

City of Port Colborne Public Meeting Agenda

Date: January 18, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

Pages

1. Call to Order

2. Adoption of Agenda

3. Disclosures of Interest

4. Statutory Public Meetings

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act. Due to COVID-19 this meeting will be conducted virtually. Requests to delegate, both written and appearing virtually, will be accepted until noon the day of the meeting by contacting deputyclerk@portcolborne.ca. Material accepted after this time will be circulated with the minutes and included as public record.

- | | | |
|------|---|-----|
| 4.1. | Public Meeting Report for Official Plan and Zoning By-law Amendment at 355 Wellington Street, Files D09-05-21 and D14-17-21, 2022-11 | 1 |
| 4.2. | Public Meeting Report for Official Plan and Zoning By-law Amendment at 54 George Street, Files D09-03-21 and D14-15-21, 2022-10 | 68 |
| 4.3. | Public Meeting Report for Official Plan and Zoning By-law Amendment to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20, 2022-09 | 148 |

5. Procedural Motions

6. Information Items

7. Adjournment



Subject: Public Meeting Report for Official Plan and Zoning By-law Amendment at 355 Wellington Street, Files D09-05-21 and D14-17-21

To: Council - Public Meeting

From: Planning and Development Department

Report Number: 2022-11

Meeting Date: January 18, 2022

Recommendation:

That Planning and Development Department Report 2022-11 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding proposed Official Plan and Zoning By-law Amendments initiated by Glenn Wellings of Wellings Planning Consultants Inc. on behalf of the owner 2466602 Ontario Ltd. for the lands known as Part of Lot 20, Lots 21 and 22 on Plan 835 and Lot 1 on Plan 836, on the southeast corner of Wellington Street and Main Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street and/or 125 Main Street East.

Background:

The application for Official Plan Amendment proposes to add a site-specific policy to the Highway Commercial designation to the property to permit a cannabis retail store as well as add a definition to the Official Plan for "Cannabis Retail Store". The amendment is required as the current Highway Commercial policies of the Official Plan do not support retail stores as a permitted use.

The application for Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to HC-67, a special provision of the Highway Commercial (HC) zone that will add a Cannabis Retail Store as a permitted use in addition to the uses already permitted in the HC zone. Additionally, the amendment proposes to add a

definition to Section 38 of Zoning By-law 6575/30/18 for a “Cannabis Retail Store” as follows:

Cannabis Retail Store: means a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on December 17, 2021. As of the date of preparing this report, the following comment has been received:

Port Colborne Fire & Emergency Services

“No objection to the proposed zoning change”

Public Engagement:

Notice of Public Meeting was circulated via regular mail to property owners within 120m from the subject property on December 17, 2021. Two public notice signs were also posted on the property by December 21, 2021. Finally, notices were posted on the City’s website under “Current Applications”. As of the date of preparing this report, no written correspondence from any members of the public has been received.

Discussion:

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan designates the subject property as **Highway Commercial**. Land uses in the Highway Commercial designation shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker.

The proposed Official Plan Amendment proposes to maintain the Highway Commercial designation; however, a site-specific amendment has been requested to alter the specific policies under section 3.8.1 to permit a cannabis retail store as well as add a definition to the Official Plan for “Cannabis Retail Store”. The draft Official Plan Amendment has been attached as Appendix A.

City of Port Colborne Zoning By-law 6575/30/18

The subject parcel is zoned **Highway Commercial (HC)**. The HC zone permits an animal care establishment; brew pub; car wash; convenience store; day care; drive-thru facility; accessory dwelling; food vehicle; hotel; motor vehicle repair garage; motor vehicle sales/rental service centre; motor vehicle gas station; office; personal service business; place of assembly/banquet hall; place of worship; public use; recreation facility; restaurant, fast food, full service, take-out; retail building construction and supply; service commercial; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to HC-67, being a special provision of the HC zone. The HC-67 zone is proposed to maintain the current permitted uses under the HC zone, while also including a “Cannabis Retail Store”. Additionally, the amendment has proposed to include a definition of a “Cannabis Retail Store” as follows:

Cannabis Retail Store: means a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

The draft Zoning By-law Amendment has been attached as Appendix B.

Adjacent Zoning and Land Use

Northwest High-density residential Zoned: R4	North Gas station Zoned: HC	Northeast Main Street East/Low-density residential Zoned: MU
West Low-density residential Zoned: MU	Subject Property	East Low-density residential Zoned: MU
Southwest Low-density residential Zoned: R2	South Low-density residential Zoned: R2	Southeast Low-density residential Zoned: MU

The existing building and floor plans have been attached as Appendix C.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendments at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to a future regular meeting of Council.

Appendices:

- a. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment
- c. Existing Building and Floor Plans
- d. Planning Justification Report prepared by Wellings Planning Consultants Inc.

Respectfully submitted,

David Schulz, BURPI
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 10 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

- 1. That Official Plan Amendment No. 10 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
- 2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
Clerk

**AMENDMENT NO. 10
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT**

January 5, 2022

**AMENDMENT NO. 10
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 10
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 10 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 10 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

INDEX

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Minutes of the Public Meeting

2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following map and text changes, constitutes Amendment No. 10 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of the amendment is to add a site-specific policy associated with the existing “Highway Commercial” designation permitting a “Cannabis Retail Store” on the property known as 335 Wellington Street.

Location

The lands affected by this amendment are legally described as Part of Lot 26, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street.

Basis

The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. An application has been submitted to introduce a “Cannabis Retail Store” on the subject property. The lands are designated “Highway Commercial”, which does not currently permit retail stores. A site-specific amendment to the Official Plan has been requested to allow for the proposed “Cannabis Retail Store”.

Policies of the Official Plan, the Cannabis Retail Sale Policy Statement, and public input regarding the legal storefront sale of cannabis have been considered in the preparation of this Amendment. It has been determined that site-specific consideration for a “Cannabis Retail Store” on the subject property would be compatible, appropriate, and would be well removed from sensitive land uses.

This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

Concurrently, an amendment to the City’s Zoning By-law 6575/30/18 has been submitted proposing to rezone the lands from the existing Highway Commercial (HC) zone to HC-67, being a site-specific special provision of the Highway Commercial (HC) zone that will permit a “Cannabis Retail Store”.

