaglia
Event Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



Legend

Streets Labels

0.2 0 0.12 0.2 Kilometers

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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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Report Number: 2018-55

Date: April 23, 2018

SUBJECT: City Wide Parks Grass-Cutting Tender 2018-04

1) PURPOSE

The purpose of this report is to present the results of the grass-cutting services tender recently issued for City parks, and to recommend extending the current parks grass-cutting contract for one year.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City's most recent contract for grass-cutting services for municipal parks (approved for a period of five years) expired on 2017. As a result, in consultation with the Parks and Recreation Division, the Engineering and Operations Department issued a new tender to secure grass-cutting services for the next five-year period (with an expiration year of 2022). The tender outlined a comprehensive list of all areas requiring service, and specified a minimum of ten cuts at each location, per year. The tender specified that pricing submitted was to be the total cost for each cut, with individual pricing for each year of the service contract.

3) STAFF COMMENTS AND DISCUSSIONS

The tender for parks grass-cutting services closed on February 26, 2018. Thirteen contractors obtained tender documents prior to closing, and, five contractors submitted bids, with results as follows:

Contractor:	Pricing:
Stevensville Lawn Service	\$12,774.45, plus 5% additional every year until 2022.
Griffin Landscape	Disqualified bid.
Total Landcare	Disqualified bid.
HS&M Landscape	Disqualified bid.
Snips Landscape	Disqualified bid.

As noted above, Stevensville Lawn Service, of Stevensville Ontario, submitted the only qualifying bid. Other bidders were disqualified due to substantial errors and/or irregularities in their bid submissions.

Further to the above, Snips Landscaping and Nursery has proposed extending its parks grass-cutting contract with the City into 2018. The City's procurement policy permits contract extensions in cases where there will be an economic benefit to the City. Maintaining the existing contract with Snips Landscaping and Nursery will provide sufficient economic benefit for the City to extend the existing contract. Snips Landscaping and Nursery has held the City's parks grass-cutting contract for a number of years, and has provided high quality service at a competitive price. Due to the results

of the recent tender process and, the subsequent economic benefit to the City, staff recommend extending the current service contract with Snips Landscaping and Nursery for a period of one year.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do Nothing

Council may choose to receive and file this report, effectively taking no action. Under this option, a contract for grass-cutting services would not be secured. This option would negatively impact the City's parks maintenance program. This option is not recommended.

b) Other Options

Council could direct the City assume the duties of this contract; however, additional financial and human resources would be required in order to maintain the level of service. Parks grass-cutting contracts have traditionally resulted in a high level of service for a competitive price. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

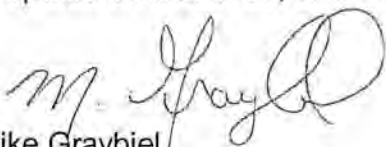
7) RECOMMENDATION

That contract 2015-09, for the supply for parks grass-cutting services, with Snips Landscaping and Nursery, be extended for one year (2018), in accordance with the terms of the existing contract; and

That the appropriate by-law be presented for approval.

8) SIGNATURES

Prepared on March 29, 2018 by:



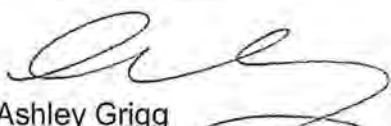
Mike Graybiel
Parks Supervisor

Reviewed by:



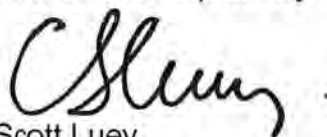
Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



**Planning and Development Department
By-law Enforcement Division**

Report Number: 2018-46

Date: April 23, 2018

SUBJECT: Proposed Lot Maintenance By-law 2018

1) PURPOSE

The report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division and authorized by Dan Aquilina, Director of Planning and Development. The purpose of the report is to present Council with a proposed updated Lot Maintenance By-law. Previously, Council expressed a desire for more rapid By-law enforcement.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is the protocol of the By-law Enforcement Division to create by-laws when requested, monitor the by-law, and modify as necessary. After implementing and using the by-law for 2 years, noted modifications were necessary to clarify issues and expedite the process. The City's solicitor reviewed numerous changes prior to presenting to Council for consideration.

The history of implementing the Lot Maintenance By-law in 2016 is as follows:

- At the October 13, 2015 meeting, through Chief Administrative Report 2015-184 East Village Neighbourhood Improvement Task Force, Council directed staff to "report back regarding revisions to by-law enforcement and property standards by-laws and to make the revisions, and responses to property standards complaints, a priority."
- At the February 22, 2016 Council meeting, By-law Enforcement Division Report 2016-14 was considered for deliberation and was approved as presented.
- Staff have been monitoring the by-law and noting issues, areas of concern and has modified the by-law to reduce challenges and to expedite the process for repeat offenders.

3) STAFF COMMENTS AND DISCUSSIONS

The majority of changes include definitions to clarify issues officers were having when dealing with customers. These new additions and clarification of definitions should reduce conflict and clear understanding of where and what materials can be stored. Further, three additional changes were added that were requested by Council.

- Grass cutting season
- Trees
- Repeat offender

Grass cutting season is proposed to begin in May rather than June.

The only remaining yard issue from the Property Standards By-law was trees. Dead and dilapidated trees are proposed to be a lot maintenance issue.

With respect to repeat offenders, it is proposed that notice is still required to be provided; however, the timeframes for clean-up have been reduced by about half. For example: Refuse clean-up is 7 days for a first time offence and a repeat offender for refuse clean-up is proposed at 3 days. This reduction should eliminate the constant revolving door or weekly refuse issues at one location. This will also increase the number of complaints and workload for officers.

The Lot Maintenance By-law changes are as follows:

- Created a definition of “Building Material”;
- Created definition of Approved Structure, Fully Enclosed Structure and Partially Enclosed Structure;
- Updated the definition of “Domestic Waste” and “Industrial Waste” to include Inoperative, machinery, trailers, boats;
- Updated the definition of “Hobby Vehicle”;
- Updated the definition of “Land”;
- Created a definition of “Repeat Offender”;
- Created a definition of “Trees”;
- Grass and weeds start May 1st instead of June 1st and ends Oct 31st or the first frost whichever shall occur first;
- Create Vegetation – Trees - General Prohibition section;
- Create Refuse removal to approved site – the intention is to reduce refuse removal creating hoarding conditions or life safety concerns;
- Modify Section 4.6 housekeeping the word Vegetation was missing in the title;
- Create section 4.11 Building Materials exemption – Building materials may only be exposed/onsite for six (6) months with or without a building permit;
- Create section 5.11 Repeat Offender - Where it becomes necessary to enforce this by-law within the same calendar year. The time frames for work to be completed as set out in Schedule C;
- Schedule B - removal of fees and state “As set out in the City of Port Colborne Consolidated Fees and Charges By-law 6558/13/18, Schedule T”.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) **Do nothing.**

Council may choose to receive and file this report, effectively taking no action. Under this option, the Lot Maintenance By-law would remain as is.

b) **Other Options**

Council may choose to approve certain portions of the proposed updates to the Lot Maintenance By-law.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Proactive enforcement is a desire of Council.

6) ATTACHMENTS

Proposed Lot Maintenance By-law, highlighted to display the proposed changes.

7) RECOMMENDATION


That the proposed Lot Maintenance By-law, attached to Planning and Development Department, Planning Division Report No. 2018-46, be approved as presented.

8) SIGNATURES

Prepared on March 22, 2018 by:


Sherry Hanson, C.P.S.O.
Supervisor, By-law Enforcement Division

Reviewed by:


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

Reviewed and respectfully submitted by:


C. Scott Luey
Chief Administrative Officer

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE
OF PROPERTY AND LAND (LOT MAINTENANCE BY-LAW)
AND TO REPEAL BY-LAW 6329/09/16

WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may define "refuse" for the purpose of the by-law;

AND WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin;

AND WHEREAS Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear the land of refuse, the municipality may also provide that, in default of it being done by the person directed or required to do it, the cleaning and clearing of land shall be done at the person's expense;

AND WHEREAS Section 391 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

**Part 1
DEFINITIONS**

1.1 For the purpose of this by-law, the definitions of this Section apply:

"Agricultural Purposes" shall mean the land used for cultivating soil, producing crops and for the raising of livestock as an "agricultural operation" as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1999, c.1*, but does not include the portion of land used as a woodlot.

"Approved Structure" shall mean a Fully Enclosed Structure or a Partially Enclosed Structure as defined in this By-law.

"Border" shall mean the cleared land between the side and/or rear property line and a naturalized area or wild flower meadow.

“Boulevard” means that portion of the highway between the City property line and roadway, which is not used or intended for use for vehicular travel by the general public, and includes any landscaped areas and boulevards that are separated from private property by sidewalks.

“Buffer Strip” shall mean a border of a minimum of 0.9 m w that delineates a wild flower meadow or naturalized area.

“Building Material” shall mean material stacked in good condition, which is used, or intended to be used, for construction purposes.

“City” means The Corporation of the City of Port Colborne.

“Cleared” includes the removal of weeds or grass more than 15 centimetres (6 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Composting” shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus.

“Composting Container” shall mean the holding unit used to store yard, garden and household waste for the purpose of composting.

“Domestic Waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
- (d) can, glass, plastic container, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) rubble, insert fill, fencing materials.
- (j) indoor furniture;
- (k) Inoperative - machinery, trailers, or boats;

“Enforcement Officer” shall mean a Municipal Law Enforcement Officer of the City of Port Colborne, Building Inspector, Fire Prevention Officer, Health Inspector, or Weed Inspector appointed under the Weed Act R.S.O. c.W.5. or other person appointed or employed by the City of Port Colborne for the enforcement of by-laws.

“Fully Enclosed Structure” means a structure with a roof and four (4) walls and is capable of enclosing and securing items within.

“Hobby Vehicle” means a vehicle that is actively being repaired or restored as a hobby of the owner/occupant of the property, a stock/race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion.

“Indoor Furniture” means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include, but not limited to items such as couches, sofas,

love seats, fabric covered chairs and mattresses.

“Industrial Waste” shall mean any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
- (f) agricultural, animal, vegetable, paper, lumber or wood products; or
- (i) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (ii) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (j) Inoperative - machinery, trailers, or boats.**

“Inoperative Motor Vehicle” shall mean a licensed or unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Inoperative - machinery, trailers or boats” means such items that are unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated and in particular includes vehicles with missing part(s) wheel(s), tire(s), engine(s), drive train or body components or window(s), unless such item is operable, not dismantled, broken or incomplete, decayed or dilapidated and its use is permitted under the Zoning By-law or is necessary for the operation of a business enterprise lawfully situated on the property.

“Land” includes yards, vacant lots or any part of a lot, which is not beneath a building and for the purpose of this By-law, includes an area within an unapproved Structure

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.

“Owner” means a registered owner, but also includes lessee, occupant or tenant of the land, or any other person in charge of or in control of the premises.

“Partially Enclosed Structure” means a structure with a roof and a minimum of two (2) walls and is capable of sheltering items under the structure.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area.

“Person” means an Owner who may be a natural person, firm, corporation, partnership or association.

“Repeat Offender” means an individual who has been the subject matter of administrative or enforcement action taken by the City under this By-law.

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Rubble” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

“Sidewalk” shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway.

“Trees” shall mean a plant or any species of woody perennial including its root system, which has reached or can reach a height of at least 2 metres at physiological maturity;

“Turf Grass” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds or other vegetation.

“Unlicensed” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle;

“Unlicensed motor vehicle” shall mean a motor vehicle that is unlicensed.

“Wildflower” meadow means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees.

Part 2 GENERAL PROVISIONS

- 2.1 Administration – by the Enforcement Officer**
This by-law is administered by the Enforcement Officer of The Corporation of the City of Port Colborne or an agent of the Enforcement Officer.
- 2.2 Land – filled up – drained - owner responsibility**
Every owner shall keep his land filled up and drained.
- 2.3 Excavations – filled – exception – enclosed by barrier**
Every owner shall fill in any excavation on the land unless it is enclosed completely by a temporary barrier at least 122 centimetres (48 inches) in height.
- 2.4 Water – exceeding 30 cm – drained – exception**
Every owner shall drain land of accumulations of water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the City.
- 2.5 Land – clean – cleared – free of refuse**
Every owner shall keep his land cleaned, cleared and free of refuse.
- 2.6 Dumping – prohibited – without lawful authority**
No person shall throw, place, dump or deposit domestic or industrial waste on private property or City property without lawful authority.
- 2.7 Swimming Pool – maintained**
Every owner shall keep or maintain the water in a swimming pool in a

condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

2.8 Land – removal of refuse

Every owner shall remove refuse from his land

2.9 Refuse – containment and location

Every owner shall ensure that all refuse which accumulated on their property and when not placed out for collection is:

(a) in containers:

- i. made of rigid, watertight construction;
- ii. provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
- iii. maintained in good condition without holes or spillage;
- iv. closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
- v. located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) Not permitted to accumulate longer than 10 days.

2.10 Vegetation - Grasses and Weeds

The grasses and weeds season shall commence May 1st until October 31st or first frost, whichever shall occur first, inclusive, annually.

2.11 Hobby Vehicle – provisions

Every owner shall ensure that a maximum limit of two (2) hobby vehicles are permitted per property and Vehicles used for parts are not considered Hobby Vehicles.

**Part 3
GENERAL PROHIBITIONS**

3.1 Refuse – not cleared – from land – prohibited

No person shall, within the City of Port Colborne, fail to clear land of refuse.

3.2 Excavation – failure to enclose – prohibited

No person shall, within the City of Port Colborne, fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.

3.3 Water – 30 cm deep – failure to drain – prohibited

No person shall, within the City of Port Colborne, fail to drain an accumulation of water exceeding 30 centimetres (12 inches) in depth.

3.4 Private Property – refuse – deposit on

No person shall, within the City of Port Colborne, deposit refuse on private property without lawful authority.

3.5 City Property – refuse – deposit on

No person shall, in the City of Port Colborne, deposit refuse on municipal property without lawful authority.

3.6 Refuse – containment and location

No person shall fail to contain refuse or locate refuse containers in accordance with the provisions of this by-law.

3.7 Water in Swimming Pool – fail to maintain

No person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.

3.8 Private Property – clear buffer strip

No person shall, in the City of Port Colborne, fail to clear a buffer strip.

- 3.9 Vegetation - Grasses and Weeds –not cleared – from land - prohibited**
No person shall fail to clear the grasses and weeds from land in excess of 15cm (6 inches) within 72 hours of notice given within the grasses and weed season.
- 3.10 Unsafe Standing Water**
In the event that the circumstances described in section 2.4 or 2.7 are deemed to be unsafe by an Enforcement Officer, section 3.11 applies.
- 3.11 Immediate Action**
In circumstances of section 3.10, an Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with the unsafe standing water.
- 3.12 Limited Authorization**
The authorization provided by section 3.11 of this by-law is limited only to such steps as are required to remove the danger.
- 3.13 No Obstruction of Officer**
No person shall obstruct, hinder or in any way interfere with any Enforcement Officer in the enforcement of the provisions of this by-law.
- 3.14 Contravention of Order**
No person shall contravene a Work Order or an Order to Discontinue Activity.
- 3.15 Vegetation – Trees – not cleared – from land – prohibited**
No person shall fail to clear from land, dead, decayed, damaged or diseased trees
- 3.16 Damaged Trees**
In the event that the tree(s) described in section 3.15 are deemed to be damaged by an Enforcement Officer, only the section(s) of a tree, which is damaged, shall be required to be cleared from land. Unless the removal of the section(s) of tree would leave the remainder of the tree unstable or unhealthy.
- 3.17 Refuse – removal**
The removal of refuse pursuant to this By-law shall not create or cause pest or vermin issues, hoarding or any other condition that may create life safety concerns as determined by the Enforcement Officer.
- Removal of refuse shall either be stored in an Approved Structure or taken to an approved landfill.

Part 4 EXEMPTIONS

- 4.1 Excavations – construction – exemption**
Section 2.3 of this by-law does not apply to land on which construction is proceeding under a valid building permit or a Municipal Consent
- 4.2 Swimming Pools – natural bodies of water – exemption**
Section 2.4 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.
- 4.3 Outdoor Storage – lawful – exemption**
Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to land, which is lawfully used for outdoor storage of materials in compliance with the applicable Zoning and Licensing By-laws and regulations.
- 4.4 Region – dumping – disposal facilities – exemption**
Sections 2.5 and 2.6 of this by-law shall not apply to land or structures designated

by or operated by the Region of Niagara for the purpose of dumping or disposing domestic or industrial waste.

- 4.5 Refuse – Hobby Vehicle – exemption**
Sections 2.5 and 2.8 of this by-law shall not apply to Hobby Vehicle(s)
- 4.6 Vegetation - Agricultural and Environmental Protection Lands – exemption**
This by-law does not apply to any lands zoned as Environmental Protection or lands used for agricultural purposes as defined in the City's Zoning By-law.
- 4.7 Government Owned lands – exemption**
This by-law does not apply to any lands owned by the following corporations:
The Corporation of the City of Port Colborne
The Region of Niagara
The Saint Lawrence Management Corporation
- 4.8 Perennial Gardens – exemption**
This by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act and provided that there is no waste.
- 4.9 Wildflower Meadow – exemption**
This by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the Weed Control Act, provided that there is no waste and provided that they do not encroach within the buffer strip.
- 4.10 Containment and location – exemption**
Section 2.9 of this by-law does not apply to land undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control By-law has been obtained that includes containment and location of garbage.
- 4.11 Building Materials – exemption**
No person shall store Building Materials on lands for more than six (6) months with or without a building permit.

Part 5 ENFORCEMENT

- 5.1 Fine – for contravention**
Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
- 5.2 Continuation – repetition – prohibited – by order**
The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.
- 5.3 Default – not remedied – fee**
Where anything required or directed to be done in accordance with this by-law is not done, within the required time frame the Enforcement Officer or persons designated by the Enforcement Officer for The Corporation of the City of Port Colborne, may upon such notice, do such thing at the expense of the person required to do it and, in so doing, may charge administration fee of 15% of such expense with a minimum fee of as set out in Schedule 'B' of this by-law; and both the expense and fee may be recovered by action or in like manner as municipal taxes.
- 5.4 Removal**
Where any of the matters or things are removed in accordance with section 5.3 of this By-law the matters or things may be immediately disposed of by the

Enforcement Officer.

5.5 Officer – entry to inspect

An Enforcement Officer designated to perform inspections pursuant to this By-law may at all reasonable times, enter onto land for the purposes of an inspection of the land.

5.6 City – bring property to compliance

Where it becomes necessary to proceed pursuant to section 5.3 of this By-law, a Enforcement Officer may enter onto the lands with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

5.7 Work Order – contravention of by-law

If the Enforcement Officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order (Schedule "A"), requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.

5.8 Work Order - contents

The Work Order shall set out:

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention and of the work to be done;
- (c) a deadline, being a specific date, for compliance with the Work Order (See Schedule C); and
- (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

5.9 Work Order – service

The Work Order may be delivered by any one or more of the following methods:

- (a) personal delivery to the person to whom it is addressed;
- (b) personal or couriered delivery to either an adult person, or to the mailbox, of the residential address of the addressee;
- (c) delivery by registered or certified mail;
- (d) delivery by facsimile transmission; or
- (e) posted as a placard in a conspicuous location at the site which is the subject matter of the notice;
- (f) posted as a door hanger at the site which is the subject matter of the notice;
- (g) delivery by Xpresspost of prepaid mail.

5.10 Deemed Delivery

- (a) Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- (b) Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- (c) Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.
- (d) Where a notice is delivered by facsimile, it is considered to have been delivered on the next business day following the date showing on the proof of transmission document.
- (e) Where a notice is posted on occupied property in accordance with section 5.9 (e) and 5.9 (f), it is considered to have been delivered the next business day following the date it is posted.
- (f) Where a notice is posted on unoccupied property in accordance with Section 5.9 (e), it is considered to have been delivered five (5) days after the date it is posted.

(g) Where a notice is delivered by Xpresspost, it is deemed to have been delivered on the next business day following the day of mailing.

5.11 Repeat Offender

Where it becomes necessary to enforce this By-law within the same calendar year. The time frames for work to be completed are set out in Schedule 'C'

Part 6

ENACTMENT

6.1 By-law – Repeal

That By-law 6329/09/16, Being a By-law to Provide for the Maintenance of Property of Land (Lot Maintenance By-law), is hereby repealed in its entirety.

6.2 Effective Date

This by-law comes into force on the day it is passed.

6.3 Short Title

The short title of this by-law shall be the "Lot Maintenance By-law".

ENACTED AND PASSED THIS 23RD DAY OF APRIL, 2018

John Maloney
MAYOR

Amber LaPointe
CITY CLERK

CITY OF PORT COLBORNE

BY-LAW NO. _____

SCHEDULE "A"

OPTION 'A'

WORK ORDER – Contravention of the By-law

Pursuant to Subsection 3.14 of the City of Port Colborne

Lot Maintenance By-law

Date issued:		File No.:	
Address to which order applies:			
Order issued to:			
Owner Name			
Street Address			
City, Province			
Postal Code			

A contravention of Part _____ of the City of Port Colborne Lot Maintenance By-law _____ is found to exist at the above noted address:

<u>CONTRAVENTION</u>	<u>ACTION REQUIRED</u>
Insert here: Items in contravention	<i>Insert here: the type of refuse/issue that is on the property (i.e garbage, debris.)</i>
	Refuse includes but is not limited to:

You are hereby ordered, under Subsection _____ of the City of Port Colborne Lot Maintenance By-law _____ to bring this property in to compliance on or before: _____ (*Insert here: compliance date*) (*See Schedule C for timeframes*).

Failure to do so The Corporation of the City of Port Colborne (or designate) will cause the property to be brought into compliance in accordance with Part 5 (Sections 5.3 and 5.4) of By-law _____ of the City of Port Colborne. The City may recover the costs incurred by it in doing the work or causing it to be done from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by: _____
 Officer - MLEO
 City of Port Colborne

OPTION 'B' – GREEN TAG – Grass Violation Door Hanger as attached.

CITY OF PORT COLBORNE

BY-LAW NO. _____

SCHEDULE "B"

FEES

As set out in the City of Port Colborne Consolidated Fees and Charges By-law
6558/13/18, Schedule T

CITY OF PORT COLBORNE

BY-LAW NO. _____

SCHEDULE "C"

TIME FRAME FOR WORK TO BE COMPLETED

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	7 days
Remove open household garbage	7 days
Clear grass over 15cm	3 days
Remove water 30 cm	2 days
Maintain swimming pool water	5 days
Enclose excavation	2 days
Miscellaneous	5 days

REPEAT OFFENDERS TIME FRAME FOR WORK TO BE COMPLETED

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	3 days
Remove open household garbage	3 days
Clear grass over 15cm	2 days
Remove water 30 cm	2 days
Maintain swimming pool water	2 days
Enclose excavation	2 days
Miscellaneous	2 days

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Niagara Regional Labour Council

April 6, 2018

Mayor John Maloney
City of Port Colborne
66 Charlotte Street,
Port Colborne, Ontario
L3K 3C8

Dear Mayor Maloney:

On April 28th, the Niagara Regional Labour Council will observe the National Day of Mourning to remember those who have suffered and died on the job. As we remember those who have died in workplace catastrophes, those who have been exposed to toxic substances and those who have been injured due to dangerous work conditions, we rededicate ourselves to fight for safe workplaces.

Therefore, as we approach April 28th, we are requesting that City Council consider and issue a Proclamation with respect to the "National Day of Mourning". Also, we invite you, your council and staff to attend the Port Colborne Ceremony beginning at 1:00 p.m. at the Workers' Monument in H.H. Knoll Park.

By this invitation, we would welcome comments from you or your designate at the ceremony.

We are also requesting that all flags be flown at HALF-MAST at City Hall on the 28th. As we remember those who have been injured and killed, we must renew our fight for the living and we must organize and mobilize for safe jobs.

Please share this information widely since this is a public event.

I, along with the rest of the Niagara Regional Labour Council look forward to your response.

Thanking you in advance.

Lou Ann Binning
President
Niagara Regional Labour Council
nrhc.clc@gmail.com



On April 28
REMEMBER
National Day of Mourning
for Workers

Prevent worker disability, disease and death.

Make work safe!

Workers Health
& Safety Centre



ONTARIO-WIDE EVENTS

2018
DAY OF MOURNING

South Central Ontario

Brantford & District Labour Council

Saturday, April 28, 2018, 11:00 a.m.

Fordview Park, Brantford

Speakers: Don Guest, 1st Vice President, Mayor Chris Friel,
Pastor Kevin Weeks

Contact: Roxanne Bond, (519) 209-2154 or
roxannebond1@gmail.com

Guelph & District Labour Council

Saturday, April 28, 2018, 10:30 a.m.

Meet at City Hall at 10:30 am; March to Goldie Mill Park, Service at
Goldie Mill Park at 11:00 am

Reception to follow at the Woolie

Guest Speakers: From Labour and the Community

Contact: Terry O'Connor, (519) 994-2474

Hamilton & District Labour Council

Saturday, April 28, 2018, 10:30 a.m.

Hamilton City Hall Chambers, 71 Main Street West, Hamilton

Contact: Tom Atterton, (905) 547-2944 ext 23,
hdhc.secretary.atterton@cogeco.net

Niagara Regional Labour Council

Friday, April 28, 2017

St. Catharines, 7:30 a.m.

At the monument dedicated to the Fallen Welland Canal
Workers, located at Lock 3 on the Welland Canal Parkway
– west side of the Canal

St. Catharines, 8:00 a.m.

At the monument dedicated to four fallen workers – under
the St. Catharines Skyway. Located on the Welland Canal
Parkway – west side of the canal, under the bridge.

Niagara-on-the-Lake, 9:15 a.m.

At the monument located at the Centennial Arena – 1557 Four Mile
Creek road in Virgil.

Niagara Falls, 10:30 a.m.

At the monument located at Niagara Falls City Hall – 4310 Queen
Street.

Fort Erie, 11:45 a.m.

At the Monument located at Fort Erie City Hall – 1 Municipal Centre
Drive along Highway 3.

Port Colborne, 1:00 p.m.

At the Monument located in H.H. Knoll Park on Sugarloaf Street, beside
the hospital.

Welland, 2:00 p.m.

At the Monument located beside the canal in Merritt Park – 151 King
Street.

Port Robinson, 3:00 p.m.

In memory of Robyn Lafleur, Esquire Canada explosion site (1999) – 125
South Street North.

St. Catharines, 4:00 p.m.

At the Monument located at St. Catharines City Hall – 50 Church St.

Niagara Region, 5:15 p.m.

At the Monument located at the Region of Niagara Headquarters –
1815 Sir Isaac Brock Way.

Contact: nrlc.clc@gmail.com

Oakville & District Labour Council

Saturday, April 28, 2018, 2:00 p.m.

Oakville Public Library, 120 Navy Street, Oakville

Contact: Timothy Batke, 1st Vice President, ODLIC, (905) 334-8228

cont'd ...

North Eastern Ontario

Elliot Lake Day of Mourning Committee

Saturday, April 28, 2018, 11:00 a.m.

Miner's Memorial Monument, Hwy 108, Elliot Lake

Contact: Sue Girard, suegirard51@hotmail.com

North Bay & District Labour Council

Saturday, April 28, 2018, 10:45 a.m.

City Hall, 200 McIntyre Street East, North Bay

Guest Speaker: Michael Hurley, President, Ontario Council of Hospital Unions

Contact: Henri Giroux, (705) 471-7746

Sault Ste. Marie & District Labour Council

Saturday, April 28, 2018, 11:00 a.m.

Grand Gardens, 68 Dennis Street, Sault Ste. Marie

Contact: Michele McCleave, (705) 542-4026

Sudbury & District Labour Council

Saturday, April 28, 2018, 10:00 a.m.

Fraser Auditorium

Guest Speaker: J.P. Mrochek, WSIB Worker Representative, United Steelworkers Local 6500

Contact: SDLC office, sdlc@persona.ca or (705) 674-1223

Timmins & District Labour Council

Saturday, April 28, 2018, 11:00 a.m.