PART B - THE AMENDMENT

The following constitutes Amendment No. 10 to the Official Plan for the City of Port Colborne under Section 3.8 “Highway Commercial”:

That the lands shown on Schedule A be redesignated from “Highway Commercial” to “Highway Commercial Special”.

In addition to the uses permitted in the Highway Commercial designation, the lands designated Highway Commercial Special, located at 335 Wellington Street, may also be used for a “Cannabis Retail Store”.

A “Cannabis Retail Store” is defined as:

a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

Implementation and Interpretation

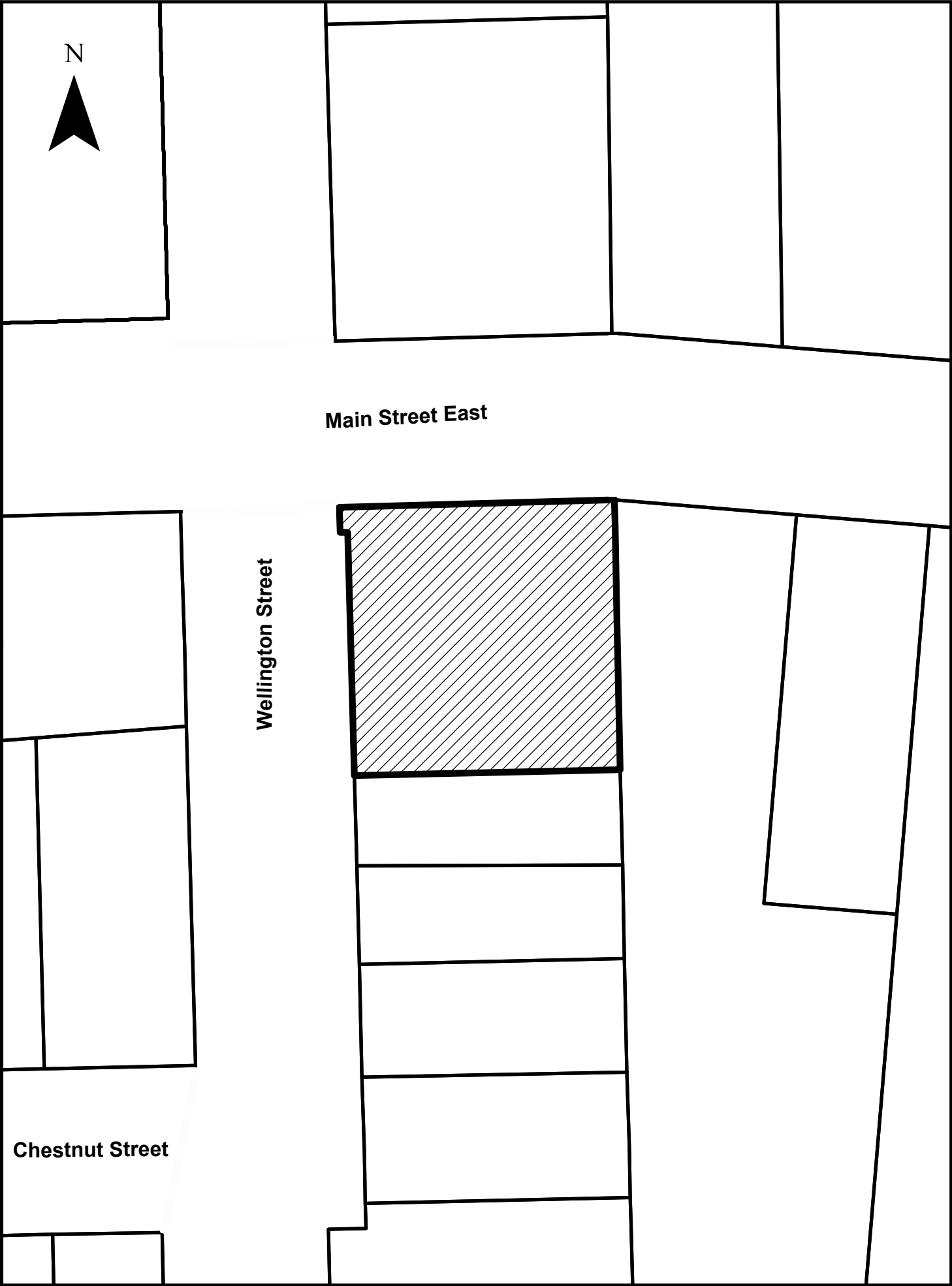
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 10 but are included as information to support the Amendment.

APPENDIX I – Minutes of the Public Meeting

APPENDIX II – Department of Planning & Development Report




This is Schedule "A" to By-law No _____

Passed _____, 2022

Mayor

Clerk

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-Áands subject to site-specific Official Plan Á Amendment,

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File No. D09-05-21 & D14-17-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

Ræ ~ æ^ ÁææG

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 20, Lots 21 and 22 on Plan 835 and Lot 1 on Plan 836, on the southeast corner of Wellington Street and Main Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street and/or 125 Main Street East.

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

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Highway Commercial (HC) to HC-67, being a special provision of the Highway Commercial (HC) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

HC-67

In addition to the uses permitted in the Highway Commercial (HC) zone, this land may also be used for a Cannabis Retail Store and uses, buildings and structures accessory thereto.