Miners Memorial, 85 McIntyre Road

Guest Speakers: Gilles Bissonnette, MPP

Charlie Angus, MP

Steve Black, Mayor

Janice Martell, McIntyre Project

Contact: J.P. Desilets, (705) 274-3400

North Western Ontario

Kenora & District Labour Council

Saturday, April 28, 2018, 12:00 noon

Labour Council Day of Mourning Monument, Lake of the Woods Cemetery – East Gate

Contact: Donna Wiebe, Labour Council President, (807) 468-7203,

donnawiebe@shaw.ca

Thunder Bay & District Labour Council

Saturday, April 28, 2018, 1:00 p.m.

Labour Council DOM Monument, Finlandia Club, 314 Bay St., Thunder Bay

Contact: Herb Daniher, (807) 345-0371, ghdaniher@usw.ca

Central Ontario

Barrie & District Labour Council

Saturday, April 28, 2018, 11:00 a.m.

City Hall, 70 Collier Street, Barrie

Contact: Anita Johnson-Ford, President, BDLC, (705) 722-2194,

barrielaourcouncil@gmail.com

Durham Region Labour Council

Saturday, April 28, 2018, 12:00 noon

At the Fallen Workers' Monument, in the parkette north of Oshawa City Hall, Centre Street and King Street West

Contact: Bill Stratton, (289) 385-1761, DRLC, (905) 579-5188

Kingston & District Labour Council

Saturday, April 28, 2018, 12:30 p.m.

824 John Counter Boulevard

Contact: Kingston & District Labour Council, kingstondistrictlabourcouncil@gmail.com

Lindsay & District Labour Council

Saturday, April 28, 2018, 1:00 p.m.

Victoria Park, 210 Kent St., Lindsay

Guest Speaker: Patty Coates, Secretary-Treasurer, OFL

Contact: James Mulhern, (705) 324-7841, cell (705) 934-0160,

oneworldnoice@sympatico.ca

North Simcoe Muskoka & District Labour Council

Saturday, April 28, 2018, 10:30 a.m.

Tudhope Park, Atherley Road, Orillia

Contact: Danny Taylor, (705) 323-7105

Northumberland Labour Council

Saturday, April 28, 2018, 4:15 p.m.

Lucas Point Park, 94 Willmott Street, Cobourg

Contact: Chris Leavitt, chrisleavitt53@gmail.com

Peel Regional Labour Council

Saturday, April 28, 2018, 10:00 a.m.

Milestone of Labour Monument, 8870 McLaughlin Road, Brampton

Guest Speaker: James Taylor, 2nd Vice President, IAFF Local 1068

Contact: PRLC office, (905) 696-8882

Peterborough & District Labour Council

Friday, April 27, 2018, 11:00 a.m.

Peterborough City Hall, 500 George Street North, Peterborough

Flag Raising; Reading of Proclamation

Guest Speaker: Loretta Michaud, WHSC

Songs by George Hewison

Contact: info@ptbolabour.ca or (705) 868-7352

Toronto & York Region Labour Council

Friday, April 27, 2018

Woodbridge, 11:00 a.m.

Woodbridge Memorial Arena, 5020 Highway #7 (at Islington)

Toronto, 12:00 noon

Larry Sefton Park (Northeast corner of Bay and Hagerman Streets; just behind Toronto City Hall)

Contact: Labour Council, (416) 441-3663



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HUMBERSTONE SPEEDWAY

10 Broadway Ave.
St Catharines Ontario
L2M 7Z5

Ph. 905-935-2886 Office
905-935-3464 Fax
905-834-4002 Track

City of Port Colborne
RECEIVED

APR 06 2018

CORPORATE SERVICES
DEPARTMENT

April 2, 2018

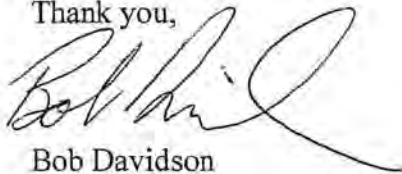
The City of Port Colborne
66 Charlotte St.
Port Colborne, ON
L3K 3C8

To Whom It May Concern:

Please accept this request for permission to hold a fire works display at The New Humberstone Speedway, the requested dates are May 20th, July 1st, August 5th, August 26th and September 2nd, September 9th, 2018 between the hours of 9:30pm and 10:30pm. This fire works display is to be provided by RedBoss Pyrotechnicians Inc. only after the approval of fire and city representatives.

I trust this letter of intent is satisfactory. If you have any questions, please feel free to call me on my cell 905-651-3243

Thank you,



Bob Davidson
General Manager

c.c. Council

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APR 16 2018

CORPORATE SERVICES
DEPARTMENT



PORT COLBORNE

ENGINEERING & OPERATIONAL SERVICES

MEMORANDUM

EXT. 219


DATE: April 16, 2018
TO: Amber LaPointe, City Clerk
FROM: Janice Peyton, Executive Assistant, DEO
RE: Environmental Advisory Committee
Motion Regarding Delayed Roadside Mowing

Please be advised that, at the meeting of March 21, 2018, the Environmental Advisory Committee resolved as follows:

Moved by George McKibbon
Seconded by Paul Ruzycki

That after receiving the presentation of Patty Moss regarding the roadside mowing delay initiative, the Council of the City of Port Colborne be notified that the City of Port Colborne Environmental Advisory Committee is unanimously in support of Patty's request for the first mowing to be delayed to start on June 4th, 2018.
CARRIED.

Thank you.

Signed: 

Janice Peyton
Executive Assistant, DEO
Recording Secretary, Environmental Advisory Committee

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City of Port Colborne
RECEIVED
APR 12 2018
 CORPORATE SERVICES
 DEPARTMENT

NIAGARA CENTRAL
Airport Commission

P. O. Box 234
 L3B 5P4

WELLAND, ONTARIO

April 12, 2018

City Clerk City of Port Colborne 66 Charlotte Street Port Colborne, Ontario L3K 3C8 Via email to ashleygrigg@portcolborne.ca	City Clerk City of Welland 60 East Main Street Welland, Ontario L3B 3X4 Via email to clerk@welland.ca
Chief Administrative Officer/Clerk Township of Wainfleet 31940 Highway 3 P.O. Box 40 Wainfleet, Ontario L0S 1V0 Via email to wkolasa@wainfleet.ca	Town Clerk Town of Pelham 20 Pelham Town Square P.O. Box 400 Fonthill, Ontario L0S 1E0 Via email to nbozzato@pelham.ca

Mayors and Councils of City of Port Colborne, City of Welland, Township of Wainfleet, and the Town of Pelham:

Following is brief synopsis of issues and developments at Niagara Central Dorothy Rungeling Airport through the first quarter of 2018 for your information:

Of Note:

- We note with sadness the passing of Dorothy Rungeling, Order of Canada, in her 107th year of a full and remarkable life that included spectacular successes as a pilot that brought great honour to her home airport which now carries her name, and to Canadian aviation generally.
- We welcome Leo Van Fliet, Councillor, City of Welland, to the Niagara Central Airport Commission, filling the vacancy left by the passing of Welland Councillor Rocky Letourneau.

Condition and Maintenance:

- Cost of completion of repairs to Taxiway Alpha, and repairs to the Secondary Runway and Taxiway Bravo was submitted in the 2018 capital budget. An estimated amount of

\$173,000.00 will provide remedial treatment to the treated surfaces such that they can be used safely for 10+ years.

Other Repair and Maintenance Issues:

- MOE has reviewed plans of new septic system designed by the engineering firm AMEC to replace the current greater than 70 year old system. Inasmuch as MOE review has taken longer than 3 years, we are updating the base premises of the plan to current status before proceeding with a permit application. NCAC met with Region officials on November 1, 2017, to review requirements and plans. Wood Group (previously AMEC Foster Wheeler) is redrafting the technical report required by the permit application.
- The runway lighting system is still operational but will require renovation as they system is aged and spare parts are scarce and difficult to source.

Request to Upload Control and Governance of NCDRA to Region:

- On September 26, 2016, Regional Council passed a motion supporting in principle that the Region adopt sole-responsibility for operations and governance of Niagara District and Niagara Central Dorothy Rungeling Airports. Subject to completion of a phase 2 environmental assessment at each location paid for by the current owners/operators, Regional staff is authorized to initiate negotiations with funding partners of both airports to transition responsibility.
- The required Environmental Assessment of NCDRA was substantially completed during the 3rd quarter, and the Phase 2 report should be available within October to be forwarded to the Region.
- Niagara Central Airport Commission and NCDRA staff is working with our stakeholder municipalities to facilitate the negotiation process with the Region to make the transition of control to the Region. Mayors and CAO's met on March 9 to develop a process to develop a common negotiating position with which to approach Region. The process will be implemented in April, which should result in a motion passed by all stakeholder municipalities in time for the May 8 Niagara Region Transportation Committee meeting.

Growth:

- The local chapter of the Canadian Owners and Pilots Association (COPA Flight 149) has suggested that NCDRA rehabilitate the abandoned runway as a grass strip. They have offered to participate in the cost of construction and to undertake the maintenance of the strip. A plan and budget of this conversion has been approved by NCAC. The plan includes:
 - Excavation of a road a 1900 ft. roadbed on the south side of hangars along Taxiway Bravo to provide soil to cover the abandoned runway. The roadbed will accept fill from the wider community to eventually become the access to additional hangar lots required when lots along Bravo are leased.
 - The abandoned runway will be prepared, graded, and covered with the roadbed excavate provided above.
 - Preparation and seeding of the soil to create the grass strip will be undertaken by COPA.
 - Cost of excavation and placement of the soil will be undertaken by NCDRA with an upset limit of \$15,000.00, including HST.
 - Cost of creation of the grass strip will be undertaken by COPA, who have committed to the maintenance of the grass strip thereafter.

Airport Activities:

- Activities are at a low winter level. Weather in throughout the 1st Quarter produced a higher than normal snow plowing expenditure.
- The incident between aircraft on runway 05/23 in October resulted in the cleanup of spilled fuel, the cost of which will be borne by the insurance coverage of the aircraft involved. This item remains outstanding.

Fundraising:

- NCDRA have been notified that operating and capital budgets have been approved by stakeholder municipalities.
- It is anticipated that the \$173,000.00 capital infusion will be funded through loan agreements with the stakeholder municipalities in the same manner that capital was provided last year for hangar roof and septic system improvements.
- Discussions regarding application of Section 110 of the Ontario Municipal Tax Act will depend on the outcome of negotiations around Region's uplift of control of the airport.

2015 through 2018 Niagara Central Airport Commission Members:

Welland	Jim Larouche John Mastroianni Leo Van Vliet
Port Colborne	Barbara Butters (Vice-Chair) Bea Kenny
Wainfleet	Ted Hessels
Pelham	Richard Rybiak (Chair)

Sincerely,



Richard Rybiak
Chair
Niagara Central Airport Commission

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April 13, 2018

CL 5-2018, April 12, 2018

CSC 5-2018, April 4, 2018

Report CSD 18-2018

LOCAL AREA MUNICIPAL COUNCILS

SENT ELECTRONICALLY

2018 Property Tax Policy, Ratios and Rates
CSD 18-2018

City of Port Colborne
RECEIVED

APR 16 2018

CORPORATE SERVICES
DEPARTMENT

Regional Council, at its meeting of April 12, 2018, approved the following recommendation of its Corporate Services Committee:

That Report CSD 18-2018, dated April 4, 2018, respecting 2018 Property Tax Policy, Ratios and Rates **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That to establish tax ratios and tax reductions for the 2018 taxation year, Council **APPROVE** Option A:

Option B – reducing both the multi-residential and commercial ratios to 1.97 and 1.7349, respectively.

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That the 2018 tax capping program reflecting the following criteria **BE APPROVED**:
 - a. An annual cap **BE SET** at the greater of:
 - i. An amount representing an increase of 10% of the previous year's annualized tax, or
 - ii. An amount representing an increase of 10% of the previous year's Current Value Assessment (CVA) tax.
 - b. That, following the application of the capping program, all increasing properties within \$500 threshold and decreasing properties within \$50 threshold of the CVA taxes **BE MOVED** directly to CVA taxation.
 - c. Properties at CVA tax in 2017 **BE EXCLUDED** from the capping program.
 - d. Properties that would cross over CVA tax in 2018 **BE EXCLUDED** from the capping program.
3. That the phase-out of the capping program over four years for Industrial property class with 2018 being year three of the four years, **BE ADOPTED**.
4. THAT the phase-out of capping program over four years for the Commercial property class with 2018 being year two of the four year, **BE ADOPTED**.
5. That the option to limit capping protection only to reassessment-related changes prior to 2018 **BE ADOPTED**.
6. That the 2017 capping program **BE FUNDED** by claw back from within respective classes pursuant to section 330 of the *Municipal Act*.
7. That the Region **BE DIRECTED** to act as a banker, under section 330(6) of the Municipal Act for the 2018 municipal tax adjustments.
8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration.
9. That this report **BE APPROVED** and **CIRCULATED** to the Councils of the local area municipalities for information.

A copy of Report CSD 18-2018 and the associated by-laws (2018-37; 2018-38 and 2018-39) may be found on the Region's website, as part of the Council Agenda package on April 12, at the following link:

<https://www.niagararegion.ca/government/council/minutes/>

Yours truly,



Ann-Marie Norio
Acting Regional Clerk
:mjt

CLK-C 2018-58

cc: H. Chamberlain, Acting Commissioner, Enterprise Resource Management Services (ERMS)
M. Montague, Executive Assistant to the Commissioner, ERMS

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April 17, 2018

Ann-Marie Norio
Acting Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold ON L2V 4T7

Dear Ms. Norio:

Appointment Process for Niagara Peninsula Conservation Authority

On February 9, 2017 the Town of Pelham provided correspondence to the Region of Niagara which outlined a resolution requesting amendments to the process for appointments to the Niagara Peninsula Conservation Authority Board of Directors. A copy is attached for your reference. Further, on May 16, 2017 a subsequent letter was provided to the Region requesting further consideration on the matter, in reference to Minister McGarry's correspondence in this regard, also attached.

Further to this, a number of local Niagara area municipalities have made similar requests to the Region with regard to the NPCA Board appointment process. Council for the Town of Pelham respectfully requests a response as to how the Region will move forward to establish guidelines for recruitment, selection and appointment of individuals for the next selection of NPCA board members.

Yours very truly,



(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

Cc: Local Area Municipalities
Encl.
/njb

From the Clerk's Department.

 **Administration
Services**

February 9, 2017

Ralph Walton
Regional Clerk
Region Municipality of Niagara
1815 Sir Isaac Brock Way
PO Box 1042
Thorold ON L2V 4T7

Dear Mr. Walton:

**REQUEST TO AMEND PROCESS FOR APPOINTMENTS TO NIAGARA PENINSULA
CONSERVATION AUTHORITY BOARD OF DIRECTORS**

At their regular meeting of February 6th, 2017, Council of the Town of Pelham endorsed the following:

WHEREAS the Niagara Peninsula Conservation Authority (NPCA) is a Provincial agency operating in the Region of Niagara, Haldimand County and the City of Hamilton, funded largely by the Region of Niagara; and

WHEREAS the Town of Pelham is a contributor of public funds to the Region of Niagara, and, therefore, a contributor to the NPCA's funding; and

WHEREAS the people of the Town of Pelham, together with all municipalities represented on the NPCA deserve openness and accountability relating to how their tax dollars are being spent, how effectively our natural environment is being protected, and how representatives to the NPCA Board are appointed; and

WHEREAS currently, eleven of the thirteen Members of the NPCA Board are municipal politicians who may not have the necessary conservation and environmental expertise suited to effectively serve on this Board; and

WHEREAS for the City of Hamilton, it has been the practice of their city council to appoint citizen representatives to the NPCA Board, thus highlighting the importance of the ability to provide appropriate knowledge, experience and expertise to the Board and establishing a precedent to support citizen appointment to the NPCA; and

WHEREAS the past practice of the Niagara Regional Council has been to offer a single appointment from each of the twelve local municipalities by: firstly, offering appointment to the Regional Councillor(s) or Mayor of the local municipality; and, secondly by a

From the Clerk's Department



**Administrative
Services**

process that defaults to the local municipal council; and then finally, to citizen representation; and

WHEREAS the Council for the Town of Pelham supports a formal appointment protocol that allows the local municipalities to seek applications for appointment to the NPCA and that a recommendation for appointment then be subsequently provided to the Region by the local municipalities;

NOW THEREFORE, BE IT RESOLVED THAT the Council for the Town of Pelham respectfully requests that the Council of the Regional Municipality of Niagara amend the process for appointments to the NPCA to permit local municipalities to publicly advertise and make recommendations for appointment of a qualified and independent citizen to represent their respective municipalities, to take effect following the 2018 municipal election, or immediately should a vacancy on the NPCA Board of Directors occur; and

THAT a copy of this Resolution be forwarded to: Premier Kathleen Wynne; Minister of Natural Resources and Forestry, Kathryn McGarry; the Auditor General of Ontario; the NPCA Board of Directors; Niagara MPPs for information; and

THAT a copy of this Resolution be also forwarded to the City of Hamilton, Haldimand County and Niagara Local Area Municipalities for endorsement and support.

On behalf of Council, thank you for your attention to this important matter and we look forward to your response.

Yours very truly,

Original signed by:

(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

/js

Cc: Premier Kathleen Wynne
Kathryn McGarry, Minister of Natural Resources and Forestry
Auditor General of Ontario
NPCA Board of Directors
Niagara MPPs
City of Hamilton
Haldimand County
Niagara Local Area Municipalities

From the Clerk's Department



**Administrative
Services**

May 16, 2017

Natasha L. Devos
Acting Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
www.niagararegion.ca

Dear Ms. Devos:

Appointment Process to the Niagara Peninsula Conservation Authority Board

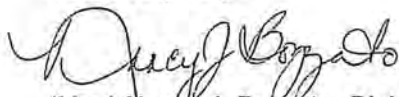
At their regular meeting of May 15th, 2017, Council of the Town of Pelham endorsed and supported the following:

BE IT RESOLVED THAT Council receive correspondence from the Ministry of Natural Resources and Forestry, dated May 4, 2017, regarding a resolution to amend the process for appointments to the Niagara Peninsula Conservation Authority Board of Directors, for information; and

THAT the Minister's letter and the original Pelham motion to the Niagara Regional Council be forwarded to the Region of Niagara for consideration.

On behalf of Council, thank you for your attention to this matter and we look forward to your response.

Yours very truly,



(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

/js

Encl.

Cc: Kathryn McGarry, Minister, Natural Resources and Forestry

From the Clerk's Department



**Administrative
Services**

Ministry of Natural
Resources and Forestry

Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301
Fax: 416-314-2216

Ministère des Richesses
naturelles et des Forêts

Bureau de la ministre

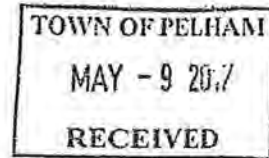
Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301
Télééc.: 416-314-2216



MAY 04 2017

MNR6446MC-2017-700

Mrs. Nancy J. Bozzato
Town Clerk
Town of Pelham
20 Pelham Town Square
PO Box 400
Fontill ON L0S 1E0



Dear Mrs. Bozzato:

Premier Kathleen Wynne has shared with me your Council's resolution requesting that Niagara Region amend their appointment process regarding regional representation on the Niagara Peninsula Conservation Authority board of directors.

Under the *Conservation Authorities Act*, conservation authority members are appointed by the participating municipalities for the purpose of representing the interests of their communities. I would like to clarify that municipalities are solely responsible for determining who they appoint as their representatives on a conservation authority board. Further, each municipality can determine its own process or criteria used to choose individuals considered for appointment. As such, my ministry does not have the authority to state whom a municipality should appoint as their representatives on a conservation authority board, or how they should do it.

Through the ongoing review of the *Conservation Authorities Act*, my ministry heard about the need to ensure board decisions are informed by an appropriate diversity of views and perspectives. I assure you, as part of the review process, we are continuing to assess potential next steps in this area.

I encourage the Town of Pelham to work collaboratively with Niagara Region to come to a mutually agreeable resolution regarding the appointment process of Niagara Region representatives to the Niagara Peninsula Conservation Authority Board.

Thank you for writing.

Best,

A handwritten signature in cursive script that reads "Kathryn McGarry".

Kathryn McGarry
Minister of Natural Resources and Forestry

c: Premier Kathleen Wynne

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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

March 26, 2018

File No. 03-133

Ministry of Environment and Climate Change
Ferguson Block 11th Floor
77 Wellesley Street West
Toronto, ON M7A 2T5

Attention: The Honourable Chris Ballard,
Minister of Environment and Climate Change

Dear Minister Ballard:

Re: March 20, 2018 – WELLAND CITY COUNCIL

At its meeting of March 20, 2018, Welland City Council passed the following motion:

"THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Resolution 2018-01 dated January 22, 2018 from the Corporation of the City of Cornwall; and further THAT Welland City Council requests the Ontario Government to implement reforms that would encourage the remediation of abandoned contaminated properties and that would provide municipalities with more tools to encourage that remediation to include;

(a) That amendments to the Environmental Protection Act that extend the circumstances under which a record of site condition is required in respect of a contaminated site, or that otherwise require the remediation of abandoned contaminated properties; and further

(b) That amendments to the Municipal Act that enable municipalities to levy taxation on abandoned properties at rates high enough to encourage remediation and build the resources for effective tax-increment funding programs; and further

(c) That this resolution be sent to the Minister of Environment and Climate Change, Association of Municipalities of Ontario, local area MPPs and local area municipalities."

Yours truly,

A handwritten signature in black ink, appearing to read "C. Radice".

Carmela Radice
Acting City Clerk

CR:cap

c.c.: Association of Municipalities of Ontario, sent via email
Local Area Municipalities, sent via email
Local Area MPP's, sent via email

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City of Port Colborne
RECEIVED

APR 11 2018

Legislative & Planning Services DEPARTMENT
Department
Office of the Regional Clerk
1151 Bronte Road
Oakville ON L6M 3L1

VIA EMAIL

April 11, 2018

Federation of Canadian Municipalities, Brock Carlton
Association of Municipalities of Ontario, Pat Vanini
Large Urban Municipal Caucus of Ontario (LUMCO), Mayor Jeffrey
Mayors and Regional Chairs Caucus of Ontario (MARCO), Ken Seiling
Rural Ontario Municipal Association (ROMA), Mayor Ronald Holman
Northwestern Ontario Municipal Association (NOMA), Mayor Wendy Landry
Federation of Northern Ontario Municipalities (FNOM), Mayor Alan Spacek
Conservation Authority of Ontario, Richard Hibma
all Ontario municipalities

Please be advised that at its meeting held Wednesday, March 28, 2018, the Council of the Regional Municipality of Halton adopted the following resolution:

RESOLUTION: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton

WHEREAS under the Municipal Act, Ontario municipalities have the authority and responsibility to advance and protect the “economic, social and environmental well-being of the municipality” and the “health, safety and well-being of persons”;

WHEREAS the Provincial Government has designated Ontario municipalities to have responsibility to establish official plans that meet or exceed provincial standards for managing and directing physical change and effects on the social, economic, built and natural environment;

WHEREAS Halton Region and its area municipalities (“Halton Municipalities”), in partnership with Conservation Halton, have carried out multi-year, multi-phase planning processes to update their applicable official plans to address all relevant provincial plans and policy and foster healthy communities;

WHEREAS the most recent Halton Region official plan process engaged railways, including CN Rail, and was amended to accommodate stated railway plans for rail-supported development;

Regional Municipality of Halton

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1

905-825-6000 | Toll free: 1-866-442-5866

WHEREAS contrary to its own stated plans, CN Rail has declared its intention to proceed with a new stand-alone, truck-rail development in the Town of Milton that would operate 7 days a week, 24 hours a day and add at least 1,600 truck trips a day on regional roads located in close proximity to existing and planned residential communities;

WHEREAS CN Rail has declared that Ontario and the Halton Municipalities have no regulatory role whatsoever with respect to the truck-rail development;

WHEREAS the Halton Municipalities, Conservation Halton, and Halton residents have concerns about the impacts of CN's proposed development on traffic congestion, community growth, health and safety, and the local environment;

WHEREAS the Halton Municipalities and Conservation Halton recognize that railways are a matter of federal jurisdiction, but assert that truck-rail developments have non-rail aspects that engage multiple areas of provincial and municipal government regulatory responsibility;

WHEREAS CN's truck-rail development engages numerous provincial and municipal by-laws, policies and plans that govern growth in the Halton Municipalities, including but not limited to, policies in Ontario's Growth Plan, Greenbelt Plan, the Provincial Policy Statement, and the provincially approved Official Plan for Halton Region and the Town of Milton;

WHEREAS CN's position that its proposed truck-rail development falls exclusively under federal jurisdiction, if upheld, would create a regulatory gap that would prevent the Province of Ontario, the Halton Municipalities and Conservation Halton from discharging their statutory responsibilities, and leave CN Rail, a for-profit company, to self-regulate on matters that engage provincial and municipal responsibilities;

WHEREAS the Halton Municipalities and Conservation Halton have commenced a Court Application (the "Application") to confirm their legitimate regulatory role in respect of the proposed CN development; and

WHEREAS irrespective of the merits of CN's proposed development, CN's interpretation of jurisdiction over this development, if upheld, would be detrimental to all provinces and municipalities that contain existing or proposed developments that engage matters of federal, provincial and municipal regulatory interest.

NOW THEREFORE BE IT RESOLVED:

1. THAT Regional Council endorse the principles that:
 - a. there must be a cooperative approach to all developments that engage federal, provincial and municipal regulatory matters.

- b. the existence of federal regulation over a development does not preclude and may require provincial and municipal regulation of the proposed development to avoid regulatory gaps.
2. THAT Halton Region calls on the Government of Ontario to join the Court Application of the Halton Municipalities.
3. THAT a copy of this resolution be forwarded to the Honourable Kathleen Wynne, Premier of Ontario; the Honourable Bill Mauro, Minister of Municipal Affairs; the Honourable Yasir Naqvi, Attorney General of Ontario; Halton's Members of Parliament (MPs), Members of Provincial Parliament (MPPs), and Leaders of the Opposition Parties.
4. THAT a copy of the attached resolution be forwarded to the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), the Large Urban Municipal Caucus of Ontario (LUMCO), the Mayors and Regional Chairs Caucus of Ontario (MARCO), the Rural Ontario Municipal Association (ROMA), the Northwestern Ontario Municipal Association (NOMA), Federation of Northern Ontario Municipalities (FNOM), the Conservation Authority of Ontario, and to all Ontario municipalities for their endorsement.

As per the above resolution, please accept this correspondence and attached resolution for your information and consideration.

If you have any questions please contact me at extension 7110 or the e-mail address below.

Sincerely,



Graham Milne
Regional Clerk
graham.milne@halton.ca

Resolution for Endorsement by Other Municipalities

WHEREAS under the *Municipal Act*, Ontario municipalities have the authority and responsibility to advance and protect the “economic, social and environmental well-being of the municipality” and the “health, safety and well-being of persons”;

WHEREAS the Provincial Government has designated Ontario municipalities to have responsibility to establish official plans that meet or exceed provincial standards for managing and directing physical change and effects on the social, economic, built and natural environment;

WHEREAS CN Rail has declared that the Province of Ontario and the Halton Municipalities (the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville) and Conservation Halton have no regulatory role whatsoever with respect to a proposed truck/rail development that will have a direct impact on the economic, social and environmental well-being of the municipality and health, safety and well-being of residents;

WHEREAS the Halton Municipalities and Conservation Halton recognize that railways are a matter of federal jurisdiction, but assert that truck-rail developments have non-rail aspects that engage multiple areas of provincial and municipal government regulatory responsibility;

WHEREAS the Halton Municipalities and Conservation Halton have commenced a Court Application to confirm their legitimate regulatory role in respect of the CN development;

WHEREAS CN’s position that its proposed truck-rail development falls exclusively under federal jurisdiction, if upheld, would create a regulatory gap that would prevent the Province of Ontario, the Halton Municipalities and Conservation Halton from discharging their statutory responsibilities, and leave CN Rail, a for-profit company, to self-regulate on matters that engage provincial and municipal responsibilities; and

WHEREAS irrespective of the merits of CN’s proposed development, CN’s interpretation of jurisdiction over this development, if upheld, would be detrimental to all provinces and municipalities that contain existing or proposed developments that engage matters of federal, provincial and municipal regulatory interest;

NOW THEREFORE BE IT RESOLVED:

1. THAT the [insert municipality name] endorse the principles that:
 - a. there must be a cooperative approach to all developments that engage federal, provincial and municipal regulatory matters.
 - b. the existence of federal regulation over a development does not preclude and may require provincial and municipal regulation of the proposed development to avoid regulatory gaps.
2. THAT the [insert municipality name] calls on the Government of Ontario to join the court Application of the Halton Municipalities.

**City of Port Colborne
Regular Committee of the Whole Meeting 09-18
Minutes**

Date: April 9, 2018
Time: 6:30 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Mayne, Councillor
J. Maloney, Mayor (presiding officer)

Absent: R. Bodner, Councillor (due to vacation)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
M. Cuthbert, Communications Coordinator (for Item 8, presentations)
J. Douglas, Economic Development Officer
A. Grigg, Director of Community and Economic Development
S. Hanson, Supervisor, By-law Enforcement Division
A. LaPointe, Manager of Legislative Services/City Clerk
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Acting Chief Administrative Officer
S. Shyposkyj, Acting Director of Engineering and Operations
K. Walsh, Executive Assistant to the Director of Community and Economic Development

Also in attendance were interested citizens, members of the news media, YourTV and WeeStream.

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:

By general consensus, Item 14 of the Committee of the Whole Agenda, Items Requiring Separate Discussion, was brought forward for consideration prior to Councillors' Items. The minutes reflect the order of the agenda.

Moved by Councillor B. Butters
Seconded by Councillor B. Kenny

That the agenda dated April 9, 2018 be confirmed, as circulated or as amended.

CARRIED.

5. Disclosures of Interest:

Mayor Maloney declared an indirect pecuniary interest with regard to item 1, Motion (Councillor Butters) Re: Request the Region of Niagara to Immediately Replace Board Members and Establish Guidelines for the Future Recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA), as he is a member of the Niagara Peninsula Conservation Authority Board. Mayor Maloney refrained from discussing or voting on this item. Councillor Danch assumed the Chair during consideration of this item.

6. Adoption of Minutes:

- (a) **Special meeting of Committee of the Whole 04-18, held on March 5, 2018**
- (b) **Special meeting of Committee of the Whole 05-18 held on March 6, 2018**
- (c) **Regular meeting of Committee of the Whole 08-18 held on March 26, 2018**

Moved by Councillor A. Desmarais
Seconded by Councillor J. Mayne

- (a) That the minutes of the special meeting of the Committee of the Whole 04-18, held on March 5, 2018, be approved as presented.
- (b) That the minutes of the special meeting of Committee of the Whole 05-18 held on March 6, 2018, be approved as presented.
- (c) That the minutes of the regular meeting of the Committee of the Whole 08-18 held on March 26, 2018, be approved as presented.

CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 3.

8. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor A. Desmarais
 Seconded by Councillor Y. Doucet

That Items 1 to 5 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:**2. Corporate Services, Finance Division, Report No. 2018-47, Subject: 2018 Operating/Capital Budget**

Committee of the Whole recommends:

That in compliance with Ontario regulation 284/09, Council confirms that the 2018 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,459,455 and the amount of post-employment benefits expense which amounts to approximately \$218,000; and

That the 2018 Budget be approved as presented; and

That the by-law for the budget estimates for all sums required for the operations for the year 2018 be adopted.

4. Township of Wainfleet Re: Request Support of Municipally Appointed Niagara Peninsula Conservation Authority Representative

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the resolution of the City of Welland Re: Municipally Appointed Niagara Peninsula Conservation Authority Representative, be received for information.

5. Township of South Stormont Re: Request Government of Ontario to Grant Municipalities the Authority regarding Approval of Landfill Projects in or Adjacent to their Municipality

Committee of the Whole recommends:

That the resolution received from the Township of South Stormont Re: Request Government of Ontario to Grant Municipalities the Authority regarding Approval of Landfill Projects in or Adjacent to their Municipality, be supported.

CARRIED.

9. Presentations:**(a) Grant Cheque Presentations to Community Organizations**

Councillors B. Kenny and A. Desmarais provided cheques to not-for-profit organizations. A copy of the presentation is attached.

(b) Paul Blais, Executive Vice President, MDB Insight – presentation of the Economic Development Strategic Plan

Paul Blais from MDB Insight provided a PowerPoint presentation summarizing the Economic Development Strategic Plan. A copy of the presentation is attached.

10. Delegations:**(a) Christine Clark Lafleur, Executive Director, Amanda Upper, Supervisor, Reach Out Centre and Sarah Eller, Manager of Client Services, Port Cares - information about Port Cares and the services that are provided to the community**

Christine Clark Lafleur provided a PowerPoint presentation detailing the programs and services that Port Cares provides to the community to address some of the challenges that have been identified and to foster the opportunities that exist. A copy of the presentation is attached.

Amanda Upper encouraged local retailers, grocery stores, restaurants and food suppliers to become aware about what items the Reach Out Centre can accept and that the liability for the food security of donations rests with Port Cares not the donor. Ms. Upper spoke about the need for funding for the childrens' lunch program kits and advised that Port Cares is seeking sponsorship for community meals.

11. Mayor's Report:

A copy of the Mayor's Report is attached.

12. Regional Councillor's Report:

Regional Councillor Barrick advised that the Niagara Region is engaging feedback via online survey from residents and users of the Region's services for the 2019-2022 strategic plan.

Regional Councilor Barrick summarized the value for money audits conducted by the Region's Internal Control and Organizational Performance Department.

Regional Councillor Barrick summarized the housing initiatives the Niagara Region and Niagara Regional Housing are undertaking Niagara including plans to construct

eight affordable housing units in Port Colborne, repurposing tax dollars collected from property taxes to the front line, working on housing provider partnerships and changing tax increment financing.

Regional Councillor Barrick advised that he would bring Councillor Mayne's comments and suggestions to the Region with respect to the elimination of tipping fees at landfill sites.

13. Councillors' Items:

(a) Recurring street light outage across from 154 Main Street West (Danch)

In response to an inquiry from Councillor Danch, the Acting Director of Engineering and Operations advised that he would request further investigation to determine if the recurring street light outage at 154 Main Street West is due to an electrical issue.

(b) Light pole at 172 Catharine Street, potential trip hazard in front of 111 Clarence Street (Mayne)

In response to an inquiry from Councillor Mayne about a concrete light pole located at 172 Catharine Street that appears to be split and a PVC pipe protruding from the ground in front of 111 Clarence Street, the Acting Director of Engineering and Operations advised that he would request the issues be investigated.

(c) Frozen service remediation project (Mayne)

Councillor Mayne inquired why frozen service remediation was not yet complete for 59 Michael Drive North, 109 Steele Street and 106 Knoll Street. The Acting Director of Engineering and Operations advised that the contractor replaced the services but the reinstatements were the responsibility of the City and he would inquire about and ensure completion of the reinstatements.

(d) Sunset Park (Mayne)

In response to an inquiry from Councillor Mayne, the Director of Engineering and Operations advised that he would notify the Parks Foreman of the request for the baseball diamond backstop to be repaired.

(e) Pleasant Beach Road waste collection enclosure, security camera and directional signage (Butters)

In response to an inquiry from Councillor Butters, the Acting Director of Engineering and Operations advised that the installation of the roof on the waste collection enclosure and the security camera is planned to be completed prior to the long weekend in May.

In response to a further inquiry from Councillor Butters, the Director of Planning and Development advised that the signage directing beach goes to Nickel and Centennial beaches will be re-posted. Councillor Butters requested that directional signage to Nickel and Centennial beaches be erected on the route to the beaches to which the Director of Planning and Development advised that staff would review the signage to ensure it is adequate in size and locations.

(f) Friendship Trail (Butters)

In response to an inquiry from Councillor Butters about safety concerns related to the deep drainage ditches, the Acting Director of Engineering and Operations advised that he would review and provide response to the Councillor.

(g) Ground water source protection (Butters)

Councillor Butters read correspondence from a citizen, Ron Smith, requesting that Councillors and staff be aware of their responsibilities to the environment, water courses and aquifer protection during their decision making processes. A copy of Mr. Smith's correspondence is attached.

(h) Recurring waste pile at the corner of Mitchell and Louis Streets (Desmarais)

Councillor Desmarais requested that the Director of Planning and Development and the Acting Director of Engineering and Operations direct staff investigate a solution to the recurring waste pile at the corner of Mitchell and Louis Streets.

(i) Construction in the East Village (Desmarais)

In response to a request from Councillor Desmarais, the Acting Director of Engineering and Operations advised that he would arrange for a public meeting in the East Village with staff and representatives from the construction company to communicate with residents with respect to the ongoing construction.

(j) Ontario Municipal Commuter Cycling Program Grants (Desmarais)

Councillor Desmarais noted that the Region and other Niagara municipalities recently received Ontario Municipal Commuter Cycling Program Grants and challenged staff to make application in the future.

(k) Letters to residents from the City with respect to sheds (Desmarais)

In response to an inquiry from Councillor Desmarais, the Director of Planning and Development advised that By-law Enforcement has sent letters with respect to accessory structures in response to complaints received but there is not a proactive enforcement effort ongoing with respect to sheds.

(l) Presentation time limits (Desmarais)

In response to an inquiry from Councillor Desmarais with respect to extending presentation time limits, the Manager of Legislative Services/City Clerk advised that she intends to review the procedural by-law, however, currently Council can vote to waive the rules of procedure to extend delegate or presentation time limits.

(m) Meeting with residents about Sunset Park (Elliott)

In response to an inquiry from Councillor Elliott with respect to when the meeting residents would be scheduled with respect to the basketball courts at Sunset Park, the Acting Director of Engineering and Operations replied that he would inquire of the Director of Community and Economic Development and advise accordingly.

(n) Crosswalk at the corner of Catharine and Clarence Streets (Elliott)

In response to an inquiry from Councillor Elliott, the Acting Director of Engineering and Operations advised that the crosswalk at the corner of Catharine and Clarence Street is in the design phase.

(o) Road resurfacing in the downtown area (Elliott)

Councillor Elliott inquired if the roads resurfaced in the downtown area would be ripped up when the Community Improvement Plan (CIP) project for the downtown area begins. The Acting Director of Engineering and Operations advised that staff is reviewing the infrastructure with the intent to preserve as much of the newly resurfaced areas as possible once the downtown CIP project begins.

(p) Graffiti on the former train bridge (Elliott)

Councillor Elliott requested painting of the graffiti that is on the former train bridge, to which the Director of Planning and Development responded that he will direct staff to proceed with the graffiti removal by utilizing funds from By-law Enforcement's site clean-up budget.

Staff Responses to Previous Councillor Inquiries:**(a) Fire Safety (Cartwright)**

The Fire Chief advised that residents in the area of Clarence and Steele Streets have been sent letters requesting that they contact the Fire Department to set up an appointment for a house inspection.

(b) 224 Mitchell Street (Cartwright)

The Fire Chief advised that in January a delegate attended Council to request waiving of the inspection fees charged for 224 Mitchell Street which has since been repossessed by the finance company, however, the Fire Department is continuing its legal action against the original owner.

14. Consideration of Items Requiring Separate Discussion:**1. Motion (Councillor Butters) Re: Request the Region of Niagara to Immediately Replace Board Members and Establish Guidelines for the Future Recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA)**

Mark Brickell, Chief Administrative Officer, Secretary Treasurer, Niagara Peninsula Conservation Authority addressed Councillor Butters' motion to request the Region of Niagara to immediately replace board members and establish guidelines for future recruitment of board members to the NPCA by summarizing the NPCA's mandate and its recent initiatives to improve effectiveness, transparency and customer service.

At the request of Councillor Mayne, the recommendations of the motion were divided and voted on separately.

Moved by Councillor B. Butters
Seconded by Councillor Y. Doucet

WHEREAS Port Colborne City Council is aware of concerns in the community that the Niagara Peninsula Conservation Authority (NPCA) has demonstrated an inability to operate as an effective, open and transparent Conservation Authority, that respects its mandate;

AND WHEREAS Port Colborne City Council has lost confidence in the current Board and management of the NPCA;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:

That the City of Port Colborne requests that the Region of Niagara immediately replace board members of the NPCA with members selected by the lower tier municipalities.

CARRIED.

Moved by Councilor B. Butters
 Seconded by Councillor Y. Doucet

That the City of Port Colborne requests that the Region of Niagara establish guidelines for the recruitment, selection, and appointment of individuals to be in place during the next selection of NPCA board members.

CARRIED.

Moved by Councilor B. Butters
 Seconded by Councillor Y. Doucet

That the guidelines be developed with criteria that is based on skillset and be carried out by the lower tier municipalities.

CARRIED.

3. Planning and Development, By-law Enforcement Division, Report No. 2018-45, Subject: Hunting at Gravelly Bay in Port Colborne

Margaret Thompson (5 Lakewood Crescent), spoke with respect to Planning and Development, By-law Enforcement Division, Report No. 2018-45, Subject: Hunting at Gravelly Bay in Port Colborne. A copy of Mrs. Thompson's presentation is attached.

Felix Barbetti from the Ontario Federation of Anglers and Hunters and Alfred Marinelli, formerly employed by the Ministry of Natural Resources, spoke with respect to hunting rules and the complaint process and encouraged residents to report illegal hunting activity.

Moved by Councillor J. Mayne
 Seconded by Councillor A. Desmarais

That direction be provided to staff regarding the type of public consultation to occur with the recognized hunting groups and their detailed desire regarding hunting prior to making a resolution to the federal government.

Moved in amendment by Councillor A. Desmarais
 Seconded by Councillor J. Mayne

That the Director of Planning and Development be directed to conduct an unbiased evaluation of hunting in Gravelly Bay through public consultation including an open house and an internet survey; and

That the Director of Planning and Development be directed to report back to Council with recommendations moving forward.

CARRIED.

15. Notice of Motion:

Councillor Kenny provided notice of her intention to introduce a motion at the April 23, 2018 Committee of the Whole/Council meeting to request reconsideration of the use of interest only in the distribution of funds by the Grant Committee.

Councillor Butters provided notice of her intention to introduce a motion at the April 23, 2018 Committee of the Whole/Council meeting with respect to requesting an investigation into the hiring of the Niagara Region Chief Administrative Officer.

16. Adjournment:

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That the Committee of the Whole meeting be adjourned at approximately
9:58 p.m.

CARRIED.

AL/cm

SPEAKING NOTES
GRANT PRESENTATIONS
APRIL 9, 2018

Good evening ladies and gentlemen.

We are here this evening to present several community grants to non-profit organizations who serve the residents of Port Colborne.

You may remember that this was done by Port Colborne Hydro Inc. for many years.

With the sale of the hydro company and subsequent sale of our fibre company, this responsibility was turned back to council.

Council decided to form a committee who now oversee the semi-annual review of the applications.

There are three members of council and two members of the public on this committee – myself, Councillor Angie Desmarais, Mayor John Maloney, with Gary Bruno and Brenda Haymes from the public.

For 2018, council has set aside a maximum of \$17,000 to be distributed.

The first round of applications were received by January 31st and we are here this evening to present 6 grants totalling \$12,720.

The next round of applications must be submitted by June 30th and information is available on our website.

Port Colborne Operatic Society will use their grant of \$1,500 to pay for the live musicians program. These professional musicians accompanied the students in the orchestra pit of this year's performances of The Wizard of Oz. An additional \$750 will assist with repairs needed to their storage building in Bethel.

I'd like to call up a representative to receive their cheque.

Ask them to say a few words.

Women's Place of South Niagara will use their grant of \$2,000 to provide safe emergency shelter and food for women and their children escaping domestic violence.

I'd like to call up Amanda to receive their cheque.

Ask Amanda to say a few words.

Education Foundation of Niagara will use their grant of \$950 to provide essential items to DSBN students. School personnel are able to immediately address urgent needs in their school setting by applying to the Foundation for funds on behalf of students who experience a high level of need.

I'd like to call up Cindy Paskey to receive their cheque.

Ask Cindy to say a few words.

Port Colborne Lynton Davies Air Cadets Sponsoring Committee will use their grant of \$2,000 to assist with the purchase of a new computer and printer to enable the cadets to research topics being taught during classes.

I'd like to call up a representative to receive their cheque.

Ask them to say a few words.

Niagara Health Foundation will use their grant of \$1000 to assist with the cost of replacing old ultrasound equipment at the Port Colborne Site.

I would like to invite a representative to come forward.

Ask them to say a few words.

Port Colborne Saddle Port will receive \$4,800 to go towards renovations to the grounds and fencing at the Humberstone Centennial Park.

I'd like to call up Catharine Wickabrod to receive their cheque.

Ask Catharine to say a few words.



Port Colborne Economic Development Strategic Plan: 2018-2028

Presented by

April 9, 2018

Paul Blais, *Executive Vice-President*



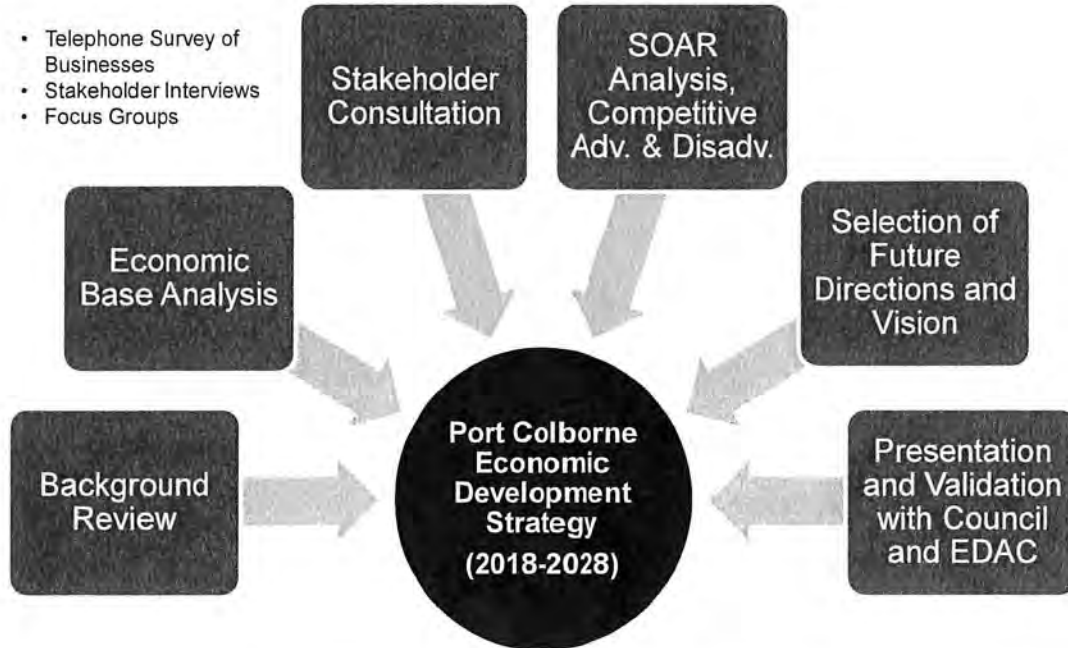
A Reminder on what the Strategic Plan does?

- Provides a fact-based approach to create a **strong and diverse local economy** by capitalizing on economic drivers that will bring new wealth to the city.
- Creates a vision for the economy with strategic directions to help **guide decision-makers over the next 10 years** (as requested in the RFP).
- Recommends specific action items that **increase the appeal of the municipality to business investors**.
- **Aligns** with Council's goals and objectives, Municipal initiatives, and the goals and aspirations of the community, but also charts a course for the municipality to incorporate into its future actions.



Project Process

- Telephone Survey of Businesses
- Stakeholder Interviews
- Focus Groups



Economic Development Vision Statement

Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community



Guiding Principles

Port Colborne will earn this reputation by:

- Encouraging high levels of collaboration and partnership between various levels of government and the community
- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible
- Living and promoting an explicit culture of 'customer first' service within the City of Port Colborne in order to communicate that the municipality is "open for business" and is always considering the interests of taxpayers

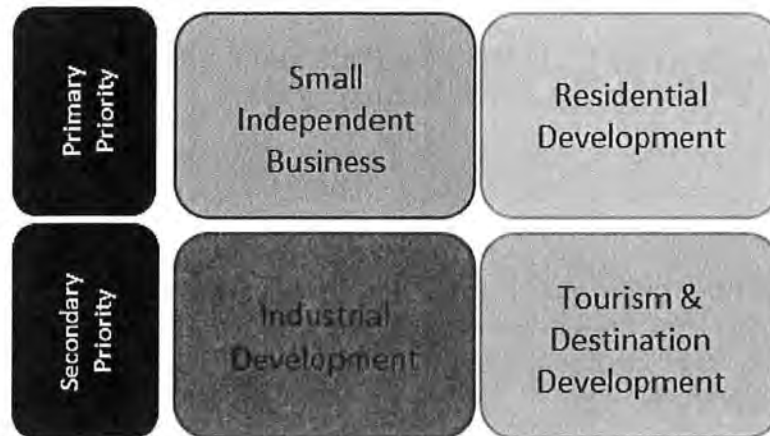


Guiding Principles

- Improving residential quality of life by engraining a corporate culture that emphasizes community enhancement and beautification and continuing to enhance recreational, cultural, and social opportunities as a way to create important economic spin-off opportunities
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community
- Enabling a communications plan that consistently promotes the city's merits to the target markets identified in this strategic plan
- Making a political commitment to the goals of this strategic plan and evaluating progress against performance metrics and adjusting strategy and tactics based on results



Focusing Economic Development Priorities



7

MDB Insight



Attracting Small, Independent Businesses

Potential to significantly impact local economy = Very Strong

Target market(s)

- Professional services, cultural/creative industries, health and wellness, 'lone-eagles' looking for quality of life, small retail
- Port Colborne needs to establish a reputation as a charming, small-town through a broader marketing campaign
- Lower cost housing and commercial rents; strong fibre backbone
- Critical infrastructure investments needed in the downtown core
- Not perceived as a place for young people to start a career

8

MDB Insight



Residential Development

Potential to significantly impact local economy = Very Strong

Target market(s)

- Retirees looking for lower housing costs, young families
- Lower housing costs relative to the rest of southern Ontario
- Favourable positioning near Lake Erie, strong recreational assets, and access to the U.S. border
- Strong need to create a resident attraction marketing campaign to get the word out about Port Colborne
- Opportunities exist for urban core, suburban, and rural developments



Tourism & Destination Development

Potential to significantly impact local economy = Strong

Target market(s)

- Visitors to the Niagara Region, residents from the Niagara Region & GTA
- Good (not very good, not excellent) tourism assets and events to build from
- **Improvements here will support small business and residential development priorities**
- Need to better link tourism assets together to create an experience to draw some of the millions of visitors to the region
- Underdeveloped assets (e.g. Roselawn, Nickle Beach, downtown)



Industrial Development

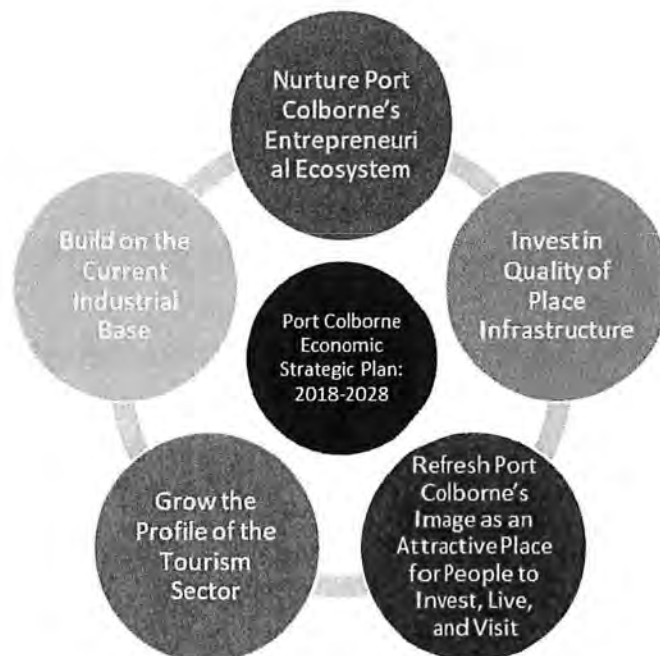
Potential to significantly impact local economy = Moderate

Target market(s)

- Growing the industrial base (existing and new)
- Already home to a strong industrial base of businesses (LQ 1.59)
- Severely restricted in ability to attract new mid-to-large scale developments without more serviced land.
 - Also limits the ability of local companies to expand their operations
 - Potential relocation issues or delay of expansion
- A shrinking and aging population (smaller labour force than in the region)
- Little market presence to 'sell' the community as a place to invest



Goals





Action Plans

Action #	Actions	Timeline				City Role and Potential Partners
		S	M	L	C	
3.3	Complete a retail gap analysis. <ul style="list-style-type: none"> Determine market potential/recruitment targets for commercial districts. Improve understanding of the retail trade area for existing businesses. Improve the understanding of gaps in the provision of goods and services to allow for new or expanding business opportunities. 					Lead Port Colborne-Wainfleet Chamber of Commerce, Greater Niagara Chamber of Commerce, Niagara Association of Realtors
3.4	Organize 'reverse trade shows' in areas where the City wants to attract businesses. These invitation-only events would include a reception, video presentation, and personalized packages for attendees to share the key selling features of Port Colborne as a place to own/operate a business.					Partner Port Colborne-Wainfleet Chamber of Commerce, Greater Niagara Chamber of Commerce, Niagara Association of Realtors
3.5	Identify future residential nodes and zone them accordingly. <ul style="list-style-type: none"> Encourage more medium-high density mixed use commercial and residential developments through the planning process. Consider policies on allowing tiny homes in the city as more people are interested in them as an affordable option. 					Lead Niagara Association of Realtors, Regional Municipality of Niagara, Niagara Construction Association
3.6	Create a seasonal 'community tours' program to showcase the quality of life assets of Port Colborne for those considering living in the municipality.					Partner Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce, Tourism Partnership of Niagara



Attributable Performance Measures

Goal: Refresh Port Colborne's Image as an Attractive Place for People to Invest, Live, and Visit

Activity	Output	Outcome
<ul style="list-style-type: none"> Development of a marketing and promotions campaign targeted at attracting new residents and businesses Creation of a separate web portal for promotions Gather testimonials from local entrepreneurs and businesses Completion of a retail gap analysis Organization of 'reverse trade shows' and seasonal 'community tours' 	<ul style="list-style-type: none"> Successful marketing campaign highlighting why potential residents and investors should look to Port Colborne Growth in the number of inquiries received about relocating to Port Colborne Growth in the number of business establishments 	<ul style="list-style-type: none"> A resident population of 25,000 to 30,000 people Recognition as one of Ontario's best small cities to live Increases in average income across Port Colborne Increases in the percentage of knowledge workers in Port Colborne's economy Statistical signs of a younger demographic living in the community



Nurture Port Colborne's Entrepreneurial Ecosystem

- Prioritize a 'Customer First' service experience.
- Review development application policies and procedures.
- Conduct ongoing business BR+E surveys.
- Investigate the feasibility for the creation of a business incubator space to support young start-up companies/entrepreneurs.

Outputs

- Growth in number of business start-ups
- # of business retention and/or expansion success stories
- # of businesses visited/surveyed/engaged

Outcomes

- An overall 'very satisfied' rating when asked about satisfaction working with the City on business needs
- An increase in the number of businesses
- A revitalized downtown (dining, arts, culture, and shopping atmosphere)



Invest in Quality of Place Infrastructure

- Leverage the fibre optic backbone.
- Boost efforts to improve curb appeal and property standards along major thoroughfares and in the downtown core.

Outputs

- Improved curb appeal and property standards
- Upgrades to infrastructure important in the attraction and retention of business
- Growth in number of business establishments, especially downtown

Outcomes

- A revitalized downtown (dining, arts, culture, and shopping atmosphere)
- An increase in the number of businesses in the city
- High satisfaction levels of business in owning/operating in Port Colborne



Refresh Port Colborne's Image as an Attractive Place for People to Invest, Live, and Visit

- Develop a marketing and promotions campaign targeted at attracting new residents and businesses to Port Colborne.
- Review and update municipal by-laws and policies as they pertain to home occupations and businesses.
- Complete a retail gap analysis.