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

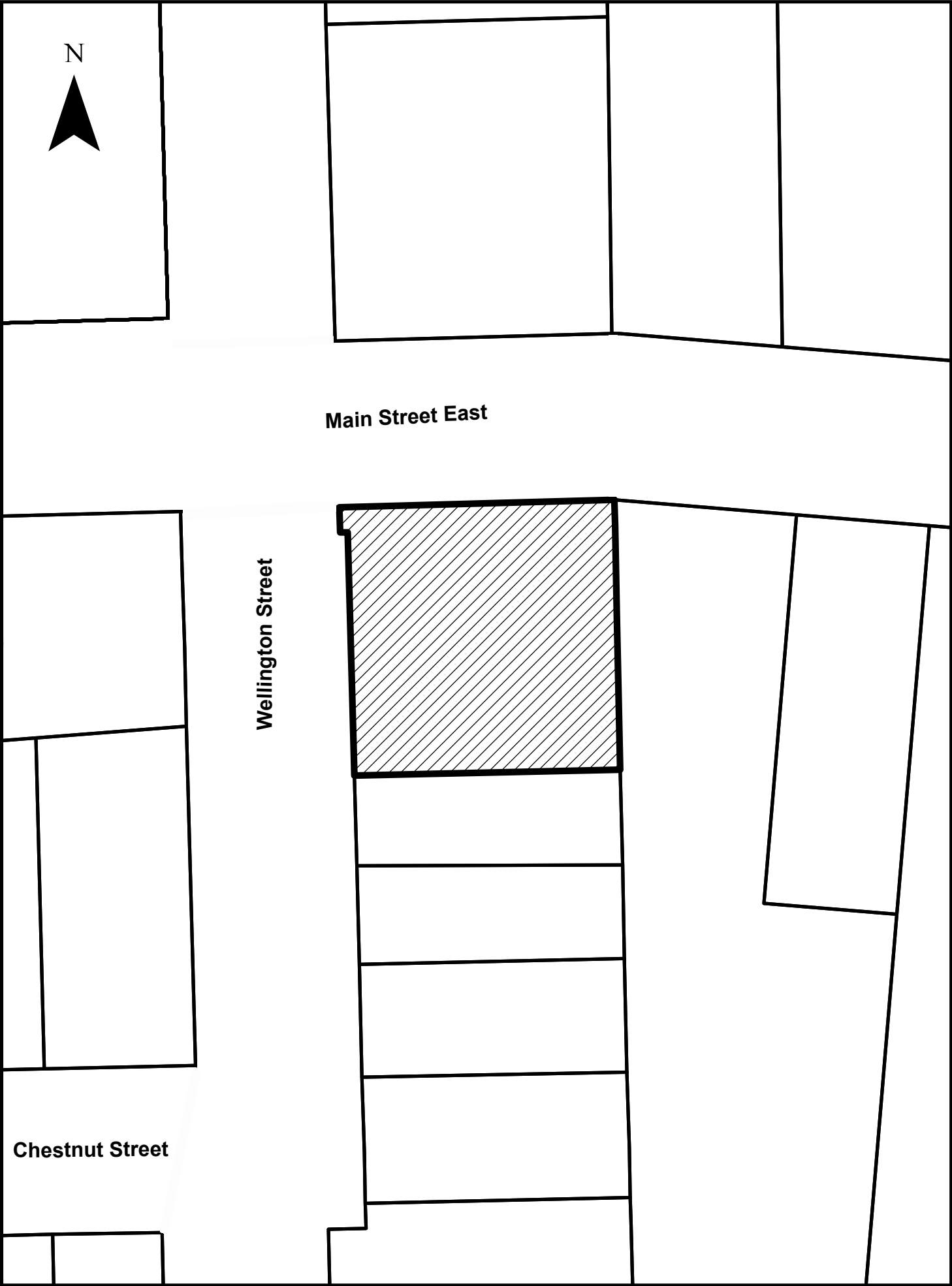
Cannabis Retail Store: means a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this day of , 2022.

William C Steele
Mayor

Amber LaPointe
Clerk



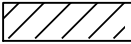
This is Schedule "A" to By-law No _____

Passed _____, 2022

Mayor

Clerk

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- Lands subject to site-specific Zoning By-law Amendment, rezoning the lands from Highway Commercial (HC) to HC-67

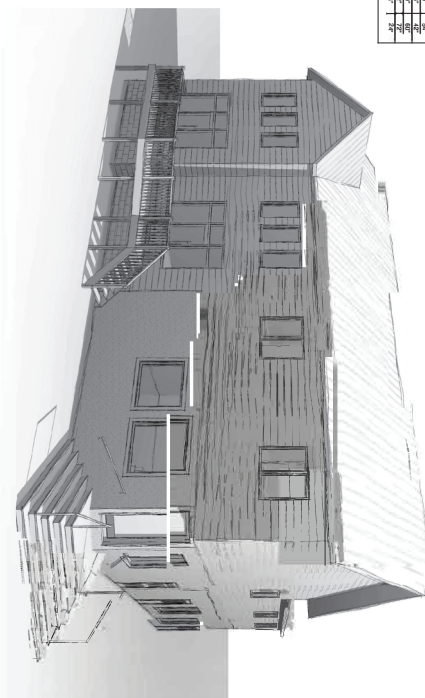
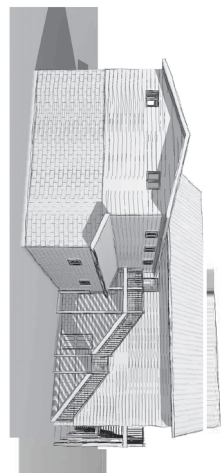
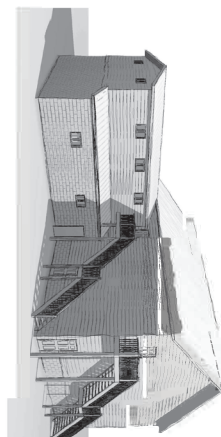
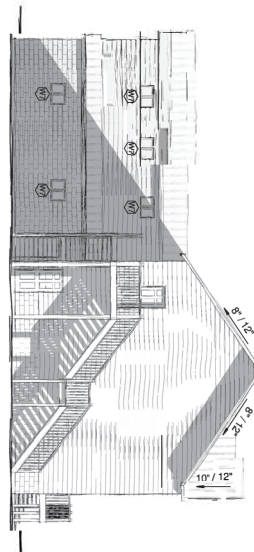
File No. D09-05-21 & D14-17-21

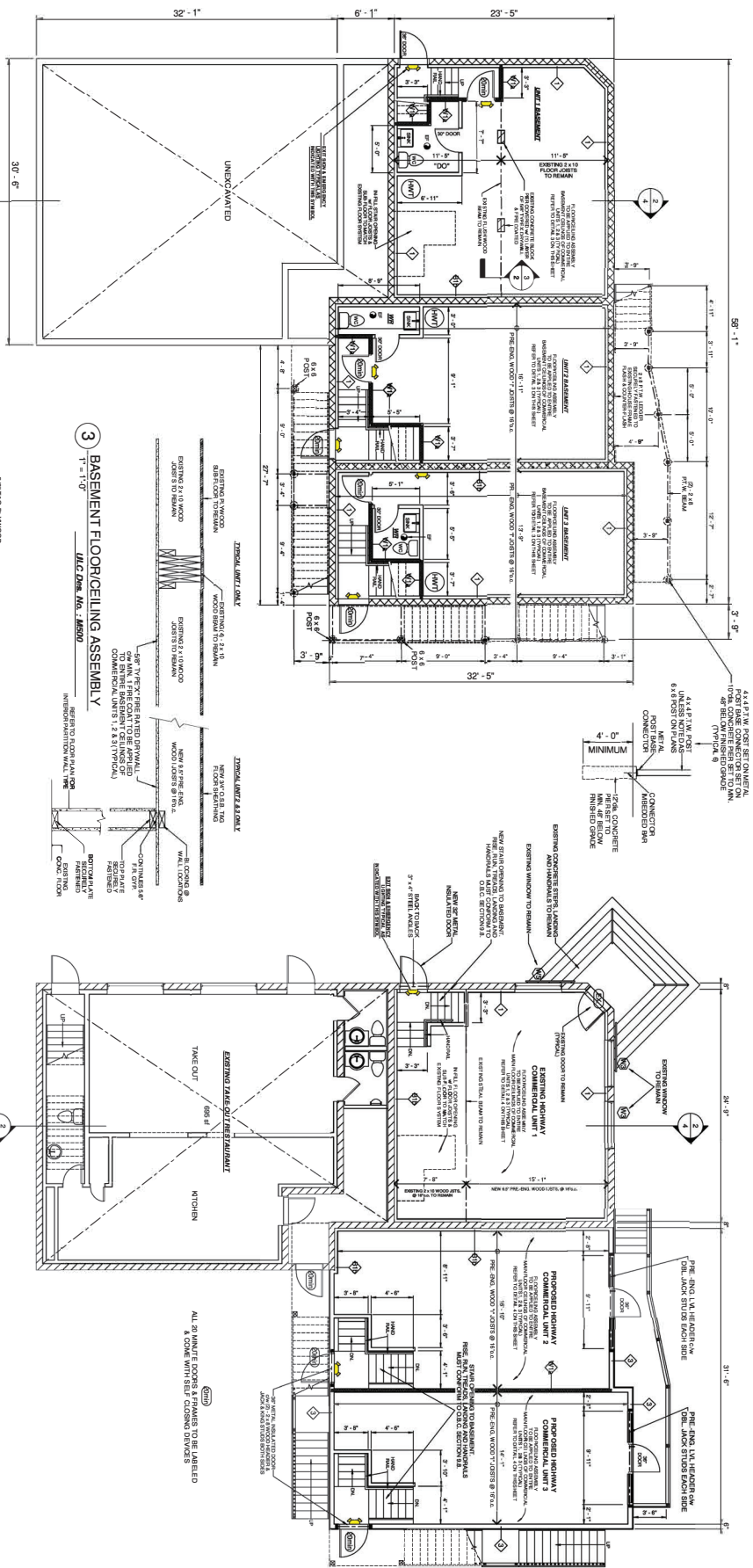
Drawn by: DS - City of Port Colborne Planning Division

Not to scale January 2022

Architectural floor plan of a house with a gabled roof. The plan shows a front porch, a living area with a fireplace, a kitchen, a dining area, and a bedroom. The roof is labeled with a pitch of 8/12. The overall dimensions are 10' x 12'.

Window Schedule				
Matr.	Quart.	Width	Height	
W15	25	60"	56"	
W16	2	60"	56"	
W17	1	60"	42"	
W18	2	60"	60"	
	7	72"	72"	
W17		36"	24"	

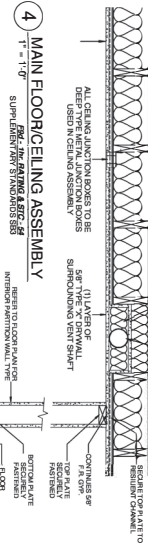




1 EXISTING FOUNDATION PLAN
3/16" = 1'-0"

3 BASEMENT FLOOR/CEILING ASSEMBLY
1" = 1'-0"

2 EXISTING MAIN FLOOR PLAN
3/16" = 1'-0"



4 MAIN FLOOR/CEILING ASSEMBLY
1" = 1'-0"

EXHAUST FAN SCHEDULE

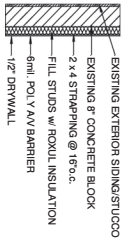
UNIT	EXHAUST FAN TO THE OUTSIDE
UNIT B	STOVE HOOD w/ EXHAUST FAN TO THE OUTSIDE
UNIT C	STOVE HOOD w/ EXHAUST FAN TO THE OUTSIDE

ALARM SCHEDULE

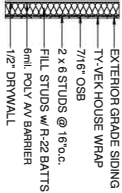
UNIT	SMOKE, VISUAL & CO. ALARM
UNIT A	SMOKE, VISUAL & CO. ALARM
UNIT B	SMOKE, VISUAL & CO. ALARM
UNIT C	SMOKE, VISUAL & CO. ALARM

WALL SCHEDULE

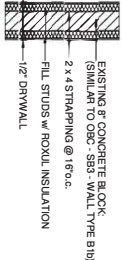
WALL TYPE 1



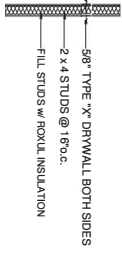
WALL TYPE 2



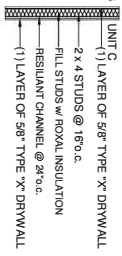
WALL TYPE B1B - 1.5th, RATING & STC - 50