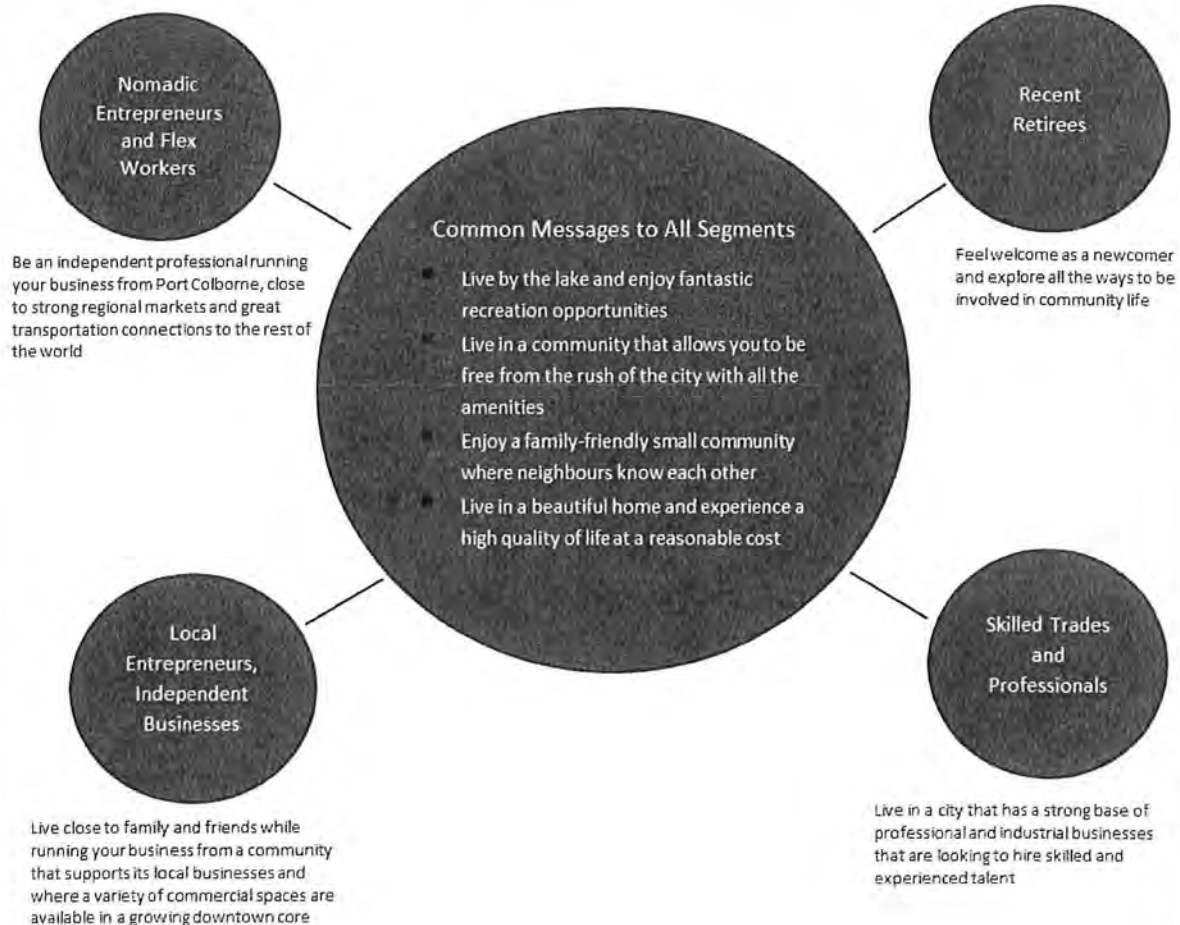
Outputs

- Successful marketing campaign
- Growth in the number of inquiries received about relocating to Port Colborne
- Growth in the number of business establishments

Outcomes

- A resident population of 25,000 to 30,000 people
- Recognition as one of Ontario's best small cities to live
- Increases in average income across Port Colborne

17 MDB Insight





Grow the Profile of the Tourism Sector

- Create a Tourism and Marketing Strategic Plan.
- Work with neighbouring municipalities to cross-promote complementary themes and tourist operators.
- Establish an ongoing tourism visitor survey.
- Link fragmented tourism assets throughout the municipality.

Outputs

- Growth in the number of tourism businesses and tourism experiences marketed
- Visitor satisfaction levels
- Web site metrics and inquiries

Outcomes

- A revitalized downtown (dining, arts, culture, and shopping atmosphere)
- Increased number of visitors, length of stay, and visitor spending
- Recognition as one of Niagara's most compelling tourism destinations



Build on the Current Industrial Base

- Explore the feasibility and political interest in developing a new joint industrial park with Fort Erie or Welland.
- Reposition information on the City's website to speak directly to information requirements of site selectors
- Develop lead generation network connections.

Outputs

- Number of site visits
- Development of a new industrial park
- Expanded lead generation contact list

Outcomes

- Attraction of new industrial investments
- 'Very satisfied' rating of businesses working with the City
- A decrease in the unemployment rate



Thank You!

Paul Blais, Executive Vice-President
pblais@mdbinsight.com
1-855-367-3535 x241

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Port Colborne & Port Cares Towards Help, Hope & Opportunity



1980s

Market for 90% industrial & manufacturing work jobs - unemployment rises
 Job social services locally available through local health care organizations
 Federal & provincial funding
 Local business & community support
 High level of volunteerism in Canada
 High population density
 "Home ownership" first destination

PortCares

- Established 1986 as a not-for-profit with 6 staff
- Mission - To improve quality of life
- Chartered Corporation status in 1988
- Operated from the beginning as a "Pilot model"

MISSION

To help those in the community with social and economic needs improve their quality of life

VISION

Port Cares inspires and provides help, hope and opportunity for all in our community to achieve their potential

OUR VALUES

We provide help and support
 We are a community of care
 We are a community of hope
 We are a community of opportunity

Port Cares Today

Local opening to help to reduce unemployment
 Local business & community support
 Local health care organizations
 Local government funding
 Local business & community support
 High level of volunteerism in Canada
 High population density
 "Home ownership" first destination

Who Port Cares Serves

EVERYONE including:
 - Adults in Senior
 - Young Adults in Employment
 - Children in Distress



PREVENTIONAL SERVICES PROVIDED @ YEAR

- Assist 1,788 people (youth) with job search
- Assist 568 people (youth) with internet search and counselling for job search
- Provide 1/2 million dollars to LOCAL employers for hiring incentives and job placement
- Assist 300 employees with resumes
- Assist 300 Youth age 15 to 29 in job skills & employment
- Assist 196 people with literacy (through digital media)
- 14,000 visits to 75,000 people through media only
- Provide over 100,000 visits to 75 youth ages 12 to 17 years who attend our low risk groups and the victims of the terrorist attack

INTERVENTION SERVICES PROVIDED @ YEAR

- 15,500 hot meals served at dining room
- 1,100 individuals registered at Food Bank - 176 children
- Support 4000 food bank visits monthly
- Over 5000 12 HOUR Hot Shelters / 225,000 Hot Shelter of food
- Provide 12,000 lunches for school aged children without of resources. Preventive Assist 100 people on and off for housing - 50 individuals receiving housing support
- Support 1000+ individuals with household trouble support
- Administer 500,000+ in welfare funds to pay problem rent & utilities to keep from becoming homeless
- Conduct 200+ case filings for the Ontario (Seniors)
- Serve 300 children through Christmas, Give a Gift
- Serve 100 children & adults at Christmas Adopt a Family

"Alone we can do so little;
 Together we can do so much."
 Helen Keller

Port Colborne Census Data 2016

- High unemployment rate
- High poverty rate
- High income inequality
- High social inequality
- High social inequality
- High social inequality

CHALLENGES & BARRIERS Port Colborne include:

- Safe, Affordable Housing
- Training & Employment Opportunities for Youth
- ACADEMIC PLURALITY / INEQUALITY
- Mental Health Support & Services
- Services for at risk pregnant women

Looking to the Future

Opportunity to WORK TOGETHER with the City and other community partners to continue to work for a better future for all. We are committed to working together to create a better future for all.



About Port Cares
About Our Community
Challenges & Opportunity

1980s

Massive lay-offs - industrial & manufacturing sector

20% ++ unemployment levels

No social services locally available

Geographic isolation - transportation

Internet didn't exist

Rapid Rise in Domestic Violence

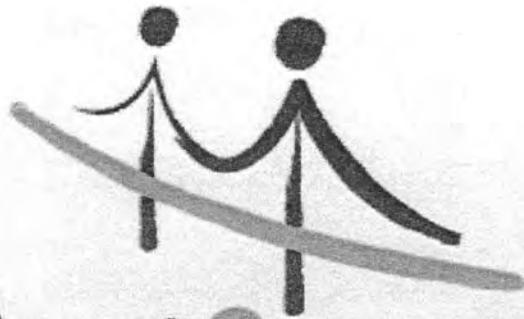
Highest level of Teen-age pregnancies in Canada

Rapid population decline

Homes abandoned

First Generation





PortCares

- Established 1986 as a not-for-profit with 6 staff
- Mission - To improve quality of life
- Obtained Charitable status in 1988
- Operated from the beginning as a Hub model

Port Cares Today ...

- Annual Operating Budget \$3.1 million
- 45 full-time & part time staff /100 active volunteers
- Agency owns:
 - Main Site 92 Charlotte Street
 - Reach Out Centre 61 Nickel St.
 - Properties at 53 & 71 Nickel St.
- Funding via pay for performance contracts with:
Province of Ontario:
Ministry of the Attorney General,
Ministry of Advanced Education & Skills Dev
Region of Niagara
- Charity services (Reach Out Centre, Food Bank, Family Supports) funded through charitable donations and fundraising:
 - \$248,000 raised by Port Cares for 17/18
 - United Way Grant \$58K for 18/19

MISSION

To help those in the
community with
social and economic
needs improve their
quality of life

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VISION

Port Cares inspires and provides help, hope and opportunity for all in our community to achieve their potential

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OUR VALUES

- We provide help without judgement
- We are all accountable to one another
- We treat everyone with respect
- We work collaboratively together

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Who Port Cares Serves

EVERYONE including ...

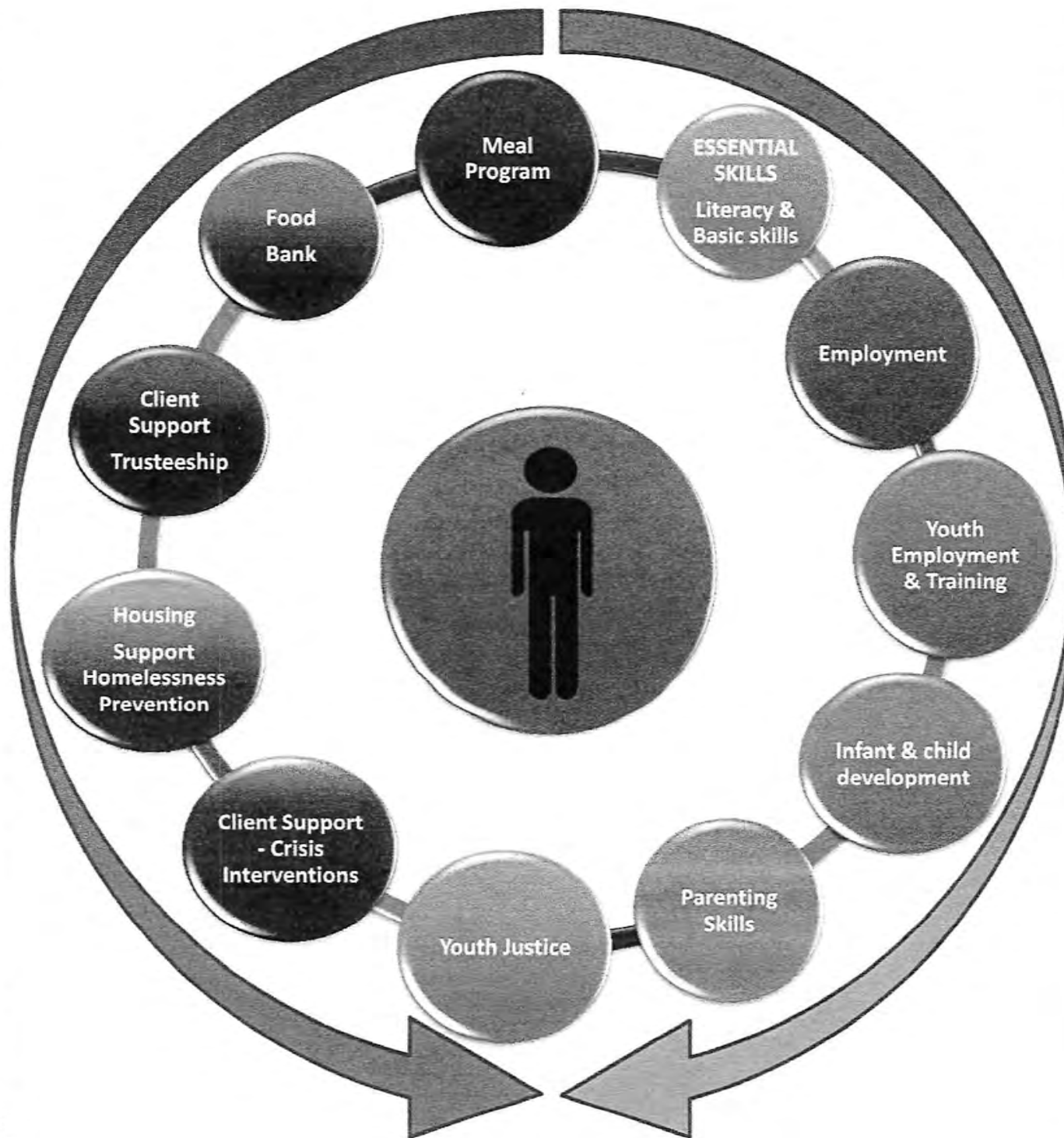
Infants to Seniors

Very Rich to the Very Poor

Job Seekers to Employers

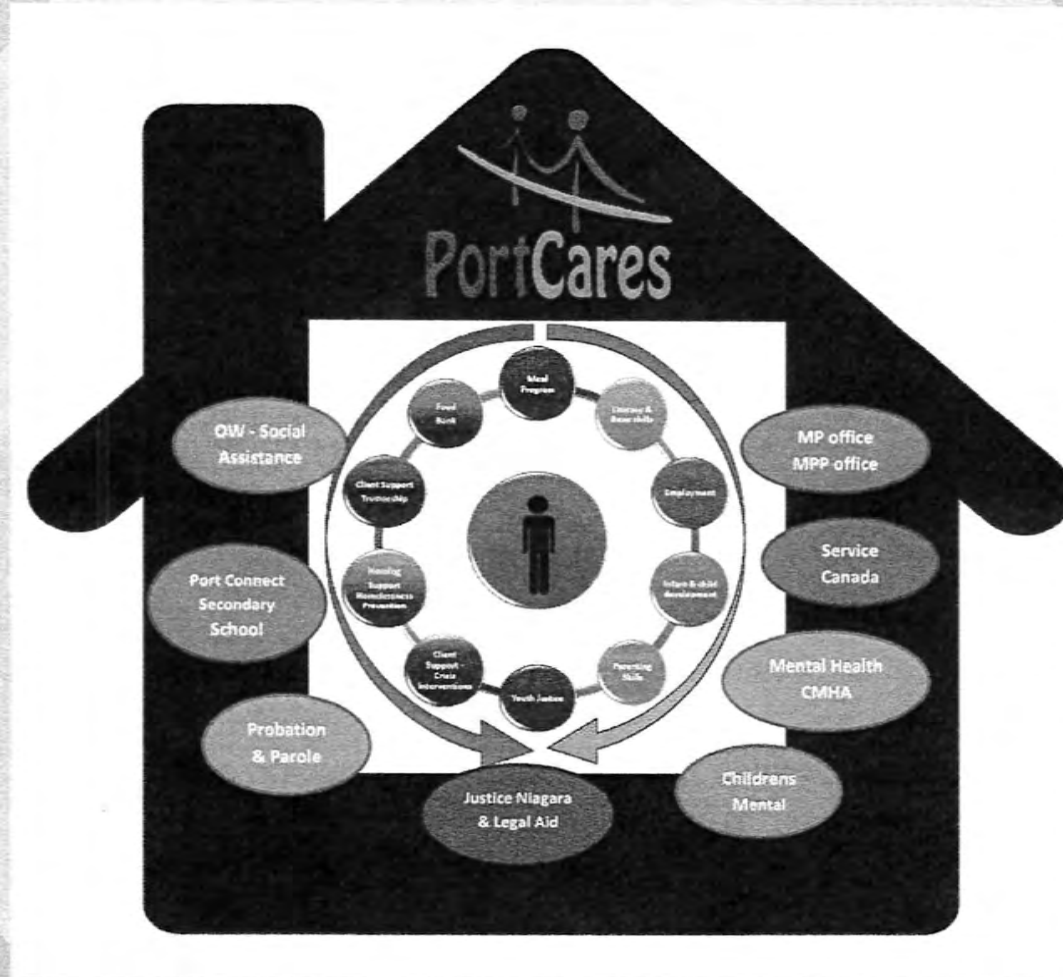
Teachers to Students

INTERVENTIONAL



PREVENTIONAL

Our On Site Partners



PREVENTIONAL SERVICES PROVIDED @ YEAR

- Assist **1,100+ people** @yr with job search
- Assist **568** people @yr with intensive one-on-one counselling for job search
- Provide a **half million dollars** to **LOCAL employers** for hiring incentives and job placements
- Assisted approx. **100 employers** with recruitment
- Assist @yr **97 Youth age 15 to 29** indepth skills & employment.
- Assist **108+ people** with literacy (reading/ digital /math)
- **14,000** child visits/ 9,000 parent /caregiver visits @yr
- Provide diversion/restorative justice to **70 youth ages 12 to 17** years who commit old low risk crimes and the victims of the committed crimes

INTERVENTION SERVICES PROVIDED @YEAR

- **11,500** hot meals served at dining room
- **1,200 individuals registered at Food Bank - 1/3 children**
- Support **600+** food bank visits monthly
- Distribute **17,000 lbs @month /220,000 lbs @year of food**
- Provide **12,000 lunches for school aged children/ school yr**
- Homelessness Prevention: Assist 100 people on wait list for housing - **50 individuals receiving housing support**
- Homelessness Prevention: **45 households trustee support**
- **Administer \$500,000+** in trustee funds to pay trustee rents & utilities to keep from becoming homeless
- Completed **200+ tax filings free** for low income clients
- Serve **350 children** through Christmas Give a Gift
- Serve **105 children & adults @Christmas Adopt A Family**



Port Colborne Census Data 2016

Port Colborne Compared to Niagara and Ontario
(2016)

- Education - 54% have Grade 12 or LESS
- Higher levels of unemployment at 5.3% versus Region at 4.5%
- Highest proportion of population not engaged in the workforce 44%

CHALLENGES & BARRIERS Port Colborne include:

- Safe, Affordable Housing
- Training & Employment Opportunities for Youth
- Accessible Public Transportation
- Mental Health Supports & Services
- Services for at risk pregnant women

Looking to the Future

Opportunity to WORK TOGETHER with the City and other community partners as a collective force to develop MORE collaborative, community based responses to complex social issues including affordable housing, youth training & education

I.e., PortALL - multi-agency initiative with Niagara Regional Police to identify and respond to at risk community members

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"Alone we can do so little;
Together we can do so much."

Helen Keller

Port Colborne & Port Cares

Towards Help, Hope & Opportunity



1980s

Mission for youth, education & personal development
 jobs & unemployment relief
 financial services made available
 employment training, counselling
 financial advice
 1980s level of two age registration at Colborne
 April 2000 registration for
 financial counselling
 Port Colborne

Port Cares

- Established 1986 as a not for profit with 6 staff
- Mission - To improve quality of life
- Distanced Charitable status in 1988
- Operated from the beginning as a Port model

MISSION

To help those in the community with social and economic needs improve their quality of life

VISION

Port Cares inspires and provides help, hope and opportunity for all in our community. It is where their potential.

OUR VALUES

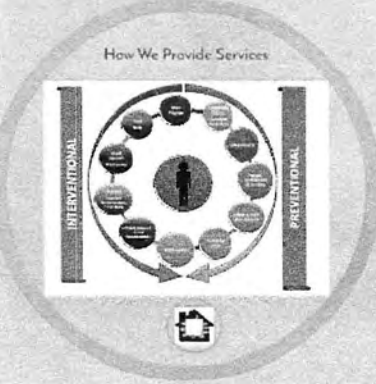
- We are committed to excellence in performance
- We care about people & their families
- We work together to make a difference
- We respect individuality & diversity

Port Cares Today

Port Cares today is a not for profit organization that provides a wide range of services to the community. We are committed to excellence in performance and care about people & their families. We work together to make a difference and respect individuality & diversity.

Who Port Cares Serves

EVERYONE including:
 Children & Youth
 New Mums to the New Born
 Job Seekers & Employees
 Residents in Port Colborne



PREVENTIONAL SERVICES PROVIDED @ YEAR

- Assist 1,700 people (1/2 with job search)
- Assist 500 people (1/2 with children) with childcare counselling for job search
- Provide 2 half million dollars to LOCAL employers for living expenses and job placements
- Assist approx. 100 employees with applications
- Assist 300 17-24 year olds to 23 through skills & employment
- Assist 1000 people with learning through digital literacy
- 14,000 (1/2 to 1/3) parents through financial literacy
- Provide information resources to 1000 people ages 12 to 17 years who connect to local services and the victims of the community crimes

INTERVENTION SERVICES PROVIDED @ YEAR

- 11,500 hot meals served in 2019 program
- 1,200 individuals registered at Food Bank - 1/2 children
- Support 6000 total food bank requests
- Operate 12,000 lbs of research 1200 lbs. Box of food
- Provide 12,000 lunches for at-risk aged children/ school yr
- Approximately 10000 lbs of food for 100 people in need for the housing
- 300 individuals receiving housing support
- Support 10000 individuals with housing support
- Administer 1000000 in house funds for day care services & utilities to help from low credit families
- Conduct 2000 low income free fire assessments through
- Support 200 children through literacy, math & skills
- Serve 100 children & adults in Christmas After A Family

"Alone we can do so little; Together we can do so much."

Helen Keller

Port Colborne Census Data 2016

Port Colborne's population is 13,700. The population is growing at a rate of 1.5% per year. The population is diverse in age, gender, and ethnicity.

CHALLENGES & BARRIERS

Port Colborne includes:

- Safe Affordable Housing
- Training & Employment Opportunities for youth
- ACCESSIBLE PARK RECREATION
- Mental Health supports & services
- Services for at risk pregnant women

Looking to the Future

Community is WORKING TOGETHER with the City and other community partners in a collective effort to develop a plan for the future. The plan includes: increasing affordable housing, local training opportunities, etc. PARTIAL - the agency will continue with the plan. Please to identify and support a job opportunity members.





PORT COLBORNE

Mayor's Report to the April 9, 2018 Council Meeting

Humboldt Broncos Hockey Team Accident

I would like to express our sincere sympathies to the family and friends of the players and team personnel of the Humboldt Broncos who lost their lives in a tragic accident this past weekend. Please keep them in your thoughts.

Port Cares Soupfest

Port Cares will be holding their annual Soupfest on Thursday April 12th at the Italian Hall. This is always a great event so come out and support this worthwhile cause.

Cannabis Report

At the Public Health Committee meeting at the Region last week, a report concerning the legalization of Cannabis was presented. A recommendation was passed asking that the Regional Chair BE DIRECTED to write to the Minister of Health & LongTerm Care, the Chief Medical Officer of Health, the Assistant Deputy Minister of Population and Public Health Division and local MPPs asking for additional details on enforcement, on resources and on Public Health's role in cannabis legalization, emphasizing that any new Public Health role should be associated with commensurate funding; and that staff BE DIRECTED to bring back a further report regarding Niagara Region Public Health & Emergency Services's (NRPH) response to cannabis legalization in the 4th quarter of 2018.

A full copy of the report and the accompanying presentation can be found on the Niagara Region website.

Upcoming Council and Committee of the Whole Meetings

There will be an additional Council meeting this month to consider the Water Budget. It will be held on Monday, April 16th starting at 6:30 p.m.

On Friday, April 20th starting at 5:30 p.m., there will be a Committee of the Whole meeting to discuss our Strategic Plan.

The meeting will continue on Saturday, April 21st at 8:30 a.m. here in the council chambers.

During the month of May, there will only be one meeting on Monday May 14th. We have cancelled the May 28th Committee of the Whole and Council meetings due to Elections Ontario's Advance Poll for the upcoming Provincial Election which will be held here in the council chambers on Monday, May 28th.

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From: Barbara Butters/Port_Notes
To: "Ronald Smith" <[REDACTED]>, Amber LaPointe/Port_Notes@port_notes, Scott Luey/Port_Notes@port_notes, John Maloney/Port_Notes@port_notes
Cc: barabarabutters@portcolborne.ca, ronbodner@portcolbofne.ca
Date: 2018-04-02 10:20 AM
Subject: Re: An open letter to city hall chambers at the next council meeting time unique to Passive Recreational Flooding and or Asphalt Plants or what ever else is thrown into the mix

I will send your letter to clerks office and request it be included to all councillors in next meeting and i will read it out . Thanks Ronnie

Sent from my iPad
Working smoke and carbon monoxide alarms saves lives
FIRE KILLS

Thanks for your time , enjoy the day .its the only one we have .

Barbara Butters , councillor Ward 4
Port Colborne , Ontario

On Apr 2, 2018, at 9:43 AM, Ronald Smith <[REDACTED]> wrote:

I am asking you . Councillor Butters to read this open letter to council/staff in chambers at the next meeting unique to this issue.....To Your Worship Mayor Maloney, City staff, Municipal Councillors, and Regional Councillor You are embarking on another complex situation, Recreational Passive Lakes Flooding coupled with potential aggregate plants in a quarry. I ask you all to remember the issues of the pastPot Grow Opp at Pince Crest... You all know that residential concerns abound, stating clearly ramifications of approving that business endeavour . You all know that capitulation prevailed over residential concerns and approval was voted in spite of the input warnings and concerns. . As you all must agree, via hindsight that logic did not prevail at that time ultimately leading to questionable activity and closure of

that operation. Now you again are confronted not only with residential concerns within the area of Port Colborne, but rather the whole entire Niagara area municipalities that relies on ground water and related protection. As a taxpaying resident and one that has a fresh water well on my property within ward 4 of Port Colborne, I am asking you all to remember the Pine Crest Grow Opp approvals, such to be a renewed awareness of your responsibilities to the environment, the water courses and aquifer protection and the population via all environmental concerns, that all tribunals, be they Regionals, Conservation, Municipal, Provincial and remise not to even add Federal to be all in one approval accord only after reviewing all the facts and concerns before any go ahead is provided, including any immunity to time frame pressures. There is an old saying of Benjamin Franklin... That insanity is doing the same thing over and over gain expecting a different result. Thank you for your time

I am Ronald Smith 734 Empire Road, Sherkston,

Ontario Canada los 1r0 email [REDACTED]

From: Krystle Caputo <kcaputo@npca.ca>
To: "mayor@portcolborne.ca" <mayor@portcolborne.ca>
Cc: "daveelliott@portcolborne.ca" <daveelliott@portcolborne.ca>, "yvondoucet@portcolborne.ca" <yvondoucet@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "johnmayne@portcolborne.ca" <johnmayne@portcolborne.ca>, "beakenny@portcolborne.ca" <beakenny@portcolborne.ca>, "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>, "barbarabutters@portcolborne.ca" <barbarabutters@portcolborne.ca>, "david.barrick@niagararegion.ca" <david.barrick@niagararegion.ca>, "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>, "Kevin Vallier" <kevin@niagaraindependent.ca>, Scott Rosts <SRosts@niagarathisweek.com>, David Burket <pelhamvoicepublisher@gmail.com>
Date: 2018-04-09 04:08 PM
Subject: Port Colborne Council Meeting and NPCA Correspondence April 9 2018

Hello Mayor, and Council of Port Colborne,

Attached please NPCA's comments regarding a motion being put forward to you this evening. Also attached, for your information, is an explanation of how the NPCA Board of Directors is populated.

Please let me know if you have any questions.

Kind regards,
Krystle

Krystle Caputo
Communications Specialist

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NPCA Board Appointment Information Port Colborne April



9 2018.pdf
Directors.pdf

Selection of Members to the NPCA Board of

RE: Board of Director Appointment at Niagara Peninsula Conservation Authority

April 9, 2018

Dear Port Colborne Mayor and Council,

In advance of the motion you will be considering tonight regarding Niagara Peninsula Conservation Authority (NPCA), and in the spirit of full transparency and accountability, please find following information as to how Board Members are appointed to the NPCA Board of Directors. There is also a document attached (Selection of Members to the NPCA Board of Directors.pdf), taken directly from our website, for additional reference. It is important for us to ensure that you are making an informed decision based on fact, as there seems to be confusion around municipal jurisdiction concerning this matter.