WALL TYPE W1B - 1th, RATING & STC - 35



WALL TYPE W3B - 1th, RATING & STC - 48

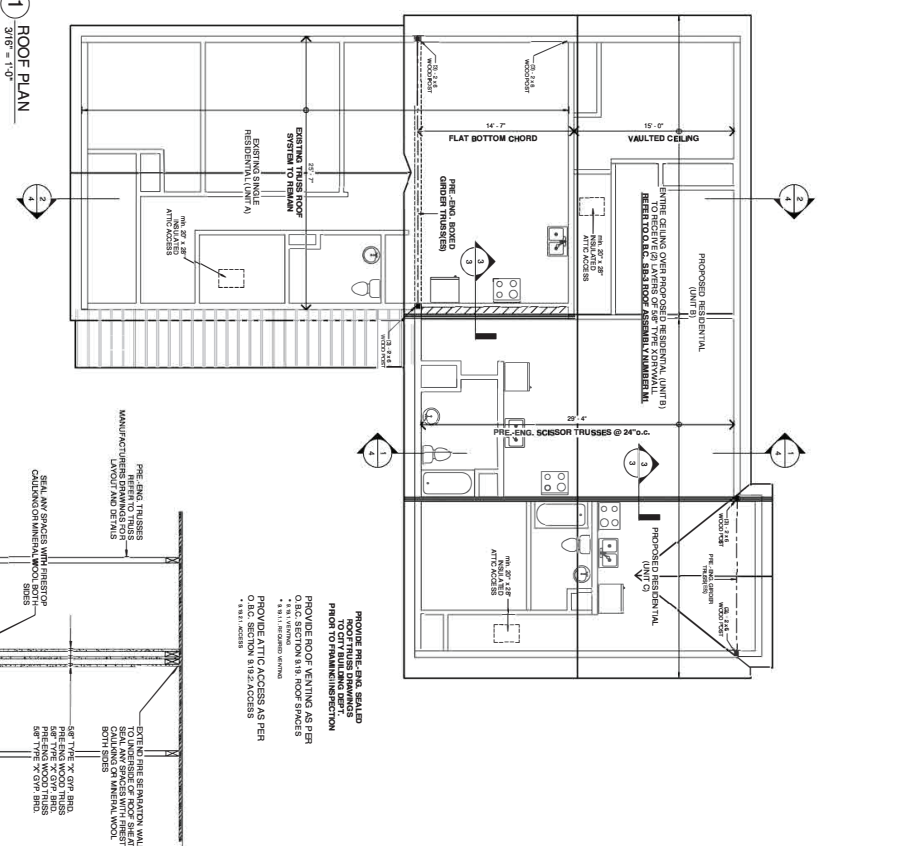
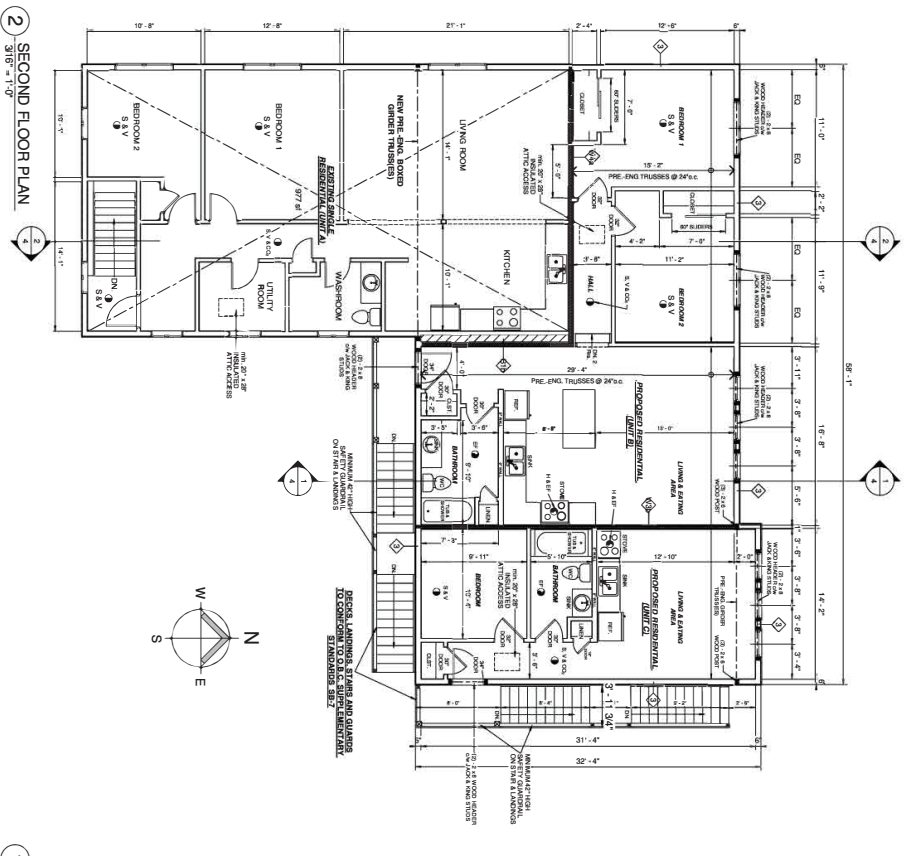


WALL TYPE W4B - 1th, RATING & STC - 51



NO.	DESCRIPTION	DATE
1	FOR PERMIT	7/10/20 9:25:50 AM
2	BASEMENT & MAIN FLOOR PLANS	

337 Wellington St
Port Colborne, ON
L3K 2K4



- ALARM SCHEDULE**
- S, V & CO. — SMOKE, VISUAL & CO. ALARM
 - EF — EXHAUST FAN TO THE OUTSIDE
 - S & V — SMOKE & VISUAL ALARM
 - H & EF — EXHAUST FAN TO THE OUTSIDE

- EXHAUST FAN SCHEDULE**
- EF — EXHAUST FAN TO THE OUTSIDE
 - H & EF — EXHAUST FAN TO THE OUTSIDE

- ATTIC SPACE SEPARATION**
- SEAL ALL SPACES WITH PRESTIP CALKING OR MINERAL WOOL BATT
 - SEAL ALL SPACES WITH PRESTIP CALKING OR MINERAL WOOL BATT
 - SEAL ALL SPACES WITH PRESTIP CALKING OR MINERAL WOOL BATT

WALL SCHEDULE	
WALL TYPE 1:1	EXISTING EXTERIOR SIDING/STUCCO EXISTING 8" CONCRETE BLOCK 2 x 4 STRAPPING @ 16" O.C. FILL STUDS w/ ROXUL INSULATION 6mil POLY A/V BARRIER 1/2" DRYWALL
WALL TYPE 1:2	EXTERIOR GRADE SIDING TY-VEK HOUSE WRAP 7/16" OSB 2 x 6 STUDS @ 16" O.C. FILL STUDS w/ R-22 BATT 6mil POLY A/V BARRIER 1/2" DRYWALL
WALL TYPE B1B - 1.5hr. RATING & STC - 50	EXISTING 8" CONCRETE BLOCK (SIMILAR TO O.C. - S83 - WALL TYPE B1B) 2 x 4 STRAPPING @ 16" O.C. FILL STUDS w/ ROXUL INSULATION 1/2" DRYWALL
WALL TYPE W1B - 1hr. RATING & STC - 35	5/8" TYPE "X" DRYWALL BOTH SIDES 2 x 4 STUDS @ 16" O.C. FILL STUDS w/ ROXUL INSULATION
WALL TYPE W3B - 1hr. RATING & STC - 48	UNIT B UNIT C (1) LAYER OF 5/8" TYPE "X" DRYWALL 2 x 4 STUDS @ 16" O.C. FILL STUDS w/ ROXUL INSULATION RESISTANT CHANNEL @ 24" O.C. (1) LAYER OF 5/8" TYPE "X" DRYWALL
WALL TYPE W4A - 1hr. RATING & STC - 51	UNIT A UNIT B EXISTING DRYWALL FINISH EXISTING 2 x 4 STUDS @ 16" O.C. EXISTING BATT INSULATION TO REMAIN NEW RESISTANT CHANNEL @ 24" O.C. (2) NEW LAYERS OF 5/8" TYPE "X" DRYWALL

FOR PERMIT

7/6/2019 9:25:51 AM

SHEET TITLE: SECOND FLOOR & ROOF PLANS

SCALE: As indicated

SHEET NO: 3

337 Wellington St
Port Colborne, ON
L3K 2K4

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ARCHITECT ASSOCIATION OF ONTARIO

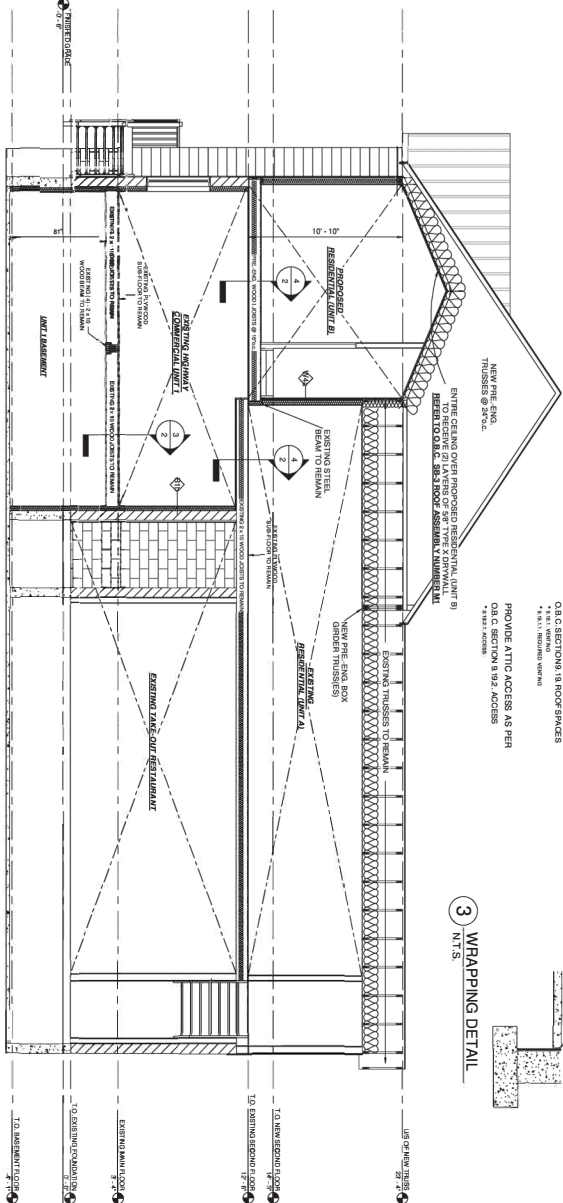
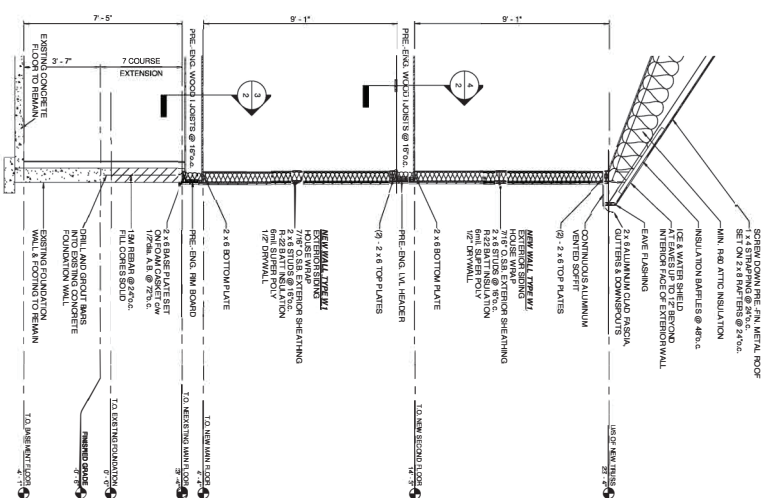
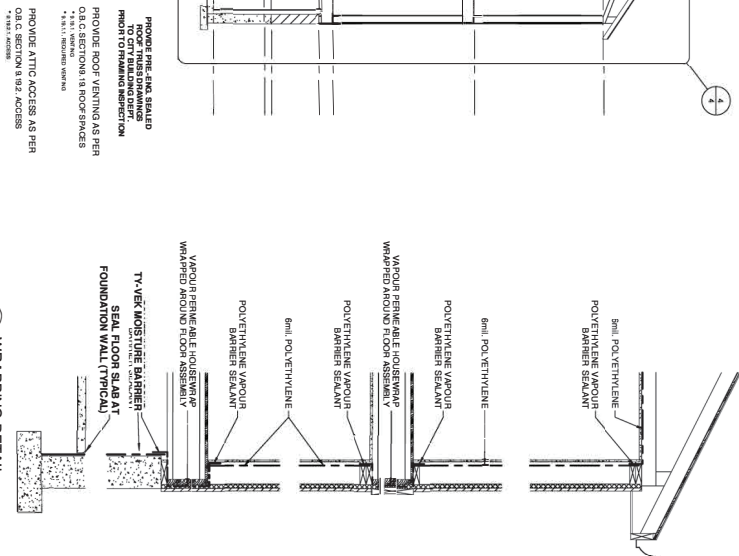
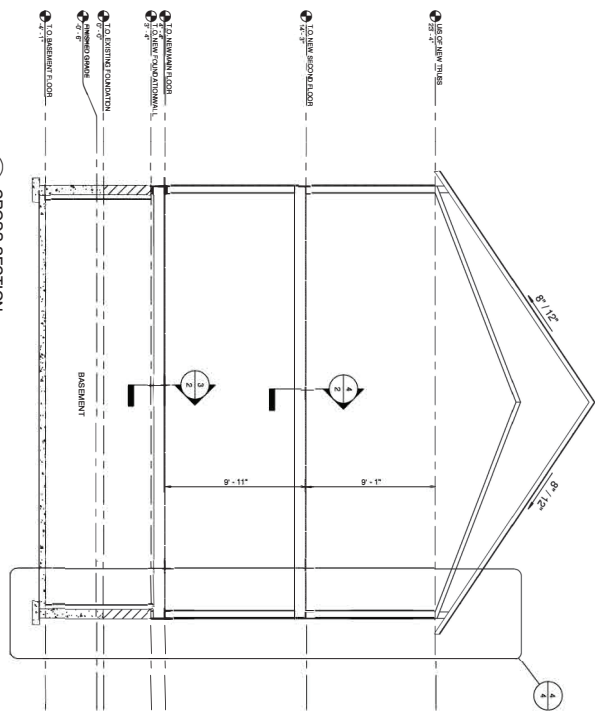
ARCHITECT: JASON W. ZIMMERMAN, ARCHITECT INC.