Please also be aware that in its continued efforts to remain transparent and accountable, NPCA launched npcadiaologue.ca, where it publishes third party independent reviews of the organization as well as provides equal access to documents of public interest.

It is very disconcerting that the motion states that NPCA does not respect its mandate. It should be incumbent upon Councillor Butters to provide evidence to support this statement; NPCA exists, and is dedicated to serving its mandate as it is prescribed by the Conservation Authorities Act.

The Conservation Authorities Act was recently amended by the passing of Bill 139, Building Better Communities and Conserving Watersheds Act, 2017, which received Royal Assent 12 December 2017. This Act is the result of over two years of public consultation and debate in both the Ontario Legislature and Committee for Social Policy, all of which resulted in favour of maintaining the current appointment process. Please review the highlighted portion below outlining the appointment process. It should also be noted that the Association of Municipalities of Ontario (AMO) also supported continuing to use the current governance model for all Conservation Authorities.

Every Niagara MPP supported Bill 139 (page 5).

Upper-tier municipalities

Regional municipalities to act in place of local municipalities

4 (1) An upper-tier municipality that was established as a regional municipality before the day subsection 6 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and
- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall

appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1); 2017, c. 23, Sched. 4, s. 6 (1).

The following quotes should also help provide further information and context:

Bill 139: Second Reading – OLA: September 11, 2017

Hon. Kathryn McGarry (Minister of Natural Resources and Forestry):

"The Conservation Authorities Act details the structure, powers, funding and general operations of a conservation authority. Each conservation authority is established as a corporate body governed by a board of directors. The act lays out the composition of the board, which is comprised of municipal appointees who must comply with the legislative requirements and be directly accountable to the municipality that they represent."

MPP Norm Miller:

"It is municipalities that appoint members to the board of the conservation authority, so if residents don't like how things are being run or the fees that are being charged, they should hold their municipal councillors and mayor to account for that."

"Generally, municipal councillors are appointed to sit on conservation authority boards, but what if none of the municipal councillors have the qualifications that the minister has stipulated? These are democratically elected representatives of the municipality. Who better to represent the municipality and residents on the conservation authority? Elected councillors are the easiest people for residents to hold to account for the conservation authority's actions."

"You can kind of elect anybody you want in a public election, and that's what democracy is all about. That's the way it should be. Now we're going to go back and say, "But you can't appoint that person to a board," despite the local municipality paying the bulk of the fees. We're very concerned about that."

"Does this Liberal government not trust the municipalities to appoint the right people? Are they standing up and suggesting that they know better than the local people who have lived in that community all of their lives—those people who have actually stepped up and said, "I want to serve in a volunteer capacity on these boards," who are locally elected, democratically elected officials, who have given their time, energy and public service for the betterment of their community? And yet, they're challenging them and saying, "You're not necessarily the person we think is best to sit on that board." Mr. Speaker, I really, really struggle with that."



Bill 139: Third Reading – OLA: November 23, 2017

Hon. Kathryn McGarry (Minister of Natural Resources and Forestry):

"I'd like to remind you of some of the main features of this proposed legislation. If passed, this legislation would provide the framework for stronger oversight and accountability in conservation authority decision-making. This would be achieved by updating appointment processes and requirements and conservation authority governance practices, enabling the Ministry of Natural Resources and Forestry to conduct program and operational reviews and confirming expectations for conservation authority restructuring decisions. The legislation would also provide the framework for increased clarity and consistency in conservation authority programs and services. This would be accomplished by clarifying the role of conservation authorities and expectations for provincially mandated programs and services; municipally assigned programs; and programs and services specific to watersheds."

"Should this bill be passed by the Legislature, some key changes would come into effect immediately, including a new purpose statement clarifying the role of conservation authorities and resource management. It would include enhanced authority for municipalities to appoint members and the ability for my ministry to conduct program and operational reviews."

Bill 139: Third Reading – OLA: November 29, 2017

MPP Ernie Hardeman:

"During a presentation to committee, AMO president Lynn Dollin said, "Part IV, section 12 of the bill states that municipal councils continue to have the authority to appoint conservation authority board members. This makes sense. Municipal councillors are representative of all walks of life in an area, and it is the council that pays the greatest proportion of the conservation authority's funding."

Bill 139: Third Reading – OLA: December 5, 2017

MPP Jim Wilson:

"Municipalities, as you know, Mr. Speaker, cover the majority of the costs, and therefore should have the ability to appoint councillors to the board. She believes, and I believe, that if there are changes—and there are going to be changes; this is third reading, and we support the bill, and I certainly support conservation authorities—the makeup of the boards may be very much different in the future, because the cabinet of the day will be able to dictate who sits on those boards. We're so used to having our local councillors sit on those boards and represent us."



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

I hope that the above provides clarity. Should there be the need for further clarification, please do not hesitate to reach out. The NPCA is very much looking forward to an open dialogue and to bridging the gap of understanding on issues such as this one.

Sincerely,

A handwritten signature in black ink that reads "K. Caputo".

Krystle Caputo
Communications Specialist

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Third Reading of Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts:

Troisième lecture du projet de loi 139, Loi édictant la Loi de 2017 sur le Tribunal d'appel de l'aménagement local et la Loi de 2017 sur le Centre d'assistance pour les appels en matière d'aménagement local et modifiant la Loi sur l'aménagement du territoire, la Loi sur les offices de protection de la nature et diverses autres lois.

Carried on the following division:-

Adoptée par le vote suivant :-

AYES / POUR - 86

Anderson	Des Rosiers	Jones	Nicholls
Armstrong	Dhillon	Kiwala	Oosterhoff
Arnott	Dickson	Lalonde	Peltapiece
Bailey	DiNovo	Leal	Potts
Baker	Dong	Malhi	Qaadri
Ballard	Duguid	Mangal	Rinaldi
Barrett	Fedeli	Martins	Romano
Berardinetti	Fife	Martow	Sandals
Bisson	Flynn	Matthews	Smith
Bradley	Forster	Mauro	Sousa
Brown	Fraser	McDonell	Tabuns
Chan	French	McGarry	Taylor
Chiarelli	Gates	McMahon	Thibeault
Cho	Gélinas	McMeekin	Thompson
Clark	Gretzky	McNaughton	Vanthof
Coe	Hardeman	Milczyn	Vernile
Colle	Hatfield	Miller (Parry Sound-Muskoka)	Wilson
Coteau	Hoggarth	Moridi	Wong
Crack	Horwath	Naidoo-Harris	Wynne
Damerla	Hoskins	Naqvi	Yakabuski
Del Duca	Hunter	Natyshak	Zimmer
Delaney	Jaczek		

NAYS / CONTRE - 1

MacLaren

The Bill passed.

The House recessed at 11:55 a.m.

Le projet de loi est adopté.

À 11 h 55, la Chambre a suspendu la séance.

Selection of Members to the NPCA Board of Directors

The objectives of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the **conservation, restoration, development and management** of natural resources other than gas, oil, coal and minerals. To meet this mandate, the Niagara Peninsula Conservation Authority (NPCA) is governed by “Members of Authority” (often referred to as the Board of Directors) as per Section 14 of the *Conservation Authorities Act*.

For the NPCA, the Board of Directors consists of the following representation from the three (3) *participating* municipalities: 12 Members from the Region of Niagara, 2 Members from the City of Hamilton, and 1 Member from Haldimand County.

The Councils of each of the respective *participating* municipalities has the responsibility to appoint their Members. At the end of the respective appointed terms, the NPCA formally requests each participating municipality to appoint their members.

For Niagara Region, the responsibility of appointing members belongs to their regional council. The past practice of the regional council has been to offer a single appointment from each of their twelve local municipalities, in the following order:

1. The appointment is offered to the Regional Councillor or the Mayor of the local municipality:
 - a. For St. Catharines, the offer is made to the 6 Regional Councillors and the Mayor. In the event there is more than one elected representative that seeks the appointment, the regional council will vote on the representative that will be appointed;
 - b. For Niagara Falls, the offer is made to the 3 Regional Councillors and the Mayor. In the event there is more than one elected representative that seeks the appointment, the regional council will vote on the representative that will be appointed;
 - c. For Welland, the offer is made to the 2 Regional Councillors and the Mayor. In the event there is more than one elected representative that seeks the appointment, the regional council will vote on the representative that will be appointed;
 - d. For Fort Erie, Grimsby, Lincoln, Niagara-on-the-Lake, Pelham, Port Colborne, and Thorold, the offer is made to the Regional Councillor and the Mayor respectively. In the event there is more than one elected representative that seeks the appointment, the regional council will vote on the representative that will be appointed from each of the respective local municipalities;
 - e. For Wainfleet and West Lincoln, the offer is respectively made to each Mayor.
2. If neither a Regional Councillor nor the Mayor seeks the appointment from a respective local municipality, the regional council contacts the local municipality for a recommendation. In the past, upon being notified of a recommendation by the regional municipality, the local municipality has selected an elected member from their council. The local councillor is then recommended to the regional council for approval, and the appointment is made.
3. If no elected member of the local council seeks the appointment, the council selects a citizen residing in their local municipality. The citizen is then recommended to the regional council for approval, and the appointment is made.

For the City of Hamilton, it has been the past practice of their city council to advertise NPCA appointments on the city’s website and local media. Citizens apply for the appointment via an application form. If more



than two citizens apply, the council's selection committee interviews the candidates and makes recommendations to city council. Upon receiving the recommendations, city council approves the recommendations and the appointment is made.

For Haldimand County, it has been the past practice of their county council to select an elected representative to be appointed.

Overall, the three participating municipalities make the appointment to the NPCA Board of Directors for a 4-year term. The term aligns with the municipal elections.

In the event that a vacancy occurs on the NPCA Board of Directors, the NPCA would immediately notify the respective participating municipality. The municipality would then appoint another person to serve the remainder of the 4-year term.

Mr Mayor & Members of Council

Thank you for permitting me to speak this evening.

I am here to present the concerns of the residents along the shore of Gravelly Bay regarding hunting in the bay. This includes Tennessee Ave., Rosemount Ave., Lakeshore Blvd, Oakridge Cres, Lakewood Cres, Orchard & Bayview Lane - that is some 180 homes.

Our concerns are twofold.

1st We are concerned about safety in the area. During the hunting season, Sept thru Dec., residents are fearful to allow their children to play on the beach or even to go for a walk on the beach themselves.

Last fall hunters were shooting at the same time as fishermen & other boaters were nearby.

2nd. The noise of shooting is really disturbing to say the least. Noise over water is amplified as it reaches land, to the extent that children are frightened and visitors are alarmed, thinking the shooting is nearby on land.

The shooting begins before dawn and continues till after sunset. I can't imagine what they are able to shoot at when it is dark.

I realize the city has no jurisdiction over the water and that Gravelly Bay comes under Federal jurisdiction; but when what happens on the water affects the residents on the surrounding city land, we need our City Council to advocate for us. So we come asking that the City of Port Colborne Council make a resolution requesting the Federal Government to have an unbiased evaluation of hunting in Gravelly Bay for the public safety and peace of mind of the residents because there has been a change of demographics from seasonal to year round residences since the hunting began in the Bay.

Thank you so much for your kind consideration.

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**City of Port Colborne
Regular Meeting of Council 10-18
Monday, April 23, 2018
following Committee of the Whole Meeting
Council Chambers, 3rd 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 08-18, held on April 9, 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:**
 - (a) National Day of Mourning, April 28, 2018
10. **Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Transit Advisory Committee Meeting of January 24, 2018
 - (b) Minutes of the Public Library Board Meeting of February 13, 2018
11. **Consideration of By-laws:**
12. **Adjournment:**

Council Items:

Notes	Item	Description / Recommendation
JDM BB RB AD FD YD DE BK JM	1.	<p><u>Motion (Councillor B. Kenny) Re: Provision of Grants to Community Groups</u></p> <p>That the motion approved at the Council meeting of November 23, 2015 in respect of Community and Corporate Services, Report No. 2015-212 regarding the provision of grants to community groups be reconsidered.</p> <p>Note: If the reconsideration is passed the following motion will be immediately placed on the floor:</p> <p>That an amount equal to the initial amount invested in Niagara Regional Broadband Network (NRBN), namely \$775,000, from the proceeds of the disposition of the NRBN shares be placed in an interest bearing account and the interest earned each year be used to provide grants to community groups in 2017 and each subsequent year to a maximum of \$30,000.00.</p>
JDM BB RB AD FD YD DE BK JM	2.	<p><u>Community and Economic Development, Economic Development Division, Report No. 2018-57, Subject: Economic Development Strategic Plan: 2018-2022</u></p> <p>That, in accordance with the recommendation of the Economic Development Advisory Committee, the Port Colborne Economic Development Strategic Plan 2018-2022, prepared by MDB Insight, be approved; and</p> <p>That the goals and initiatives identified in the Economic Development Strategic Plan 2018-2022, be included in Council's future strategic planning processes and budget deliberations.</p>

<p>JDM BB RB AD FD YD DE BK JM</p>	<p>3.</p>	<p><u>Planning and Development, Planning Division, Report No. 2018-50, Subject: Supplemental Recommendation Report – Proposed New Comprehensive Zoning By-law</u></p> <p>That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be rescinded and repealed;</p> <p>That the draft by-law approving the draft Comprehensive Zoning By-law attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix A, be approved;</p> <p>That pursuant to the provisions of Section 34(17) of the <i>Planning Act</i>, no further notice of public meeting be required;</p> <p>That pursuant to Section 34(10.0.0.2) of the <i>Planning Act</i>, 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.</p> <p>That an interim Control By-law, attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix C, be approved pursuant to Section 38 of the <i>Planning Act</i>, for a period of up to one year for those lands proposed to be zoned Mineral Aggregate Operation to control the use of lands until proper study and policy review has been completed.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>4.</p>	<p><u>Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology®</u></p> <p>That entering into an agreement with Fire Marque be approved; and</p> <p>That the Mayor and City Clerk be authorized to execute the agreement with Fire Marque; and</p> <p>That the City's fee schedule be amended incorporating the appropriate fees as per the agreement with Fire Marque.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>5.</p>	<p><u>Corporate Services, Clerk's Division, Report No. 2018-58, Subject: Use of Corporate Resources for Election Purposes</u></p> <p>That the Use of Corporate Resources for Election Purposes policy, attached as Appendix A to report Corporate Services Department, Clerk's Division Report 2018-58, be approved.</p>

JDM AD DE	BB FD BK	RB YD JM	6.	<p>Corporate Services, Finance Division, Report No. 2018-41, Subject: Cancellation, Reduction or Refund of Realty Tax</p> <hr/> <p>That the applications pursuant to Section 357/358 of the <i>Municipal Act, 2001</i>, as amended, numbered 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 be approved to cancel or reduce taxes in the total amount of \$8,230.59, in which \$3,957.20 is the municipal portion.</p>
JDM AD DE	BB FD BK	RB YD JM	7.	<p>Corporate Services, Finance Division, Report No. 2018-53, Subject: Ontario’s Main Street Revitalization Initiative Municipal Funding Agreement</p> <hr/> <p>That the Mayor, City Clerk and City Treasurer be authorized to execute the Funding Agreement with the Association of Municipalities of Ontario for the use of Ontario's Main Street Revitalization Initiative funds from the Province of Ontario; and</p> <p>That the appropriate by-law be executed by the Mayor and City Clerk.</p>
JDM AD DE	BB FD BK	RB YD JM	8.	<p>Community and Economic Development, Parks and Recreation Division, Report No. 2018-51, Subject: Port Colborne Cruiser’s Association – 2018 Cruise Nights</p> <hr/> <p>That the road closures necessary for the 2018 Downtown Cruise Night event on recurring Thursday evenings, from May 17, 2018 to September 27, 2018, as requested by the Port Colborne Downtown Cruiser’s Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2018-51, be approved;</p> <p>That the following roads be closed to general vehicular traffic and parking from 5:00 p.m. to 9:00 p.m., each Thursday from May 17, 2018 to September 27, 2018:</p> <ul style="list-style-type: none"> • Market Square; • Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street; • Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street; • Clarence Street, from the eastern limit of King Street to the western limit of West Street; <p>That Market Square be closed to vehicular traffic on May 17, June 8, June 15, July 13, and September 21, 2018 from 1:00 p.m. to 5:00 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;</p>

		<p>That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;</p> <p>That members, qualified participants, and participants of the PCDCA, be exempt from the above noted closures, through the issuance of an authorized permit;</p> <p>That traffic barricades be supplied by Public Works staff every Thursday, from May 17, 2018 to September 27, 2018, and delivered before the end of the regular work day at the predetermined locations requiring barricades;</p> <p>That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5:00 to 9:00 p.m.", including Market Square, for the duration of the event;</p> <p>That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;</p> <p>That the PCDCA be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;</p> <p>That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and</p> <p>That the appropriate by-law be presented for approval.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>9.</p>	<p>Community and Economic Development, Parks and Recreation Division, Report No. 2018-54, Subject: 2018 Moonlight Flicks at H.H. Knoll Lakeview Park</p> <hr/> <p>That the Moonlight Flicks event, to be held on Wednesday July 4, 11, 18, 25 and August 22 and 29, 2018, be supported;</p> <p>That fees for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;</p> <p>That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;</p>

				<p>That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;</p> <p>That Moonlight Flicks be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;</p> <p>That the City's park permit, hydro, and waste receptacle fees, be waived.</p>
JDM AD DE	BB FD BK	RB YD JM	10.	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-56, Subject: 2018 Heart & Stroke Big Bike Campaign</u></p> <p>That the 2018 Heart & Stroke Big Bike Event, to be held on May 16, 2018, be approved;</p> <p>That the Niagara Region Heart & Stroke Foundation be responsible for coordinating emergency services support; and</p> <p>That the Niagara Region Heart & Stroke Foundation be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event.</p>
JDM AD DE	BB FD BK	RB YD JM	11.	<p><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-55, Subject: City Wide Parks Grass-Cutting Tender 2018-04</u></p> <p>That contract 2015-09, for the supply of parks grass-cutting services, with Snips Landscaping and Nursery, be extended for one year (2018), in accordance with the terms of the existing contract; and</p> <p>That the appropriate by-law be presented for approval.</p>
JDM AD DE	BB FD BK	RB YD JM	12.	<p><u>Planning and Development, By-law Enforcement Division, Report No. 2018-46 Proposed Lot Maintenance By-law 2018</u></p> <p>That the proposed Lot Maintenance By-law, attached to Planning and Development Department, Planning Division Report No. 2018-46, be approved as presented.</p>

Miscellaneous Correspondence				
JDM	BB	RB	13.	<p><u>Niagara Regional Labour Council Re: Request for Proclamation of National Day of Mourning, April 28, 2018</u></p> <p>That April 28, 2018 be proclaimed as “National Day of Mourning” in the City of Port Colborne in accordance with the request received from Lou Ann Binning, President, Niagara Regional Labour Council.</p> <p>That the request for all flags to be flown at Half-Mast at City Hall on April 28th, 2018 be referred to the Mayor’s Office.</p>
AD	FD	YD		
DE	BK	JM		
JDM	BB	RB	14.	<p><u>The New Humberstone Speedway, 1716 Highway 3 East, Port Colborne Re: Request Permission to Hold Fireworks Display Events for 2018</u></p> <p>That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorizes the New Humberstone Speedway to hold Display Fireworks Events between the hours of 9:30 p.m. and 10:30 p.m. on the following dates:</p> <ul style="list-style-type: none"> • May 20th, 2018 • July 1st, 2018 • August 5th, 2018 • August 26th, 2018 • September 2nd, 2018 • September 9th, 2018 <p>That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;</p> <p>That the following information be submitted to the Port Colborne Fire & Emergency Services a minimum of two weeks prior to the holding of the first event;</p> <ul style="list-style-type: none"> • A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing; • Event description information is required including description of fireworks, type, size and quantity; <ul style="list-style-type: none"> - firing procedures, manual or electric - emergency procedures - traffic control plans
AD	FD	YD		
DE	BK	JM		

				<ul style="list-style-type: none"> Require a copy of the Fireworks Operator Certificate with Endorsements; <p>That the New Humberstone Speedway be advised that, as the Authority Having Jurisdiction, Port Colborne Fire & Emergency Services will conduct spot site inspections and may revoke approval for any violation of the <i>Ontario Fire Code or the Explosives Act</i> prior to or during any one of the scheduled events.</p>
JDM AD DE	BB FD BK	RB YD JM	15.	<p><u>Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing</u></p> <p>That the memorandum from Janice Peyton, Executive Assistant to the Director of Engineering and Operations, on behalf of the Environmental Advisory Committee Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	16.	<p><u>Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport</u></p> <p>That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	17.	<p><u>Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates (Report CSD 18-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates, be received for information.</p> <p>Note: A copy of Report CSD 18-2018 and the associated by-laws may be found by clicking the following link: https://www.niagararegion.ca/government/council/minutes/</p>

Outside Resolutions – Requests for Endorsement				
JDM	BB	RB	18.	<p><u>Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority</u></p> <p>That the resolution received from the Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority, be received for information.</p> <p>Note: Council passed similar motions at its meeting of November 30, 2017 (Request for Provincially Appointed Supervisor) and April 9, 2018 (Establishing Guidelines for Recruitment).</p>
AD	FD	YD		
DE	BK	JM		
JDM	BB	RB	19.	<p><u>City of Welland Re: Remediation of Abandoned Contaminated Properties</u></p> <p>That the resolution received from the City of Welland Re: Remediation of Abandoned Contaminated Properties, be received for information.</p>
AD	FD	YD		
DE	BK	JM		
JDM	BB	RB	20.	<p><u>Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton</u></p> <p>That the resolution received from the Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton, be received for information.</p>
AD	FD	YD		
DE	BK	JM		
Responses to City of Port Colborne Resolutions				
Nil.				

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6571/26/18	Being a By-law to Authorize the Execution of a Funding Agreement Between the Association of Municipalities of Ontario and The Corporation of the City of Port Colborne Related to Funding Provided by the Province of Ontario to the Municipality under the Ontario's Main Street Revitalization Initiative
6572/27/18	Being a By-law to Temporarily Close Section to Various Streets to Vehicular Traffic for the Purpose of the Port Colborne Downtown Cruise Nights
6573/28/18	Being a By-Law to Authorize Entering Into a Contract Agreement Extension with Snips Landscaping and Nursery respecting Contract 2015-09: Supply of Parks Grass-Cutting Services
6574/29/18	Being a By-law to Provide for the Maintenance of Property and Land (Lot Maintenance By-law) and to Repeal By-law 6329/09/16
6575/30/18	Being a By-law to Regulate the Use of Lands and the Character, Location and use of Buildings and Structures within the City of Port Colborne (Zoning By-law Amendment)
6576/31/18	Being an Interim Control By-law Regarding the Mineral Aggregate Operation Zone
6577/32/18	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 April 23, 2018

The Corporation of The City Of Port Colborne

By-law No. _____

Being a By-law to authorize the execution
of a funding agreement between
the Association of Municipalities of Ontario

and

The Corporation of the City of Port Colborne
related to funding provided by the Province of Ontario
to the municipality under the
Ontario's Main Street Revitalization Initiative

Whereas the Council of The Corporation of the City of Port Colborne is desirous of authorizing the execution of a funding agreement between the Association of Municipalities of Ontario and the City of Port Colborne in order to participate in Ontario's Main Street Revitalization Initiative; and

Whereas The Corporation of the City of Port Colborne acknowledges that funds received through the agreement must be invested in an interest bearing reserve account until the earliest of expenditure or March 31, 2020;

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 authorize the execution of a funding agreement between The Association of Municipalities of Ontario and the City of Port Colborne in order to participate in Ontario's Main Street Revitalization Initiative attached hereto as Schedule "A".
2. That the Mayor and the City Clerk and the Treasurer (if required) be and each of them is hereby authorized and directed to execute the said funding agreement, together with any documents necessary to complete the conditions of the said agreement for the transfer of Main Street Revitalization Initiatives funds between the Association of Municipalities of Ontario and The Corporation of the City of Port Colborne as in Schedule "A" attached hereto, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 23rd day of April, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

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MUNICIPAL FUNDING AGREEMENT

ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE

This Agreement made as of 1st day of April, 2018.

BETWEEN:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

(referred to herein as "AMO")

AND:

THE CITY OF PORT COLBORNE

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the "Recipient")

WHEREAS the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

WHEREAS the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the "OMAFRA-AMO Agreement"), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

WHEREAS the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

WHEREAS the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

WHEREAS AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

THEREFORE the Parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

- 1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings ascribed to them below unless the subject matter or context is inconsistent therewith:

“Agreement” means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

“Annual Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

“Association of Municipalities of Ontario (AMO)” means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

“Communication Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

“Community Improvement Plan” has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

“Contract” means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Effective Date” is April 1, 2018.

“Eligible Costs” means those expenditures described as eligible in Schedule C.

“Eligible Projects” means projects as described in Schedule B.

“Eligible Recipient” means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

“Event of Default” has the meaning given to it in Section 11.1 of this Agreement.

“Funds” mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

“Ineligible Costs” means those expenditures described as ineligible in Schedule C.

“Lower-tier Municipality” means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

“Municipal Fiscal Year” means the period beginning January 1st of a year and ending December 31st of the same year.

“Municipality” and “Municipalities” means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

“Municipal Physical Infrastructure” means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

“Ontario” means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

“Parties” means AMO and the Recipient.

“Project Completion Date” means the Recipient must complete its Project under this Agreement by March 31, 2020.

“Recipient” has the meaning given to it on the first page of this Agreement.

“Results Report” means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

“Single-tier Municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

“Third Party” means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

“Transfer By-law” means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

“Unspent Funds” means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient's Annual Report.

1.2 Interpretations:

Herein, etc. The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

Currency. Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

Statutes. Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

Gender, singular, etc. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

2. TERM OF AGREEMENT

- 2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.
- 2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.
- 2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

3. RECIPIENT REQUIREMENTS

- 3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.
- a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: "The Project is funded [if it is partly funded the Recipient should use "in part"] by the Ontario Ministry of Agriculture, Food and Rural Affairs."
 - b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.
- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be

awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

6. FUNDS

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"):

- a) The allocation and transfer shall be authorized by by-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
- b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
- c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.

6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:

- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
- b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
- c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.

6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.

6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:

- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,

- b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

7. REPORTING REQUIREMENTS

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:
 - a) the amounts received from AMO under this Agreement;
 - b) the amounts received from another Eligible Recipient;
 - c) the amounts transferred to another Eligible Recipient;
 - d) amounts paid by the Recipient in aggregate for Eligible Projects;
 - e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
 - f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,

- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

8. RECORDS AND AUDIT

8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.

8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.

8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

9. INSURANCE AND INDEMNITY

9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.

9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended

or transferred pursuant to this Agreement until such certificate has been delivered to AMO.

9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:

- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
- (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.

9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.

9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnitee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnitee incurred by any Indemnitee or asserted against any Indemnitee by whomsoever brought or prosecuted in any manner based upon, or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:

- (a) the Funds;
- (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
- (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
- (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

10. DISPOSAL

10.1 **Disposal.** The Recipient will not, without Ontario's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or

for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

11. DEFAULT AND TERMINATION

- 11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an "Event of Default":
- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
 - (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
 - (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
 - (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
 - (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.
- 11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.
- 11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient's receipt of the notice of an Event of Default, it may immediately terminate this Agreement.
- 11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

12. CONFLICT OF INTEREST

- 12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

13. NOTICE

13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.

13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.

13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:

a) If to AMO:

Executive Director
Main Streets Agreement
Association of Municipalities of Ontario 200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Telephone: 416-971-9856
Email: mainstreets@amo.on.ca

b) If to the Recipient:

Director of Corporate Services/Treasurer
Peter M. Senese
CITY OF PORT COLBORNE
66 Charlotte Street
Port Colborne, ON L3K 3C8
(905) 835-2900 x105
petersenese@portcolborne.ca

14. MISCELLANEOUS

14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.