PROFESSIONAL DESIGNER: JASON W. ZIMMERMAN, ARCHITECT INC.

PROFESSIONAL DESIGNER: JASON W. ZIMMERMAN, ARCHITECT INC.

PROFESSIONAL DESIGNER: JASON W. ZIMMERMAN, ARCHITECT INC.

PROFESSIONAL DESIGNER: JASON W. ZIMMERMAN, ARCHITECT INC.



No	Description	Date
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337 Wellington St.
Port Colborne, ON
L3K 2K4



ON PIZZACCHIO DESIGN ARCHITECTS INC.
296 RIDGE ROAD N.
RIDGEWAY, ONTARIO, L0S 1N0
T. 805-864-8300
F. 905-864-8603
e-mail: pizzacchio@pdc.ca
CERTIFICATE OF PRACTICE : # 4053



Planning Justification Report

Applications to Amend the City of Port Colborne
Official Plan and Zoning By-law 6575/30/18

2466602 Ontario Ltd.
335 Wellington Street
City of Port Colborne

December 2021



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1.0

Introduction

1.0 Introduction

2466602 Ontario Ltd. ("2466602") is the owner of the lands known as 335 Wellington Street, located in the City of Port Colborne ("City").

Wellings Planning Consultants Inc. was retained by 2466602 to provide planning advice and to prepare and file applications to amend the City of Port Colborne Official Plan ("PCOP") and Comprehensive Zoning By-law 6575/30/18 ("ZBL") to permit a cannabis retail store. This Planning Justification Report has been prepared in support of the applications.

An aerial photograph of a residential neighborhood, showing houses, streets, and trees, all overlaid with a semi-transparent green filter. The text is centered over the image.

2.0

Property Description and Surrounding Land Uses

2.0 Property Description and Surrounding Land Uses

The subject lands comprise an approximate 0.1 hectare (0.26 acre) parcel located at the southeast corner of Wellington Street and Main Street East (Highway 3) in the City of Port Colborne. The location of the subject lands is shown on **Schedule 1** to this report.

The site is currently occupied by an existing, newly renovated, building containing a restaurant, four currently vacant ground floor commercial units and three residential units on the second floor. The property is mostly paved, with surface parking along the front and side of the building, and with minimal landscaping. Access to the property is achieved from both Wellington Street and Main Street East. The subject lands are generally flat.

Wellington Street is a local collector road which runs north-south between Killaly Street East and Berkley Avenue. Main Street East runs east-west and is a Provincial Highway (Highway 3) for most of its length, but becomes to a Regional Road after intersecting with Highway 140 just east of the subject lands. The subject property is accessible by public transit, with two bus stops immediate to the property. Downtown Port Colborne is approximately a five-minute drive from the property.

The surrounding area is largely residential, with single-detached dwellings being the dominant built form flanking the subject lands along Wellington Street and Main Street East. Across from the property to the north of Main Street East is a gas station and convenience store. A small-scale recycling centre is located to the west of Wellington Street. A five-storey apartment building is located at the northwest corner of Wellington Street and Main Street East.



3.0

Development Proposal

3.0 Development Proposal

2466602 is proposing to amend the PCOP and ZBL to permit a cannabis retail store. Specifically, 2466602 seeks to introduce a cannabis retail store at 335 Wellington Street within one of the vacant ground floor commercial units in the existing building. The proposed use includes a retail space on the ground floor of approximately 40 square metres (400 square feet), with a separate secured storage area in the basement. Site, elevation and floor plans for the proposed use are appended as **Schedule 2** of this report.



4.0

Cannabis Policy and Legislation

4.0 Cannabis Policy and Legislation

In 2018, the federal *Cannabis Act* was passed allowing the production, distribution and sale of recreational cannabis by federal license holders in Canada, so long as they are doing so in a municipality that “opted-in” to the retail sale of cannabis. The Act provides regulations intended to protect public health and safety to allow for the lawful sale of recreational cannabis. Recreational and medical cannabis are controlled and licensed separately, with medical cannabis requiring specific healthcare authorization. The proposed use is for recreational cannabis sales.

The *Cannabis Licence Act, 2018* was passed by the Province under the *Cannabis Act*, and provides further regulations regarding the retail sale of recreational cannabis and standards for cannabis retail stores, such as requirements for surveillance, equipment, storage of goods and records. The Alcohol and Gaming Commission of Ontario has also released a document under the *Cannabis Licence Act*, titled *Registrar’s Standards for Cannabis Retail Stores*, which further details physical requirements for cannabis retail stores such as requirements for entrances and exits, pickup areas, sales floor areas, and storage areas.