14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this

Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient, between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.
- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

15. SCHEDULES

- 15.1 This Agreement, including:
 - Schedule A Municipal Allocation
 - Schedule B Eligible Projects
 - Schedule C Eligible and Ineligible Costs
 - Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

16. SIGNATURES

IN WITNESS WHEREOF, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

RECIPIENT'S NAME:

CITY OF PORT COLBORNE

Mayor Name

Signature

Clerk Name

Signature

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

By Title

Signature

In the presence of:

Witness Title

Signature

**SCHEDULE A
MUNICIPAL ALLOCATION**

RECIPIENT'S NAME: CITY OF PORT COLBORNE

ALLOCATION: \$53839.9923

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

SCHEDULE B

ELIGIBLE PROJECTS

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

1. **Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
 - a. Commercial building façade improvements
 - b. Preservation and adaptive reuse of heritage and industrial buildings
 - c. Provision of affordable housing
 - d. Space conversion for residential and commercial uses
 - e. Structural improvements to buildings (e.g. Building Code upgrades)
 - f. Improvement of community energy efficiency
 - g. Accessibility enhancements
2. **Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
 - a. Signage – wayfinding/directional, and gateway.
 - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
 - c. Marketing plan implementation – business attraction and promotion activities, special events.

ELIGIBLE AND INELIGIBLE COSTS

1. Eligible Costs include:

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

2. Ineligible Costs include:

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics or marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Costs above;
- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,
- j. Routine repair and maintenance Municipal Physical Infrastructure.

SCHEDULE D

REPORTING

1. Communication Report

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

Project Title	Project Description	Eligible Project Category (CIP/ Municipal Physical Infrastructure)	Total Project Cost	Estimate of Funds (Main Street) Spent

2. Annual Report

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

- b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/ Ongoing

3. Project Results.

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
 - Number of small businesses supported;
 - Total value of physical improvements;
 - Total Main Street Funds provided;
 - Total Municipal investment; and,
 - Total private investment.

- b. Municipal Physical Infrastructure Eligible Projects
 - Total value of physical improvements;
 - Total Main Street Funds provided; and
 - Total municipal investment.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to temporarily close sections of various streets
to vehicular traffic for the purpose of the Port Colborne
Downtown Cruise Nights

Whereas at its meeting of April 23, 2018, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Community and Economic Development, Parks and Recreation Division, Report No. 2018-51, Subject: Port Colborne Downtown Cruiser's Association - 2018 Cruise Nights;

Whereas the municipality has jurisdiction, as defined in Section 28 of the *Municipal Act, 2001, S.O. 2001, c.25*, over the highway known as Clarence Street;

Whereas the municipality is granted the power under Sections 11(3) and 27(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, to pass by-laws with respect to highways within its jurisdiction and to close a highway temporarily for any purpose specified in the by-law;

Whereas Council is desirous of closing temporarily sections of specified streets to vehicular traffic for purposes of the Port Colborne Downtown Cruise Nights;

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

1. That in this by-law "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power.
2. No person shall park a vehicle to situate on the highways or portions thereof as set out in Schedule "A" attached hereto and made part of this by-law at any time during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays, from May 17, 2018 to September 27, 2018.
3. The highways or portions thereof as set out on Schedule "A" attached hereto and made part of this by-law shall be closed to vehicular traffic during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays from May 17, 2018 to September 27, 2018.
4. No person shall permit or cause to permit any vehicle to be driven on the streets or portions of streets as set out in Schedule "A" attached hereto and made part of this by-law during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays from May 17, 2018 to September 27, 2018.
5. No person shall park a vehicle to situate on the highways or portions thereof as set out in Schedule "B" attached hereto and made part of this by-law at any time during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays from May 17, 2018 to September 27, 2018.
6. The highways or portions thereof as set out on Schedule "B" attached hereto and made part of this by-law shall be closed to vehicular traffic during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays from May 17, 2018 to September 27, 2018.
7. No person shall permit or cause to permit any vehicle to be driven on the streets or portions of streets as set out in Schedule "B" attached hereto and made part of this by-law during the hours of 5:00 p.m. to 9:00 p.m. on Thursdays from May 17, 2018 to September 27, 2018.
8. No person shall park a vehicle to situate on the highways or portions thereof as set out in Schedule "B" attached hereto and made part of this By-law at any time

during the hours of 1:00 p.m. to 5:00 p.m. on Thursday May 17, June 8, June 15, July 13, and September 21, 2018.

9. The highways or portions thereof as set out on Schedule "B" attached hereto and made part of this by-law shall be closed to vehicular traffic during the hours of hours of 1:00 p.m. to 5:00 p.m. on Thursday May 17, June 8, June 15, July 13, and September 21, 2018.
10. No person shall permit or cause to permit any vehicle to be driven on the streets or portions of streets as set out in Schedule "B" attached hereto and made part of this by-law during the hours of hours of 1:00 p.m. to 5:00 p.m. on Thursday May 17, June 8, June 15, July 13, and September 21, 2018.
11. The provisions of this by-law shall not apply to ambulances, police or fire service vehicles or public utility emergency vehicles, authorized event vehicles, or any other vehicles required in the case of emergency.
12. Any person violating the provisions this by-law shall be guilty of an offence and subject to the penalty of not more than \$5,000.00 exclusive of costs to be collected pursuant to the provisions of the *Provincial Offences Act*.
13. This by-law shall take effect on the date and times prescribed and on the placing of proper barricades and signs.

Enacted and passed this 23rd day of April 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

Schedule "A" to By-law No. _____

<u>Highway</u>	<u>From</u>	<u>To</u>
Market Square	n/a	n/a
Clarence Street	Eastern limit of western driveway of the Food Basics parking lot	Western limit of Catharine Street
Clarence Street	Eastern limit of Catharine Street	Western limit of King Street
Clarence Street	Eastern Limit of King Street	Western Limit of West Street

Schedule "B" to By-law No. _____

Market Square, with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to authorize entering into a contract agreement extension with Snips Landscaping and Nursery respecting Contract 2015-09: Supply of Parks Grass-Cutting Services

Whereas at its meeting of April 23, 2018, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Community and Economic Development, Parks and Recreation Division Report No. 2018-55, Subject: City Wide Parks Grass-Cutting Tender 2018-04; and

Whereas Council is desirous of entering into a contract agreement extension with Snips Landscaping and Nursery respecting Contract 2015-09: Supply of Parks Grass-Cutting Services;

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 extension, for a period of one year, with Snips Landscaping and Nursery respecting Contract 2015-09: Supply of Parks Grass-Cutting Services.
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 23rd day of April, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to provide for the maintenance
of property and land (Lot Maintenance By-law)
and to repeal By-law 6329/09/16

Whereas Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

Whereas Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

Whereas Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may define "refuse" for the purpose of the by-law;

Whereas Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin;

Whereas Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

Whereas Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear the land of refuse, the municipality may also provide that, in default of it being done by the person directed or required to do it, the cleaning and clearing of land shall be done at the person's expense; and

Whereas Section 391 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

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

Part 1 Definitions

1.1 For the purpose of this by-law, the definitions of this section apply:

"Agricultural Purposes" shall mean the land used for cultivating soil, producing crops and for the raising of livestock as an "agricultural operation" as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1999, c.1*, but does not include the portion of land used as a woodlot.

"Approved Structure" shall mean a Fully Enclosed Structure or a Partially Enclosed Structure as defined in this By-law.

"Border" shall mean the cleared land between the side and/or rear property line and a naturalized area or wild flower meadow.

"Boulevard" means that portion of the highway between the City property line and roadway, which is not used or intended for use for vehicular travel by the general public, and includes any landscaped areas and boulevards that are separated from

private property by sidewalks.

“Buffer Strip” shall mean a border of a minimum of 0.9 m w that delineates a wild flower meadow or naturalized area.

“Building Material” shall mean material stacked in good condition, which is used, or intended to be used, for construction purposes.

“City” means The Corporation of the City of Port Colborne.

“Cleared” includes the removal of weeds or grass more than 15 centimetres (6 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Composting” shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus.

“Composting Container” shall mean the holding unit used to store yard, garden and household waste for the purpose of composting.

“Domestic Waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
- (d) can, glass, plastic container, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) rubble, insert fill, fencing materials.
- (j) indoor furniture;
- (k) Inoperative - machinery, trailers, or boats;

“Enforcement Officer” shall mean a Municipal Law Enforcement Officer of the City of Port Colborne, Building Inspector, Fire Prevention Officer, Health Inspector, or Weed Inspector appointed under the Weed Act R.S.O. c.W.5. or other person appointed or employed by the City of Port Colborne for the enforcement of by-laws.

“Fully Enclosed Structure” means a structure with a roof and four (4) walls and is capable of enclosing and securing items within.

“Hobby Vehicle” means a vehicle that is actively being repaired or restored as a hobby of the owner/occupant of the property, a stock/race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion.

“Indoor Furniture” means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include, but not limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses.

“Industrial Waste” shall mean any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or

concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
- (f) agricultural, animal, vegetable, paper, lumber or wood products; or
- (i) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (ii) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (j) Inoperative - machinery, trailers, or boats.

“Inoperative Motor Vehicle” shall mean a licensed or unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Inoperative - machinery, trailers or boats” means such items that are unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated and in particular includes vehicles with missing part(s) wheel(s), tire(s), engine(s), drive train or body components or window(s), unless such item is operable, not dismantled, broken or incomplete, decayed or dilapidated and its use is permitted under the Zoning By-law or is necessary for the operation of a business enterprise lawfully situated on the property.

“Land” includes yards, vacant lots or any part of a lot, which is not beneath a building and for the purpose of this By-law, includes an area within an unapproved Structure

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.

“Owner” means a registered owner, but also includes lessee, occupant or tenant of the land, or any other person in charge of or in control of the premises.

“Partially Enclosed Structure” means a structure with a roof and a minimum of two (2) walls and is capable of sheltering items under the structure.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area.

“Person” means an Owner who may be a natural person, firm, corporation, partnership or association.

“Repeat Offender” means an individual who has been the subject matter of administrative or enforcement action taken by the City under this By-law.

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/or industrial

waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“**Rubble**” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

“**Sidewalk**” shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway.

“**Trees**” shall mean a plant or any species of woody perennial including its root system, which has reached or can reach a height of at least 2 metres at physiological maturity;

“**Turf Grass**” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds or other vegetation.

“**Unlicensed**” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle;

“**Unlicensed motor vehicle**” shall mean a motor vehicle that is unlicensed.

“**Wildflower**” meadow means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees.

Part 2 General Provisions

2.1 Administration – by the Enforcement Officer

This by-law is administered by the Enforcement Officer of The Corporation of the City of Port Colborne or an agent of the Enforcement Officer.

2.2 Land – filled up – drained - owner responsibility

Every owner shall keep his land filled up and drained.

2.3 Excavations – filled – exception – enclosed by barrier

Every owner shall fill in any excavation on the land unless it is enclosed completely by a temporary barrier at least 122 centimetres (48 inches) in height.

2.4 Water – exceeding 30 cm – drained – exception

Every owner shall drain land of accumulations of water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the City.

2.5 Land – clean – cleared – free of refuse

Every owner shall keep his land cleaned, cleared and free of refuse.

2.6 Dumping – prohibited – without lawful authority

No person shall throw, place, dump or deposit domestic or industrial waste on private property or City property without lawful authority.

2.7 Swimming Pool – maintained

Every owner shall keep or maintain the water in a swimming pool in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

2.8 Land – removal of refuse

Every owner shall remove refuse from his land

2.9 Refuse – containment and location

Every owner shall ensure that all refuse which accumulated on their property and when not placed out for collection is:

(a) in containers:

- i. made of rigid, watertight construction;
- ii. provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
- iii. maintained in good condition without holes or spillage;
- iv. closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
- v. located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) Not permitted to accumulate longer than 10 days.

2.10 Vegetation - Grasses and Weeds

The grasses and weeds season shall commence May 1st until October 31st or first frost, whichever shall occur first, inclusive, annually.

2.11 Hobby Vehicle – provisions

Every owner shall ensure that a maximum limit of two (2) hobby vehicles are permitted per property and Vehicles used for parts are not considered Hobby Vehicles.

**Part 3
General Prohibitions**

3.1 Refuse – not cleared – from land – prohibited

No person shall, within the City of Port Colborne, fail to clear land of refuse.

3.2 Excavation – failure to enclose – prohibited

No person shall, within the City of Port Colborne, fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.

3.3 Water – 30 cm deep – failure to drain – prohibited

No person shall, within the City of Port Colborne, fail to drain an accumulation of water exceeding 30 centimetres (12 inches) in depth.

3.4 Private Property – refuse – deposit on

No person shall, within the City of Port Colborne, deposit refuse on private property without lawful authority.

3.5 City Property – refuse – deposit on

No person shall, in the City of Port Colborne, deposit refuse on municipal property without lawful authority.

3.6 Refuse – containment and location

No person shall fail to contain refuse or locate refuse containers in accordance with the provisions of this by-law.

3.7 Water in Swimming Pool – fail to maintain

No person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.

3.8 Private Property – clear buffer strip

No person shall, in the City of Port Colborne, fail to clear a buffer strip.

3.9 Vegetation - Grasses and Weeds –not cleared – from land - prohibited

No person shall fail to clear the grasses and weeds from land in excess of 15cm (6 inches) within 72 hours of notice given within the grasses and weed season.

3.10 Unsafe Standing Water

In the event that the circumstances described in section 2.4 or 2.7 are deemed to be unsafe by an Enforcement Officer, section 3.11 applies.

3.11 Immediate Action

In circumstances of section 3.10, an Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with the unsafe standing water.

3.12 Limited Authorization

The authorization provided by section 3.11 of this by-law is limited only to such steps as are required to remove the danger.

3.13 No Obstruction of Officer

No person shall obstruct, hinder or in any way interfere with any Enforcement Officer in the enforcement of the provisions of this by-law.

3.14 Contravention of Order

No person shall contravene a Work Order or an Order to Discontinue Activity.

3.15 Vegetation – Trees – not cleared – from land – prohibited

No person shall fail to clear from land, dead, decayed, damaged or diseased trees

3.16 Damaged Trees

In the event that the tree(s) described in section 3.15 are deemed to be damaged by an Enforcement Officer, only the section(s) of a tree, which is damaged, shall be required to be cleared from land. Unless the removal of the section(s) of tree would leave the remainder of the tree unstable or unhealthy.

3.17 Refuse – removal

The removal of refuse pursuant to this By-law shall not create or cause pest or vermin issues, hoarding or any other condition that may create life safety concerns as determined by the Enforcement Officer.

Removal of refuse shall either be stored in an Approved Structure or taken to an approved landfill.

**Part 4
Exemptions**

4.1 Excavations – construction – exemption

Section 2.3 of this by-law does not apply to land on which construction is proceeding under a valid building permit or a Municipal Consent

4.2 Swimming Pools – natural bodies of water – exemption

Section 2.4 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

4.3 Outdoor Storage – lawful – exemption

Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to land, which is lawfully used for outdoor storage of materials in compliance with the applicable Zoning and Licensing By-laws and regulations.

4.4 Region – dumping – disposal facilities – exemption

Sections 2.5 and 2.6 of this by-law shall not apply to land or structures designated by or operated by the Region of Niagara for the purpose of dumping or disposing domestic or industrial waste.

4.5 Refuse – Hobby Vehicle – exemption

Sections 2.5 and 2.8 of this by-law shall not apply to Hobby Vehicle(s)

- 4.6 Vegetation - Agricultural and Environmental Protection Lands – exemption**
This by-law does not apply to any lands zoned as Environmental Protection or lands used for agricultural purposes as defined in the City's Zoning By-law.
- 4.7 Government Owned lands – exemption**
This by-law does not apply to any lands owned by the following corporations:
The Corporation of the City of Port Colborne
The Region of Niagara
The Saint Lawrence Management Corporation
- 4.8 Perennial Gardens – exemption**
This by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act and provided that there is no waste.
- 4.9 Wildflower Meadow – exemption**
This by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the Weed Control Act, provided that there is no waste and provided that they do not encroach within the buffer strip.
- 4.10 Containment and location – exemption**
Section 2.9 of this by-law does not apply to land undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control By-law has been obtained that includes containment and location of garbage.
- 4.11 Building Materials – exemption**
No person shall store Building Materials on lands for more than six (6) months with or without a building permit.

Part 5 Enforcement

- 5.1 Fine – for contravention**
Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
- 5.2 Continuation – repetition – prohibited – by order**
The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.
- 5.3 Default – not remedied – fee**
Where anything required or directed to be done in accordance with this by-law is not done, within the required time frame the Enforcement Officer or persons designated by the Enforcement Officer for The Corporation of the City of Port Colborne, may upon such notice, do such thing at the expense of the person required to do it and, in so doing, may charge administration fee of 15% of such expense with a minimum fee of as set out in Schedule 'B' of this by-law; and both the expense and fee may be recovered by action or in like manner as municipal taxes.
- 5.4 Removal**
Where any of the matters or things are removed in accordance with section 5.3 of this By-law the matters or things may be immediately disposed of by the Enforcement Officer.
- 5.5 Officer – entry to inspect**
An Enforcement Officer designated to perform inspections pursuant to this By-law may at all reasonable times, enter onto land for the purposes of an inspection of the land.

5.6 City – bring property to compliance

Where it becomes necessary to proceed pursuant to section 5.3 of this By-law, a Enforcement Officer may enter onto the lands with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

5.7 Work Order – contravention of by-law

If the Enforcement Officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order (Schedule "A"), requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.

5.8 Work Order - contents

The Work Order shall set out:

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention and of the work to be done;
- (c) a deadline, being a specific date, for compliance with the Work Order (See Schedule C); and
- (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

5.9 Work Order – service

The Work Order may be delivered by any one or more of the following methods:

- (a) personal delivery to the person to whom it is addressed;
- (b) personal or couriered delivery to either an adult person, or to the mailbox, of the residential address of the addressee;
- (c) delivery by registered or certified mail;
- (d) delivery by facsimile transmission; or
- (e) posted as a placard in a conspicuous location at the site which is the subject matter of the notice;
- (f) posted as a door hanger at the site which is the subject matter of the notice;
- (g) delivery by Xpresspost of prepaid mail.

5.10 Deemed Delivery

- (a) Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- (b) Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- (c) Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.
- (d) Where a notice is delivered by facsimile, it is considered to have been delivered on the next business day following the date showing on the proof of transmission document.
- (e) Where a notice is posted on occupied property in accordance with section 5.9 (e) and 5.9 (f), it is considered to have been delivered the next business day following the date it is posted.
- (f) Where a notice is posted on unoccupied property in accordance with Section 5.9 (e), it is considered to have been delivered five (5) days after the date it is posted.
- (g) Where a notice is delivered by Xpresspost, it is deemed to have been delivered on the next business day following the day of mailing.

5.11 Repeat Offender

Where it becomes necessary to enforce this By-law within the same calendar year. The time frames for work to be completed are set out in Schedule 'C'

Enactment

6.1 By-law – Repeal

That By-law 6329/09/16, Being a By-law to Provide for the Maintenance of Property of Land (Lot Maintenance By-law), is hereby repealed in its entirety.

6.2 Effective Date

This by-law comes into force on the day it is passed.

6.3 Short Title

The short title of this by-law shall be the "Lot Maintenance By-law".

Enacted and passed this 23rd day of April, 2018

John Maloney
Mayor

Amber LaPointe
City Clerk

City Of Port Colborne

By-law No. _____

Schedule "A"

OPTION 'A'

WORK ORDER – Contravention of the By-law

Pursuant to Subsection 3.14 of the City of Port Colborne
Lot Maintenance By-law

Date issued:		File No.:	
Address to which order applies:			
Order issued to:			
Owner Name			
Street Address			
City, Province			
Postal Code			

A contravention of Part _____ of the City of Port Colborne Lot Maintenance By-law
_____ is found to exist at the above noted address:

<u>CONTRAVENTION</u>	<u>ACTION REQUIRED</u>
Insert here: Items in contravention	Insert here: the type of refuse/issue that is on the property (i.e. garbage, debris.)
	Refuse includes but is not limited to:

You are hereby ordered, under Subsection _____ of the City of Port Colborne Lot Maintenance By-law _____ to bring this property in to compliance on or before: _____ (Insert here: compliance date) (See Schedule C for timeframes).

Failure to do so The Corporation of the City of Port Colborne (or designate) will cause the property to be brought into compliance in accordance with Part 5 (Sections 5.3 and 5.4) of By-law _____ of the City of Port Colborne. The City may recover the costs incurred by it in doing the work or causing it to be done from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by: _____
Officer - MLEO
City of Port Colborne

OPTION 'B' – GREEN TAG – Grass Violation Door Hanger as attached.

City of Port Colborne

By-law No. _____

Schedule "B"

Fees

As set out in the City of Port Colborne Consolidated Fees and Charges By-law
6558/13/18, Schedule T

City of Port Colborne

By-law No. _____

Schedule "C"

Time Frame for Work to be Completed

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	7 days
Remove open household garbage	7 days
Clear grass over 15cm	3 days
Remove water 30 cm	2 days
Maintain swimming pool water	5 days
Enclose excavation	2 days
Miscellaneous	5 days

Repeat Offenders Time Frame for Work to be Completed

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	3 days
Remove open household garbage	3 days
Clear grass over 15cm	2 days
Remove water 30 cm	2 days
Maintain swimming pool water	2 days
Enclose excavation	2 days
Miscellaneous	2 days

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to regulate the use of lands and the character, location and use of buildings and structures within the City of Port Colborne (Zoning By-law Amendment)

Whereas Section 34 of the *Planning Act, R.S.O. 1990, c. P. 13* provides that councils of local municipalities may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

Whereas, Planning and Development Department, Planning Division Report No. 2018-14 provided all text and schedules of a new comprehensive zoning by-law;

Whereas, the Council of The Corporation of the City of Port Colborne has deemed it to be in the public interest that such a by-law be enacted;

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. A new Comprehensive Zoning By-law for the City of Port Colborne.
2. That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be hereby rescinded and repealed.

Enacted and passed this 23rd day of April, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

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PORT COLBORNE

City of Port Colborne

Comprehensive Zoning By-law __/__/18

April 23, 2018

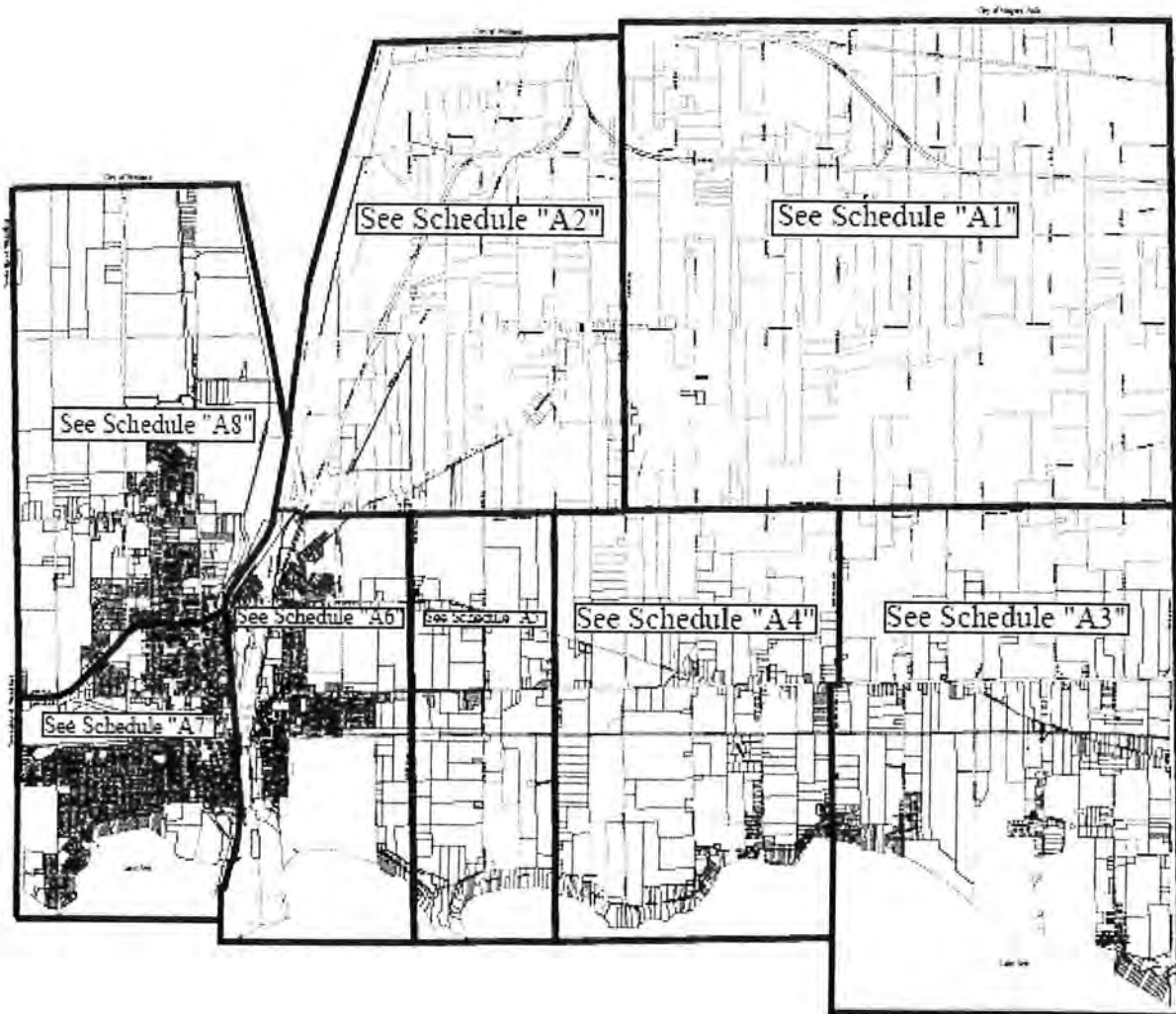


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Preamble

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;
- 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:
 - 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 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 Corner Side Yard Rear Yard	1.2 metres
Cantilever – Walls or Windows	All	0.3 metres
	Front Yard 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 Marijuana 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
Standard Parking Space	2.6	5.2	-
Standard Parking Space Obstructed on Two Sides	3.5	5.2	Abutting any wall, column or structure on both sides
Standard Space Obstructed on One Side	3	5.2	Abutting any wall or column, or structure on one side
Accessible Space	3.7	5.2	-

Two (2) Accessible Spaces Side by Side	2.6 ea.	5.2	2.6 m common space between accessible spaces
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3.3 Accessible Parking

- a) Accessible parking spaces shall be provided at the following rate:

Number of Required Standard Parking Spaces	Number of Accessible Parking Spaces	Number of Required Standard Parking Spaces	Number of Accessible Parking Spaces
1-25	1	151-200	7
26-50	2	201-300	8
51-75	3	301-400	10
76-100	4	401-500	12
101-150	6	501 and over	2% of the required parking

3.4 Parking Location

- a) Required parking shall be provided on the same lot as the use requiring the parking; or
- b) On any lot that is not a road or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.

3.5 Parking Area

- a) Every parking area, loading space and driveway connecting a parking area to a road shall be maintained with a hard surface.
- b) On a residential lot with 4 or fewer dwelling units the following provisions shall apply:
- i) Maximum Parking Area Coverage 50 percent
 - ii) Maximum Width 7.5 metres or 50% of the lot frontage, whichever is less

3.6 Encroachment into Yards

- a) A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.

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;
- b) 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.

- i) 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 Second 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) Dwelling, Triplex;
- d) Dwelling, Fourplex;
- e) Dwelling, Townhouse Block;
- f) Dwelling, Townhouse Street;
- g) Apartment Buildings;
- g) Apartment Buildings, Public; and
- h) 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.

- | | | |
|----|--|------------|
| 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 | 15 percent |
| h) Maximum Height | 11 metres |

Section 11: Lakeshore Residential Zone (LR)

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 15 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)

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 | 15 percent |
| h) Maximum Height | 11 metres |

Section 13: Residential Development Zone (RD)

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
- b) uses, structures and buildings accessory thereto

13.3 Zone Requirements – Dwelling Detached

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

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) 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 | 8m |
| d) Minimum Interior Side Yard | 5m |
| e) Minimum Corner Side Yard | 8m |
| f) Minimum Rear Yard | 8m |
| g) Maximum Lot Coverage | 10 percent |
| h) Maximum Height | 11m |

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 10 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 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 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)

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)

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

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)

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	no minimum
g)	Minimum Corner Side Yard	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	26 metres
k)	Maximum Gross Floor Area	100% of the lot area

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
- c) Minimum Front Yard no minimum
- d) Minimum Interior Side Yard no minimum
- e) Minimum Corner Side Yard no minimum
- f) Minimum Rear Yard no minimum
- g) Maximum Lot Coverage no minimum
- h) Maximum Height 26 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 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.

- 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 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 Marijuana 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.

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, 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
To properties fronting onto Beach Road | 30 metres |
| d) | Minimum Buffer Area
Residential Use | 50 metres |
| e) | Minimum Buffer Area
Eastern limit of Wyldewood Road | 50 metres |
| f) | Minimum Buffer Area
Private Water Supply and Treatment
Facility | 100 metres abutting any
campground, temporary;
campground, permanent;
retail store; restaurant, fast
food; restaurant, full-
service; restaurant, take-
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)

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

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

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
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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
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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 1st and October 31st 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 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
Zoned Residential | 9 metres |
| iii) | Minimum Width in All
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 used 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
for a Mobile Home | 7 percent |
| d) | Minimum Front Yard
for a Mobile Home | 75 metres |
| e) | Minimum West Side Yard
for a Mobile Home | 25 metres |
| f) | Minimum East Side Yard | 75 metres |
| g) | Minimum Rear Yard
for a Mobile Home | 75 metres |
| h) | Minimum Ground Floor Area
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

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.

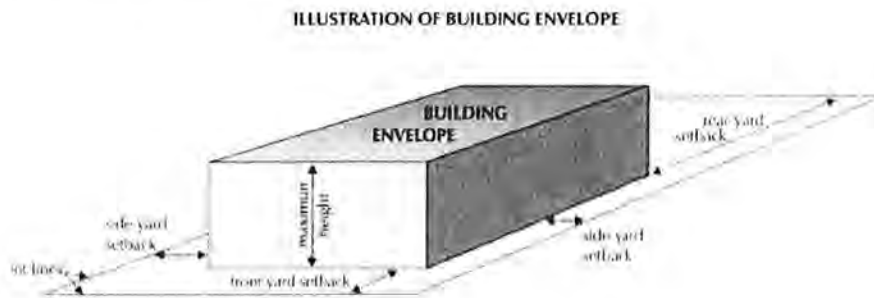
Boat House: means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the principal residential occupancy of the lot.

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°);
- 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

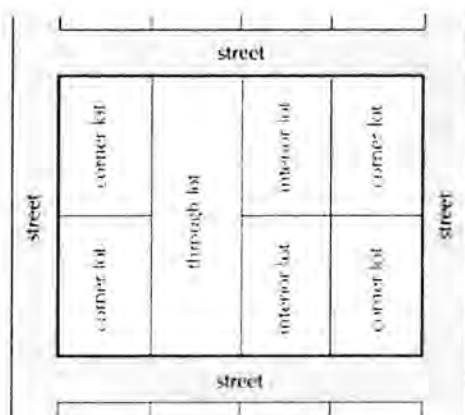


ILLUSTRATION OF CORNER LOT ON A SINGLE STREET



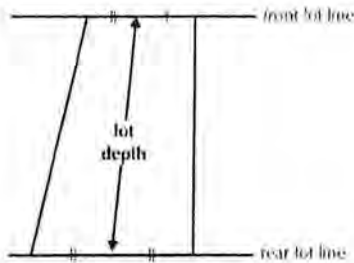
Lot Area: means the total horizontal areas within the boundaries of a lot.

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.

ILLUSTRATION OF LOT DEPTH



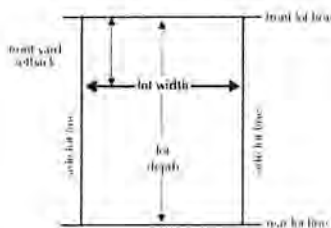
Lot Line: means the boundary of a lot and includes:

- 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 of 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.

ILLUSTRATION OF LOT WIDTH



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.

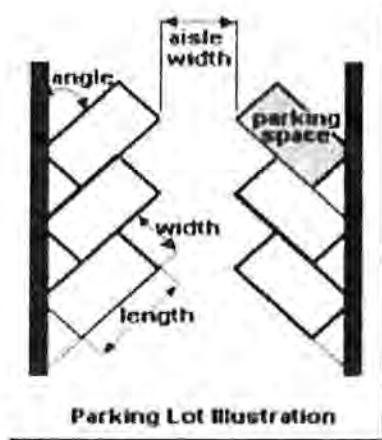
Owner: means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

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 marijuana 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.

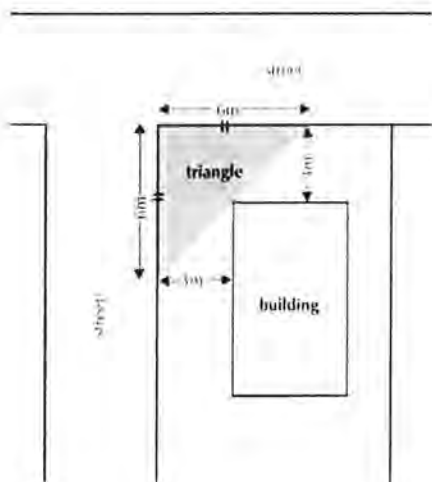
Service, Commercial: means a building or part thereof wherein articles or goods are repaired or serviced or where replacement parts for such articles or goods are offered for sale.

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:

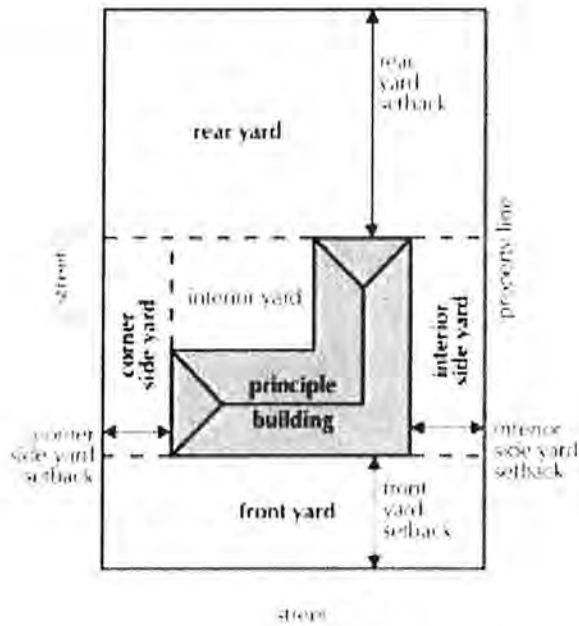
- a) **Front Yard:** which means that yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
- b) **Rear Yard:** which means that yard that extends across the full width of the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



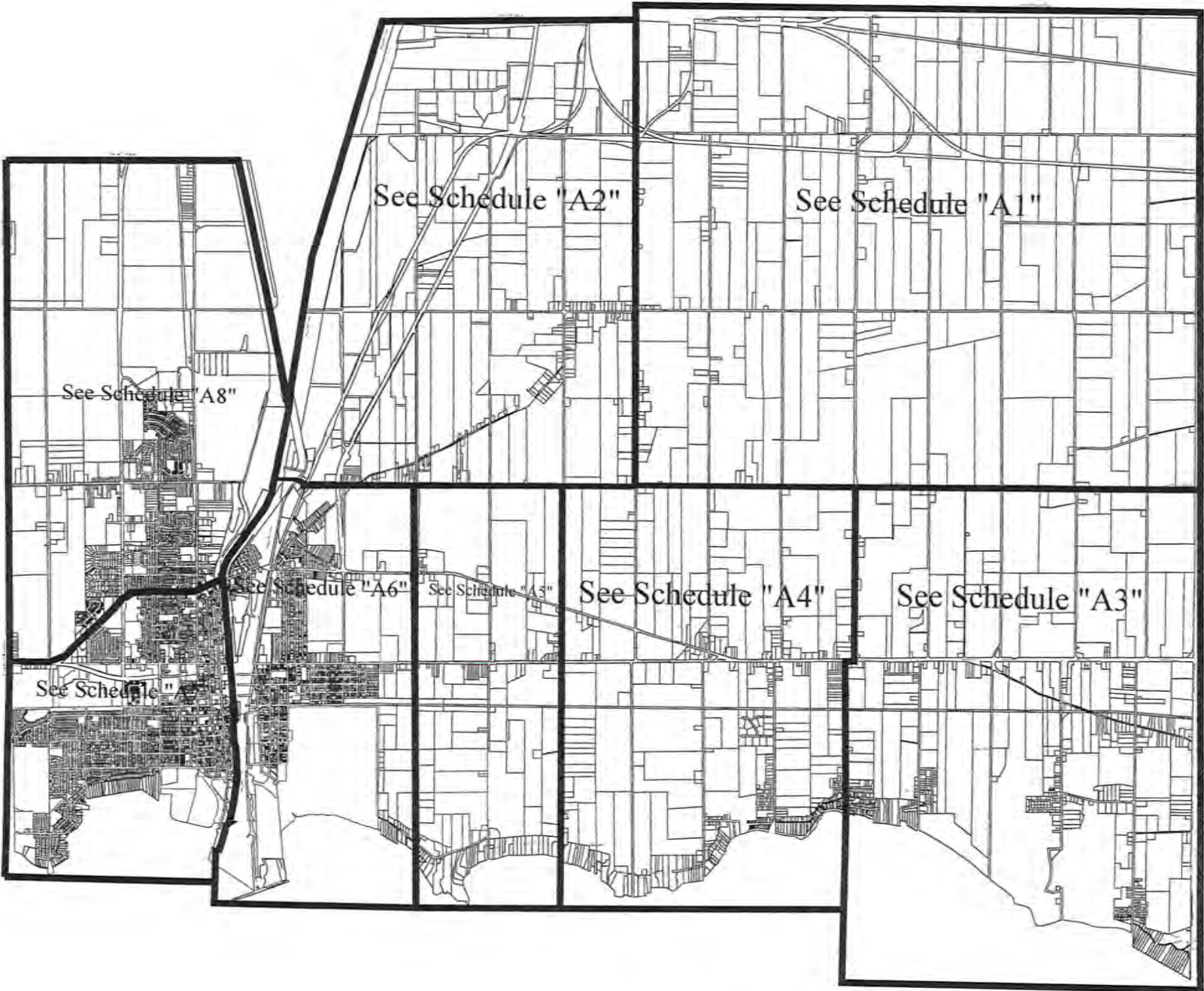
Yard, Required: means that portion of a lot between a specified lot line and the specified distance to where a building or structure may be located.

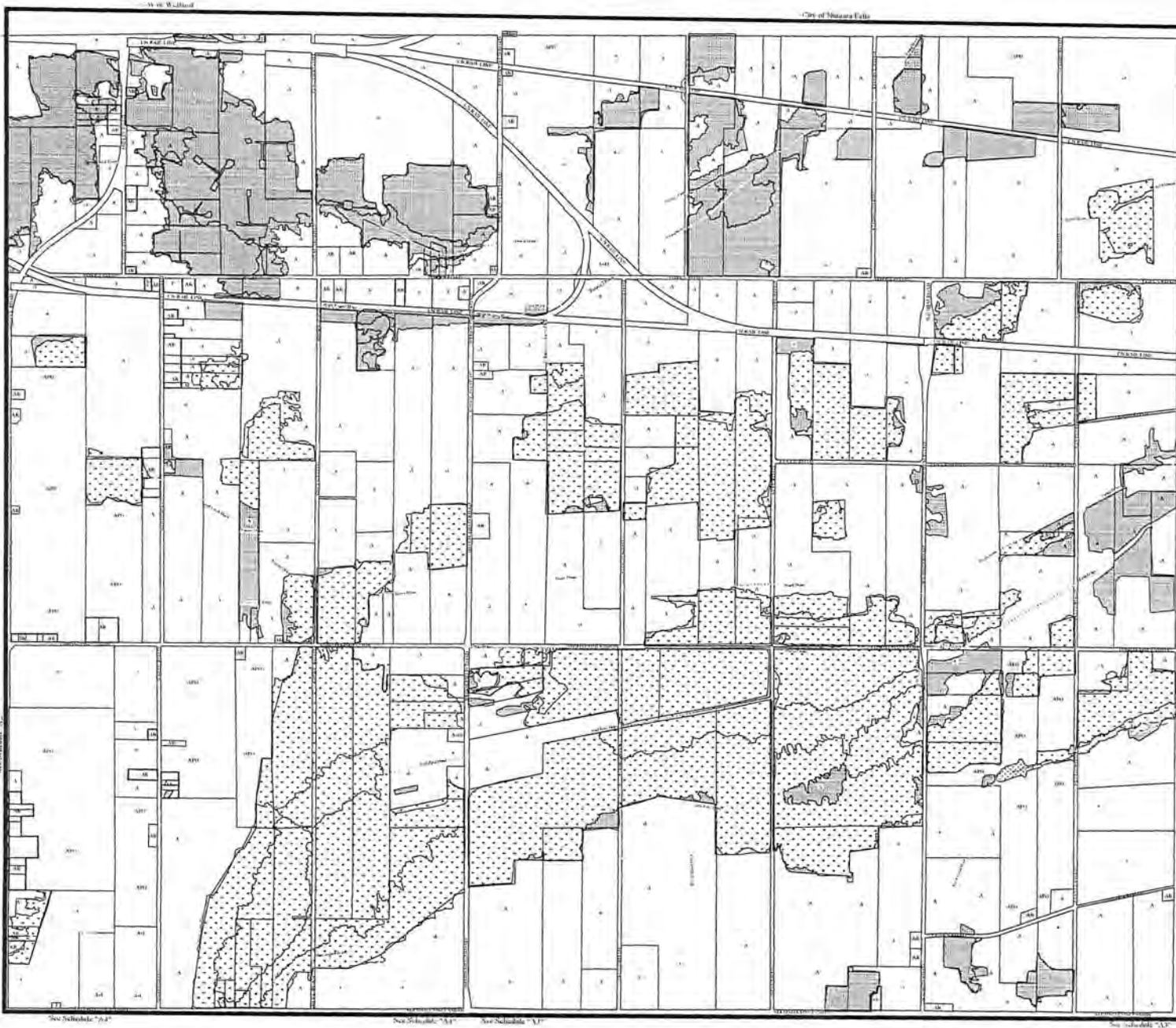
Zone: means a designated area of land use shown on Schedules A1 – A9 in Section 38 of this By-law.



SCHEDULE "A"

Zoning Maps "Index"





City of Fort Colborne
SCHEDULE "A1"
 as by-law No. _____

Legend

Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
I	INSTITUTIONAL
	ENVIRONMENTAL PROTECTION
	ENVIRONMENTAL CONSERVATION

This is Schedule "A1" as by-law No. _____
 Passed on 23rd Day of April 2018

John Volavsky, Mayor

Andrew LeFevre, City Clerk

1:10,000

See Schedule "A1"

See Schedule "A1"

See Schedule "A1"

See Schedule "A1"

See Schedule "A1"

Front of Plot Base



Front of Plot Base

City of Wellford

City of Port Colborne

SCHEDULE "A2"
By-Law No.

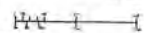
Legend

Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
RU	RURAL
RR	RURAL RESIDENTIAL
I	INSTITUTIONAL
HR	HAMLET RESIDENTIAL
ID	INDUSTRIAL DEVELOPMENT
GI	GATEWAY INDUSTRIAL
HI	HEAVY INDUSTRIAL
P	PUBLIC AND PARK
	ENVIRONMENTAL PROTECTION
	ENVIRONMENTAL CONSERVATION

This Schedule "A2" of By-Law No. 164
Passed the 25th Day of April 2018

John Dalmon, Mayor

Andree LaFramme, City Clerk






See Schedule "A1"

See Schedule "A1"

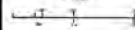
City of Port Colborne

SCHEDULE "A3"
By-Law No. _____

LEGEND

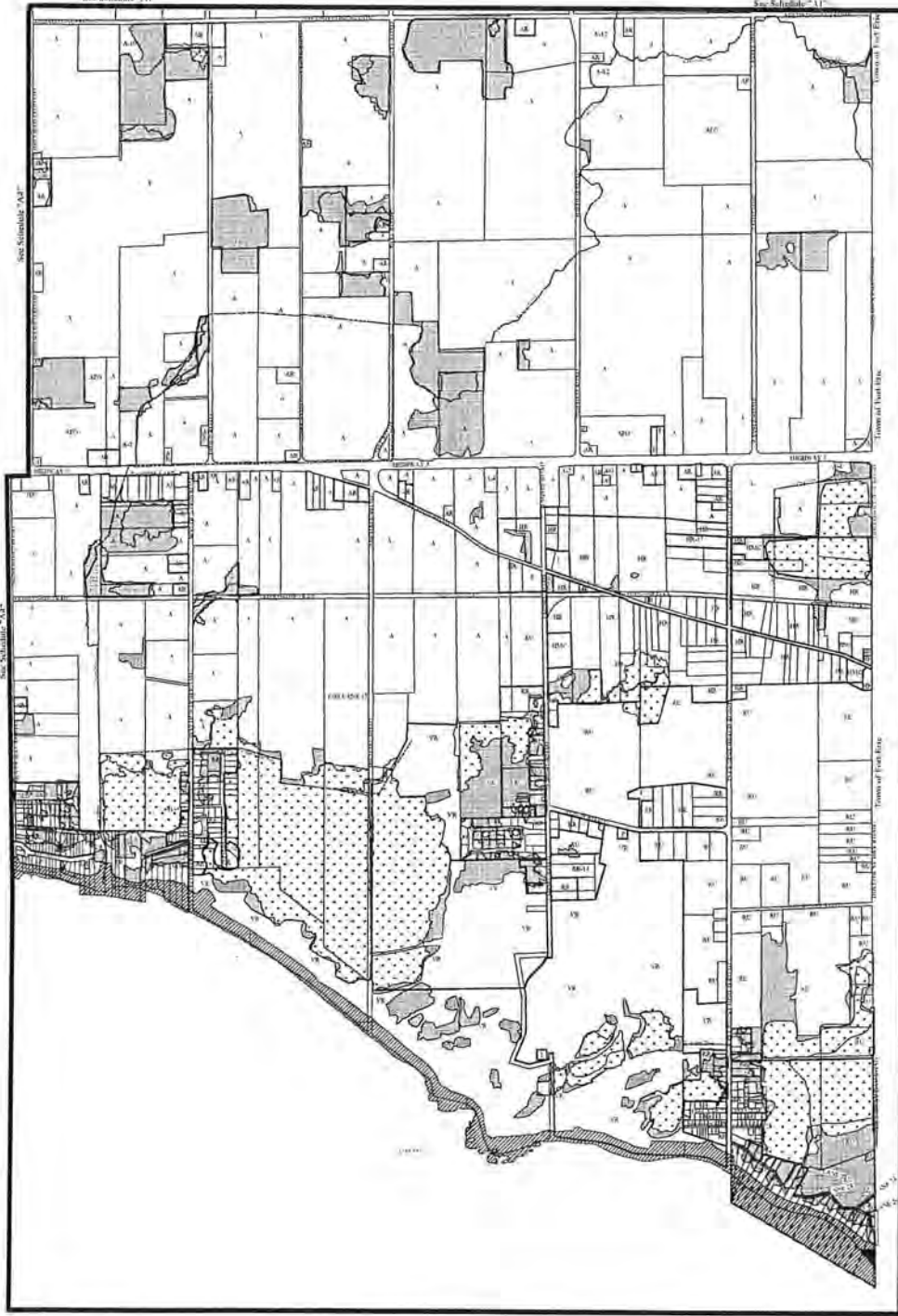
Symbol	Zone
A	AGRICULTURAL
APO	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
RU	RURAL
RR	RURAL RESIDENTIAL
I	INSTITUTIONAL
HR	HAMLET RESIDENTIAL
HMC	HAMLET COMMERCIAL
VR	VACATION RESIDENTIAL
	HAZARD
	ENVIRONMENTAL PROTECTION
	ENVIRONMENTAL CONSERVATION

This Schedule "A3" is By-Law No. _____
Passed on ____ Day of _____ 2011



City Engineer: _____

Mayor/Group City Clerk: _____






See Schedule "A2"

See Schedule "A1"

City of Port Colborne

SCHEDULE "A4"
to By-law No. _____

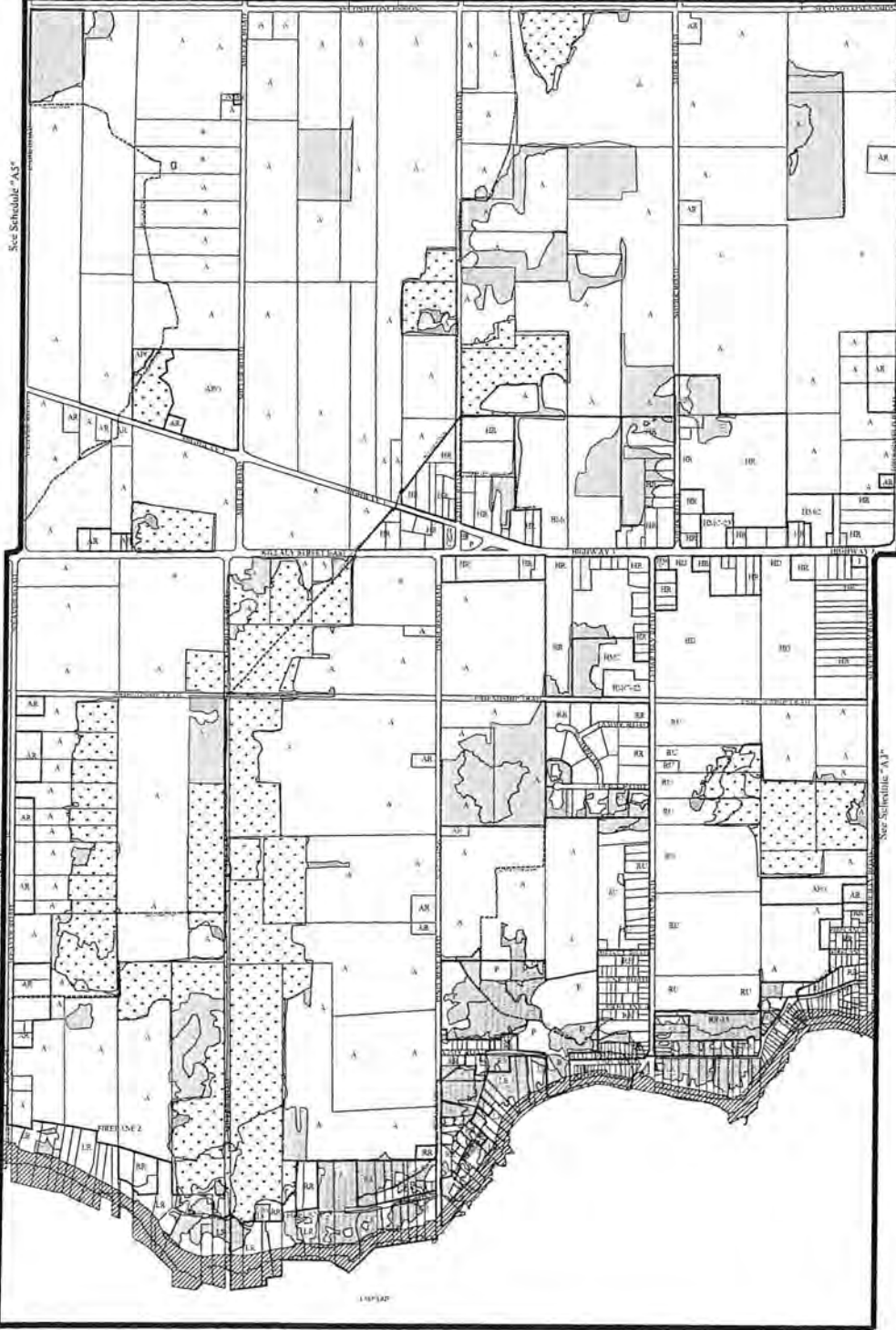
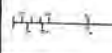
LEGEND

Symbol	Zone
A	AGRICULTURAL
AP/O	AGRICULTURAL PURPOSES ONLY
AR	AGRICULTURAL RESIDENTIAL
RI	RURAL
RR	RURAL RESIDENTIAL
LR	LAKESHORE RESIDENTIAL
HR	HAMLET RESIDENTIAL
HD	HAMLET DEVELOPMENT
HMC	HAMLET COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

Drawn Schedule "A4" by Eplan Inc.
Based on Zoning of April 2008




Scale: 1:5000, Metric

As per Lefrancis City Clerk



City of Port Colborne
 PORT COLBORNE
SCHEDULE "A5"
 to By-law No. _____

LEGEND

Symbol	Zone
A	AGRICULTURAL
AR	AGRICULTURAL RESIDENTIAL
APQ	AGRICULTURAL PURPOSES ONLY
RU	RURAL
RR	RURAL RESIDENTIAL
RJ	FIRST DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
LR	LAKESHORE RESIDENTIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
MAO	MINERAL AGGREGATE OPERATIONS
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

This is Schedule "A5" to By-law No.
 Passed the 23rd day of April 218



John Maloney, Mayor

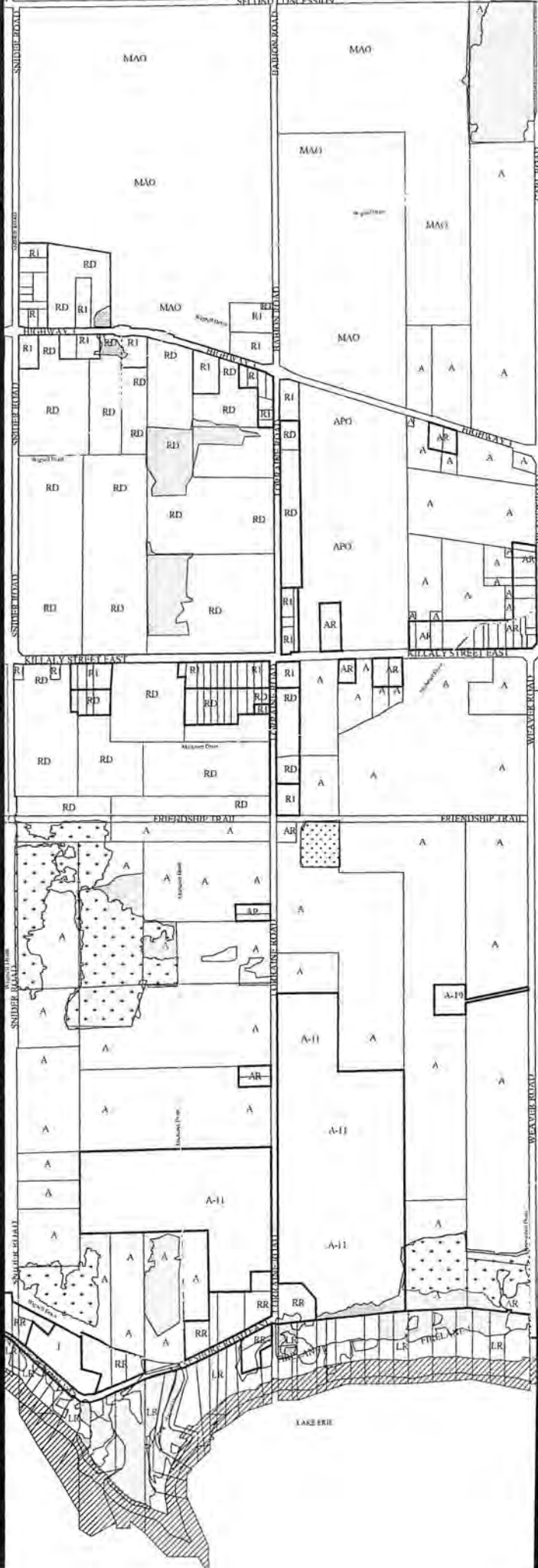


Amber LaPouche, City Clerk

See Schedule "A6"

See Schedule "A6"

See Schedule "A4"



City of Port Colborne



SCHEDULE "A6"
to By-law No. _____

LEGEND

Symbol	Zone
A	AGRICULTURAL
AR	AGRICULTURAL RESIDENTIAL
RR	RURAL RESIDENTIAL
LR	LAKE SHORE 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 is Schedule "A6" to By-law No. _____
Passed the 25th Day of April 2018.



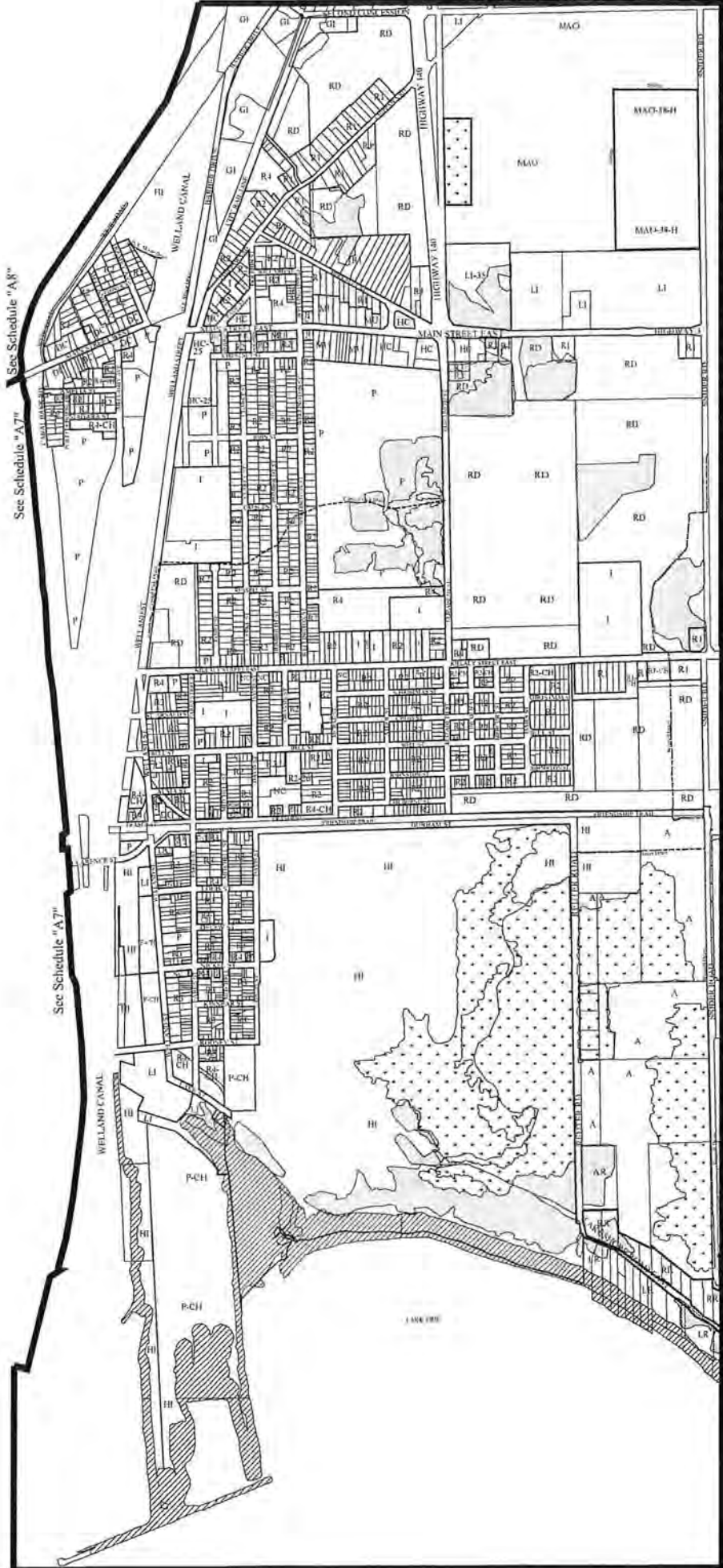
John Maloney, Mayor

Amber LaPointe, City Clerk

See Schedule "A4"

See Schedule "A7"

See Schedule "A7"



City of 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
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

This is Schedule "A7" to By-law No.
Passed the 23rd Day of April 2018.



John Mahoney, Mayor

Amber LaFosse, City Clerk

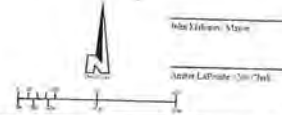


SCHEDULE "A8"
to By-law No. _____

LEGEND

- R1 FIRST DENSITY RESIDENTIAL
- R2 SECOND DENSITY RESIDENTIAL
- R3 THIRD DENSITY RESIDENTIAL
- R4 FOURTH DENSITY RESIDENTIAL
- RT RESIDENTIAL TOWNHOUSE
- RD RESIDENTIAL DEVELOPMENT
- MU 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
- APO AGRICULTURAL PURPOSES ONLY
- AR AGRICULTURAL RESIDENTIAL
- RR RURAL RESIDENTIAL
-  ENVIRONMENTAL PROTECTION
-  ENVIRONMENTAL PROTECTION

This is Schedule "A8" to By-law 216
Passed on 25th Day of April 2018



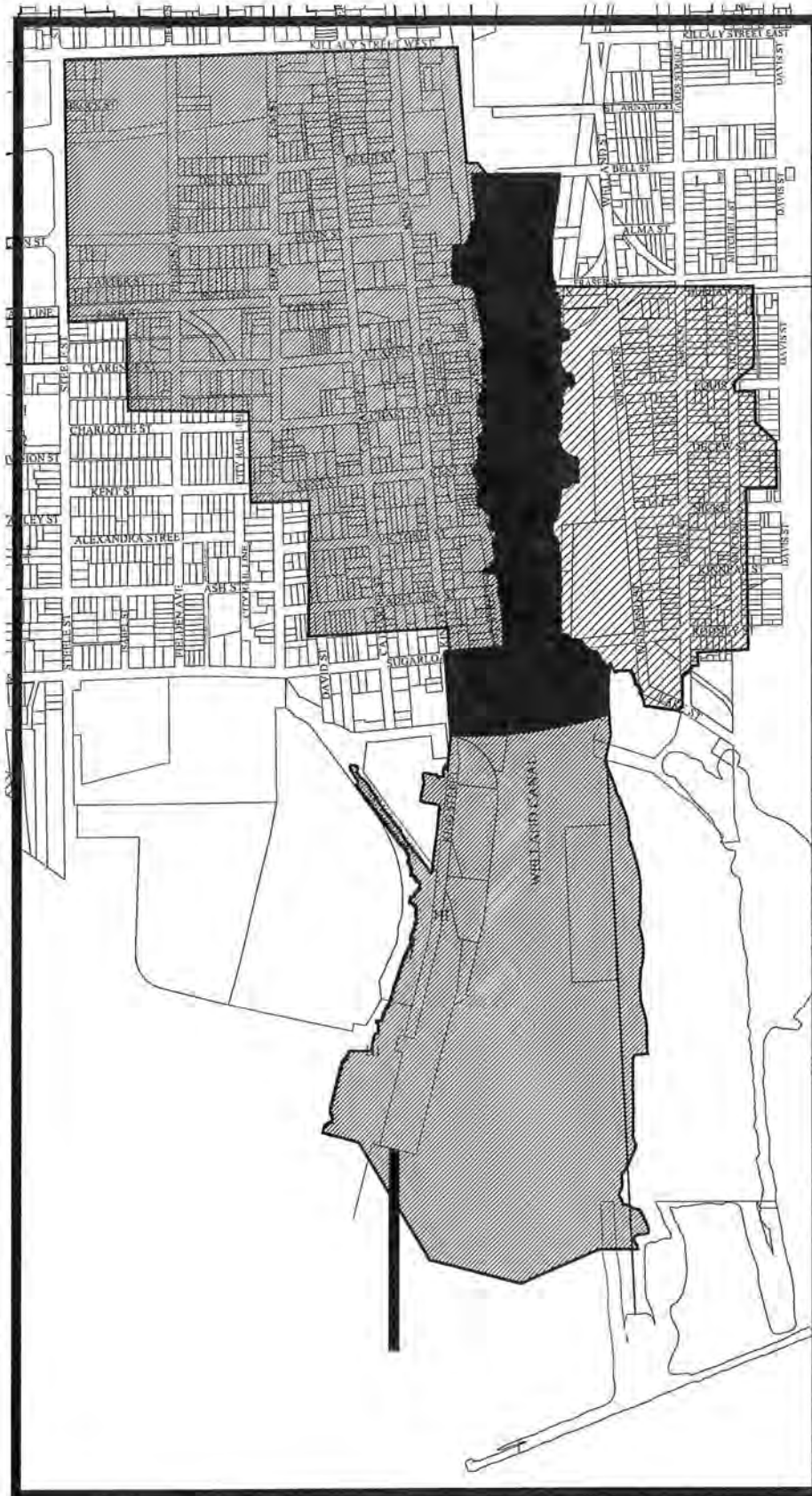
Township of Wainfleet

Township of Wainfleet



See Schedule "A7"

See Schedule "A2"





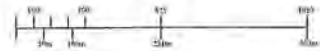
City of Port Colborne



PORT COLBORNE
SCHEDULE "A9"
 to By-law No. _____

Legend

Symbol	Zone
	IPZ-1
	IPZ-2



This is Schedule "A9" to By-law No. _____
 Passed the 23rd Day of April 2018

 John Maloney, Mayor

 Amber LaPointe, City Clerk

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The Corporation of the City of Port Colborne

By-law No.

Being an Interim Control By-law regarding the mineral aggregate operation zone

Whereas the Municipal Council of The Corporation of the City of Port Colborne, pursuant to Section 38(1) of the *Planning Act, R.S.O. 1990*, as amended, passed a resolution on April 23, 2018 directing that the Planning and Development Department undertake a review or study in respect of land use planning policies of the Official Plan and uses permitted in the Mineral Aggregate Operation zone;

Whereas it is deemed necessary in accordance with sound planning principals to restrict and permit development of land and uses in the Mineral Aggregate Operation zone;

Whereas Section 38 of the *Planning Act, R.S.O., 1990*, as amended, allows for the passing of an Interim Control By-law prohibiting the use of land, buildings or structures within the municipality for, or except for, such purposes as are set out in the by-law;

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

1. No land, building or structure in the Mineral Aggregate Operation zone as shown in the new Zoning By-law shall be used other than the following uses:
 - a) 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;
 - b) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
 - c) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.
2. This by-law shall be in effect for a period of one year from the date of passing of this by-law, or until repealed.
3. This by-law shall come into force pursuant to Section 38 of the *Planning Act, RSO 1990*, as amended.

Enacted and passed this 23rd day of April, 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 Regular Meeting of April 23, 2018.

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council;

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 Regular Meeting of April 23, 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 23rd day of April, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

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City of Port Colborne

DATE: April 23, 2018

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

WHEREAS The National Day of Mourning is held every year on April 28th;

AND WHEREAS this day is dedicated to remembering those who have suffered and died on the job due to workplace catastrophes, those exposed to toxic substances or who have been injured due to dangerous work conditions;

AND WHEREAS the National Day of Mourning is a day to commit to improve health and safety in workplaces and prevent further workplace tragedies;

NOW THEREFORE, I, Mayor, John Maloney, proclaim April 28th, 2018 as "**NATIONAL DAY OF MOURNING**" in the City of Port Colborne.

Mayor

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**City of Port Colborne
Regular Council Meeting 08-18
Minutes**

Date: April 23, 2018
Time: 9:59 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Mayne, Councillor (until 10:03 p.m.)
J. Maloney, Mayor (presiding officer)

Absent: R. Bodner, Councillor (due to vacation)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. LaPointe, Manager of Legislative Services/City Clerk
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Acting Chief Administrative Officer
S. Shyposkyj, Acting Director of Engineering and Operations

Also in attendance were interested citizens, members of the news media, YourTV and WeeStream.

1. Call to Order:

Mayor John Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 46 Moved by Councillor J. Mayne
Seconded by Councillor A. Desmarais

That the agenda dated April 9, 2018 be confirmed, as circulated or
as amended.

CARRIED.

4. **Disclosures of Interest:**

Mayor Maloney declared an indirect pecuniary interest with regard to item 1, Motion (Councillor Butters) Re: Request the Region of Niagara to Immediately Replace Board Members and Establish Guidelines for the Future Recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA), as he is a member of the Niagara Peninsula Conservation Authority Board. Mayor Maloney refrained from discussing or voting on this item. Councillor Danch assumed the Chair during consideration of this item.

5. **Adoption of Minutes:**

No. 47 Moved by Councillor Y. Doucet
Seconded by Councillor A. Desmarais

(a) That the minutes of the special meeting of Council 06-18, held on March 26, 2018, be approved as presented.

(b) That the minutes of the regular meeting of Council 07-18, held on March 26, 2018, be approved as presented.

CARRIED.

6. **Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Item 1.

7. **Approval of Items Not Requiring Separate Discussion:**

No. 48 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Items 1 to 5 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:

2. **Corporate Services, Finance Division, Report No. 2018-47, Subject: 2018 Operating/Capital Budget**

Council resolved:

That in compliance with Ontario regulation 284/09, Council confirms that the 2018 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,459,455 and the amount of post-

employment benefits expense which amounts to approximately \$218,000; and

That the 2018 Budget be approved as presented; and

That the by-law for the budget estimates for all sums required for the operations for the year 2018 be adopted.

3. Planning and Development, By-law Enforcement Division, Report No. 2018-45, Subject: Hunting at Gravelly Bay in Port Colborne

Council resolved:

That the Director of Planning and Development be directed to conduct an unbiased evaluation of hunting in Gravelly Bay through public consultation including an open house and an internet survey; and

That the Director of Planning and Development be directed to report back to Council with recommendations moving forward.

4. Township of Wainfleet Re: Request Support of Municipally Appointed Niagara Peninsula Conservation Authority Representative

Council resolved:

That the resolution received from the Township of Wainfleet in support of the resolution of the City of Welland Re: Municipally Appointed Niagara Peninsula Conservation Authority Representative, be received for information.

5. Township of South Stormont Re: Request Government of Ontario to Grant Municipalities the Authority regarding Approval of Landfill Projects in or Adjacent to their Municipality

Council resolved:

That the resolution received from the Township of South Stormont Re: Request Government of Ontario to Grant Municipalities the Authority regarding Approval of Landfill Projects in or Adjacent to their Municipality, be supported.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

- 1. Motion (Councillor Butters) Re: Request the Region of Niagara to Immediately Replace Board Members and Establish Guidelines for the Future Recruitment of Board Members to the Niagara Peninsula Conservation Authority (NPCA)**

No. 48

Moved by Councillor A. Desmarais
 Seconded by Councillor B. Kenny

WHEREAS Port Colborne City Council is aware of concerns in the community that the Niagara Peninsula Conservation Authority (NPCA) has demonstrated an inability to operate as an effective, open and transparent Conservation Authority, that respects its mandate;

AND WHEREAS Port Colborne City Council has lost confidence in the current Board and management of the NPCA;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:

That the City of Port Colborne requests that the Region of Niagara immediately replace board members of the NPCA with members selected by the lower tier municipalities;

That the City of Port Colborne requests that the Region of Niagara establish guidelines for the recruitment, selection, and appointment of individuals to be in place during the next selection of NPCA board members;

That the guidelines be developed with criteria that is based on skillset and be carried out by the lower tier municipalities.

CARRIED.

9. **Proclamations:**

Nil.

10. **Minutes of Boards, Commissions & Committees:**

- (a) **Minutes of the Environmental Advisory Committee meeting of January 10, 2018.**
- (b) **Minutes of the Port Colborne Active Transportation Advisory Committee meeting of January 15, 2018.**
- (c) **Minutes of the Port Colborne Economic Development Advisory Committee meeting of February 6, 2018.**

No. 49

Moved by Councillor B. Butters
 Seconded by Councillor Y. Doucet

- (a) That the minutes of the Environmental Advisory Committee meeting of January 10, 2018, be received.
- (b) That the minutes of the Port Colborne Active Transportation Advisory Committee meeting of January 15, 2018, be received.
- (c) That the minutes of the Port Colborne Economic Development Advisory Committee meeting of February 6, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 50 Moved by Councillor Y. Doucet
Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

6566/21/18 Being a By-Law to Adopt the Estimates for the City of Port Colborne for its own operations for the year 2018

6567/22/18 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 April 9, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into Closed Session - 10:03 p.m.

No. 51 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) Minutes of the closed session portions of the following Council meetings: February 26, 2018 and March 12, 2018.
- (b) Planning and Development Department, Planning Division Report. No. 2018-49, with respect to the Port Colborne Quarries Site Plan Agreement pursuant to the *Municipal Act, 2001*, Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Motion to rise without report:

No. 52 Moved by Councillor A. Desmarais
Seconded by Councillor Y. Doucet

That Council do now rise from closed session without report at approximately 10:32 p.m.

CARRIED.

13. Disclosures of Interest Arising from Closed Session:

Nil.

14. Reports/Motions Arising from Closed Session:

Nil.

15. Adjournment:

No. 53 Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 10:33 p.m.

CARRIED.

John Maloney
Mayor

Amber LaPointe
City Clerk

AL/cm

**PORT COLBORNE TRANSIT ADVISORY COMMITTEE MEETING
WEDNESDAY, JANUARY 24, 2018
COMMITTEE ROOM 2 ENGINEERING & OPERATIONS CENTRE**

Attendance:

Scott Mathieson, Denise Archer, Stephen Corr, Melissa Bigford, Alfred Stockwell, Bea Kenny, Jim Huppunen, Peter Senese, Mayor John Maloney, Laura Nelson

Regrets:

Yvon Doucet, Casey Biko, Casey Forgeron

Melissa called the meeting to order at 3:15 p.m.

City of Port Colborne
RECEIVED
APR 13 2018
CORPORATE SERVICES
DEPARTMENT

1. Adoption of Agenda

Moved by A. Stockwell
Seconded by D. Archer

That the agenda dated January 24, 2018 be accepted as presented.
CARRIED.

2. Disclosures of Interest

Nil.

3. Approval of Minutes of October 18, 2017

Moved by B. Kenny
Seconded by S. Mathieson

That the minutes of October 18, 2017 be approved as presented.
CARRIED.

4. Actions Arising from Previous Minutes

a) Bus Stop at Canadian Tire – Request for Bench

Jim will follow up on this item. Alfred noted that he discussed this with the bench supplier and that it may be an issue because of private property.

b) Regional Transit Update – Alfred

Alfred gave an update on Regional Transit. Two committees have been formed, one being the Mayor and CAO's and the other a working group committee of Transit Managers. Alfred advised there is a big focus on Go Transit. The committees are working on creating uniform policies and procedures and fair strategies and working on AODA measures such as courtesy seating, wheelchair issues, and guide dogs. Companion guides for

people accompanying those that cannot travel alone will be allowed at no charge, a template for a Companion pass will be created along with Regional passes for persons with disabilities. The province will decide who qualifies as a companion and who does not.

c) Results of Survey re: Link Schedule Changes

Alfred provided results of the proposed link changes. Niagara College students will be able to travel from the college to the terminal and transfer to a regional bus. There will be a new schedule that is more uniform and will be easier to remember. Alfred advised that the best time to start this new schedule is in September, to coincide with the new school year. Niagara College will be given two options 12:18 pm or 4:18 pm. The options will be discussed with the college and a report will be presented to Council with the preferred option. The Region will be involved in these discussions as well.

Moved by Bea Kenny

Seconded by Scott Mathieson

That the Port Colborne Link Proposal be accepted on consultation with Niagara College and Regional Transit.

CARRIED.

d) Bus Ramp Concerns – Forwarded by the AAC September 19, 2017

Alfred provided follow-up information regarding the bus ramp concerns received by the AAC. Alfred advised that the drivers lower the ramp when they see a need for it or if someone requests the ramp be lowered. In the case of the concern received by the AAC, the driver was not asked to lower the ramp. The AAC will be advised that the public can request the ramp be lowered if required.

5. **Information Items**

a) Report 2017-183 Port Colborne Link Bus Service Fare Increase

Report 2017-183 was provided for information. The fare increase is presently in effect.

6. **Other Business**

a) Community Transportation Grant Program – Municipal Stream

The criteria for the Community Transportation Grant Program was discussed. The committee agreed to apply for Saturday service and a link between Port Colborne and Fort Erie. Peter will look into this further, the deadline for application is February 29, 2018.

7. **Next Meeting**

The next meeting of the Transit Advisory Committee will be held on Wednesday, March 28, 2018 at 3:00 p.m.

8. **Adjourn**

Moved by B. Kenny
Seconded by A. Stockwell

That there being no further business to discuss, the meeting be adjourned at 4:00 p.m.
CARRIED.



MINUTES of the 2nd Regular Board Meeting of 2018

Held Tuesday, February 13, 2018, 6:00 p.m.

Port Colborne Public Library, Auditorium

310 King St., Port Colborne, ON

Present: Michael Cooper (Chair), Valerie Catton (Vice Chair), Harmony Cooper, William Higgins, Bryan Ingram, Ann Kennerly, Cheryl MacMillan

Staff: Scott Luey (CEO), Susan Therrien (Director of Library Services), Rachel Tkachuk

Regrets: Jeanette Frenette, Councilor John Mayne

1. Michael Cooper, Chair, called the meeting to order at 6:05 p.m.

2. The invocation was read.

3. Mr. Cooper welcomed the Board members.

4. Approval of the Agenda

Moved by H. Cooper

Seconded by A. Kennerly

**18:009 That the agenda be adopted as circulated.
CARRIED.**

5. Declaration of Conflict of Interest

None.

6. Delegations

None.

7. Minutes of the Previous Meeting of Tuesday, January 9, 2018

Moved by C. MacMillan

Seconded by H. Cooper

**18:010 That the minutes of the January 9, 2018 meeting be adopted as circulated.
CARRIED.**



8. **Business Arising from the Minutes**

None.

9. **Agenda Items**

i. Strategic Plan

Library Board CEO Scott Luey presented a draft version of the Strategic Plan. Board members will review the plan and bring comments and suggestions to the next meeting.

Moved by B. Ingram
Seconded by W. Higgins

18:011 **That the draft Strategic Plan be received for information purposes.**
CARRIED.

ii. PC Lions Outdoor Seating Area

The Director updated the Board on the progress of the shade shelter. Construction is scheduled to begin in early April and will be completed in early May.

iii. Fines and Fees Updates

The Director announced that family board games have been added to the collection. The new item will be available for loan to adult borrowers and will circulate for 7 days. The Director asked the Board to approve a fine of \$1.00 per day for late returns.

Moved by W. Higgins
Seconded by H. Cooper

18:012 **That the Port Colborne Public Library Board approve the fine amount of \$1.00 per day for the new item category "board game."**
CARRIED.

iv. Fundraising Items

The Director reported on three new fundraising initiatives: coffee, promotional buttons, and USB flash drives. Pricing options were reviewed and the Board approved coffee to be sold for \$2.00 per cup; buttons for \$2.00; and 2GB USB drives with the City logo for \$7.00.



- Moved by B. Ingram
Seconded by A. Kennerly
- 18:013** **That the Port Colborne Public Library Board accepts the three fundraising initiatives as recorded in the minutes for implementation.**
CARRIED.

v. "The Rights of Children and Teens in the Public Library"

The Board reviewed and agreed to adopt and endorse two policies regarding children's and teen rights in the public library. Further discussion arose concerning ways in which the library can better serve the teen user group.

- Moved by A. Kennerly
Seconded by C. MacMillan
- 18:014** **That the Port Colborne Public Library Board adopts and endorses the "Children's Rights in the Public Library" policy adopted at the Ontario Library Association Annual General Meeting, November 1998, and the "Teen Rights in the Public Library" adopted at the Ontario Library Association general Meeting, June 2010.**
CARRIED.

Committee Reports

None.

10. ADMINISTRATIVE BUSINESS

Correspondence

The Director read a letter of thanks and two Facebook feedback comments received from three library patrons who commended the library for the helpful service received from staff, and for the diversity of the library's collection.

Public Relations Report

i. Pop-Up Library

Librarian Rachel Tkachuk reported on two Pop-Up library events:



- Bilingual Family Literacy Event, Vale Health and Wellness Centre, Jan. 17, 2018
- Northland Pointe, Feb. 6, 2018

ii. March Break 2018 Flyer

Presented by librarian Rachel Tkachuk.

iii. City Hall News

Presented by librarian Rachel Tkachuk.

iv. March Break 2018

March Break events and programs were presented by librarian Rachel Tkachuk. The Port Colborne Lions Club will sponsor two family events: a magic show and a music concert. The Canadian Federation of University Women will sponsor a visit from a Canadian children's author.

Moved by A. Kennerly

Seconded by W. Higgins

**18:015 That the Public Relations report be received for information purposes.
CARRIED**

Chief Executive Officer's Report

None.

Treasurer's Report

None.

Director's Report

i. Bill 148

The Director reported that she met with the City's Human Resources Coordinator and confirmed that the library is in compliance with the new legislation.

ii. Partnership with John Howard Society

Qingyi (Ken) Su, Chief Librarian of the Welland Public Library, has invited the Port Colborne Public Library and Thorold Public Library to participate in a partnership with the John Howard Society. The Welland and Pelham Public Libraries have already entered into partnership with the John Howard Society of Niagara, funded by a grant from the Niagara Region. There are no budgetary implications for the libraries, only provision of in-kind contributions such as work space, storage space, and Internet access. Funding allows a social worker to be onsite at the libraries to provide free services—by appointment or walk-in—to connect community members with services they may need. The Director will update the Board on the progress of application for this opportunity at the next meeting.

iii. Meeting with MPP Cindy Forster

The Director, Welland Public Library CEO Qingyi Su, and Thorold Public Library Chief Librarian Joanne DeQuadros met with Cindy Forster, MPP, Welland, on January 26, 2018. The meeting was part of the MPP Meeting Campaign for representatives of the Ontario Library Association (OLA) and the Federation of Ontario Public Libraries (FOPL) to help achieve the following objectives:

- to educate Ministers, MPPs and staff about the importance of libraries for education, poverty reduction, and community economic development;
- to inform Ministers, MPPs and staff about the need for new funding for libraries in Ontario and to seek support and input.

The Director reported that the meeting was very positive. A letter of thanks was sent to Ms. Forster on behalf of the three libraries.

iv. Niagara Healthy Kids Community Challenge

The Director and Librarian Rachel Tkachuk attended the Niagara Healthy Kids Community Challenge (NHKCC) meeting at Niagara Region Headquarters. The goal of the NHKCC is to promote and support healthy living for children. The Port Colborne Public Library has been invited to participate in the fourth theme of the challenge (“Power Off and Play”) and is eligible for funding up to \$5,610.00 to implement pilot programmes that incorporate the theme.

v. Youth Job Connection Placement

The library has partnered with Port Cares to provide a temporary job placement through Youth Job Connection. The placement at the library is for 9-15 hours/week from January 29 to mid-March and will be paid through a grant arranged by the YJC. The YJC aims to help young people



between the ages of 15 and 29 who face multiple or serious barriers to employment achieve long-term employment and meaningful careers.

vi. Ontario Library Association Super Conference 2018

The Director and Librarian Rachel Tkachuk attended the OLA Super Conference on February 3, 2018, in Toronto. This year's theme was "Fearless by Design."

vii. Microfilm Moved to Archives

The microfilm collection has been moved from the library to the L.R. Wilson Heritage Research Archives and will become part of a shared collection between the Library and Museum. The Archives has more storage space and a new microfilm reader. Genealogical researchers will still be able to make arrangements with the library to access microfilm outside of the Museum's open hours. The library will continue to send and pay for newspapers to be converted to microfilm format, and will maintain bibliographic records in the library's database and an up-to-date inventory.

viii. Shelving and Furniture

The Director is in the process of determining library needs, purchasing priorities, and the scheduling of shelving and furniture projects.

ix. Annual Report

Final data is still unavailable to complete the annual report.

x. Health and Safety

a. Risk Assessment

The Director contacted Italia Reeves, Health and Safety Coordinator, who reported that she is creating a spreadsheet of safety concerns for the City facilities that were assessed by A.C.T. Tactical Inc. in 2017. The final Risk Assessment report was received on January 8, 2018. The Director invited Ms. Reeves to attend the next Board meeting to report in more detail on the assessment.

Moved by B. Ingram
Seconded by A. Kennerly



18:015 That the Director of Library Services' report be received for information purposes.

CARRIED

Circulation Report: None

11) Board Members' Items

12) Notices of Motion

13) Date of the Next Meeting

Tuesday, April 3, 2018, 6:00 p.m.
Port Colborne Public Library, Auditorium
310 King St., Port Colborne, ON

14) Adjournment

MOVED by A. Kennerly
Seconded by V. Catton

18:016 That the meeting be adjourned.
CARRIED.

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