2466602 is in the process of becoming licensed and will comply with all requirements and standards for the lawful sale of recreational cannabis within the proposed retail space.

4.1 Cannabis Retail Sales “Opt-In”

In January 2019, Council approved Report 2019-01 to “opt-in” to permitting cannabis retail stores in the City. Beginning December 13, 2018, the City began collecting public input through online and telephone surveys regarding the retail sale of cannabis and whether the City should allow private retail storefronts for the sale of cannabis. On January 2, 2019, an Open House was held to further discuss the matter. The results of the public consultations were as follows:

Online Survey: **1,411 surveys completed**
 71% in favour of opting in
 22% in favour of opting out
 7% in favour of opting out for now

Telephone Survey: **400 interviews completed**
 56% in favour of opting in
 25% in favour of opting out
 19% in favour of opting out for now

Open House: **45 members of the public attended**
 38% in favour of opting in - 9 responses
 54% in favour of opting out – 13 responses
 8% in favour of opting out for now – 2 responses

It was noted that:

Upon review of the survey results, opting in to allow cannabis retail stores scored the greater percentage than opting out or opting out for now (and opting in at a later date).

The public consultations also collected input regarding concerns from the public with respect to retail cannabis sales. The most significant concerns included safety and security and proximity to sensitive land uses like schools and daycares.

On January 14, 2019, at its Regular Meeting of Committee of the Whole, Council adopted the following recommendation from the Planning and Development Department that:

The Council of the Corporation of the City of Port Colborne “opt-in” to permitting physical cannabis retail stores effective April 2019; and,

That the Cannabis Retail Sale Policy Statement be adopted.

4.2 Cannabis Retail Sale Policy Statement

As part of the Council’s approval of cannabis retail stores in the City, the Cannabis Retail Sale Policy Statement (“Cannabis Statement”) was adopted. The Cannabis Statement provides guidance to:

“help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the City of Port Colborne.”

The Cannabis Statement specifies that:

“In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including public and most private schools. A distance buffer of 150m is required from a cannabis retail store to these uses and will include libraries, parks, and community, mental health or addiction centres.”

The 150 metre setback from schools is also a legislative requirement as per the *Education Act R.S.O. 1990*.

There are no sensitive land uses within 150 metres of the subject property. A map of the subject property showing a 150 metre radius of the surrounding area is shown on **Schedule 3** of this report. There is a YMCA and wellness centre located to the southeast of the property at 550 Elizabeth Street, which is approximately 400 metres away from the subject lands. A park with playing fields is also found adjacent to the southeast of the subject property, however the subject property is not accessible from the playing fields. It is important to note that residential uses are not considered sensitive uses under the Cannabis Statement.



5.0

Pre-consultation

5.0 Pre-consultation

A pre-consultation meeting was held with City staff on May 13, 2021, which Wellings Planning Consultants Inc. did not attend. At the meeting, staff advised that a market evaluation would be required to justify the suitability of this use outside of the downtown core, and that a planning justification report would be required to justify the Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”). It was also indicated that the permitted retail use should be limited to a specific use, in this case being a cannabis retail store.

It was noted that the subject property is located outside of the Region’s Core Natural Heritage System, meets the recommended road width requirements as per the Regional Plan, and is serviced by municipal water, sanitary, and storm sewers. There is also existing municipal waste collection available.

An aerial photograph of a suburban neighborhood, showing a grid of streets, houses, and trees. The entire image is overlaid with a semi-transparent green filter. The text '6.0 Planning Framework' is centered over the image in a large, white, sans-serif font.

6.0

Planning Framework

6.0 Planning Framework

This section provides a review of the applicable planning policies and provisions.

6.1 Provincial Policy Statement (2020)

The current Provincial Policy Statement (“PPS”) came into effect on May 1, 2020. It is a key provincial planning document that lays the foundation for many of the Province’s policies. As required under Section 3 of the *Planning Act*, all land use decisions must “be consistent with” the PPS. The PPS sets a framework for development and the use of land that makes efficient use of land and infrastructure, while avoiding sensitive or significant resources.

Part IV: Vision

Part IV of the PPS sets out the Province’s vision for the wise management of land to meet a full range of current and future needs of residents. Ensuring efficient development patterns that make the best use of land and existing infrastructure while ensuring the health and safety of residents are foundational principles of the PPS. The vision of the PPS establishes that:

“Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.”

By locating within an existing commercial building, the proposed use makes efficient use of land and existing infrastructure. The subject lands are outside of any sensitive areas. The City’s Cannabis Statement has also been considered to ensure that risk to public health and safety is mitigated.

Part V: Policies

Managing and Directing Land Use

Policies under Section 1.1 set out provincial policies for managing and directing land use. Applicable policies include:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) **promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;**
- b) **accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including**

places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- e) **promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;**

The proposed use promotes efficient development and land use patterns by utilizing an existing building and available infrastructure. The use would introduce a new commercial use to a mixed-use area and is transit supportive. The property is serviced by Welland Transit, by Port Colborne Community Bus Route 701.

Settlement Areas

Section 1.1.3 of the PPS pertains to Settlement Areas, which are considered “built up areas where development is concentrated, and which have a mix of land uses.” The subject property is within a Settlement Area as defined by the PPS.

Policies that promote wise and efficient use of land within Settlement Areas include:

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) **efficiently use land and resources;**
- f) **are transit-supportive, where transit is planned, exists or may be developed.**

The proposed use will efficiently use land and existing infrastructure and is located on an existing transit route with bus stops immediately accessible to the site. Ensuring efficient use of land will also include:

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Intensification in the PPS is defined as:

“the development of a property, site or area at a higher density than currently exists through:

- c) **the expansion or conversion of existing buildings.”**

The proposed use meets the PPS definition for intensification by converting an existing vacant unit for a retail use. The subject property is located away from sensitive areas to address potential public health and safety concerns.

It is my opinion that the proposal is consistent with the PPS.

6.2 Growth Plan: A Place to Grow (2020)

An updated Growth Plan came into effect on August 28, 2020. The Plan builds on the policies in the PPS and provides policies that promote the efficient growth of the area, including commercial uses, employment, transportation, infrastructure planning and housing.

Guiding Principles

Section 1.2.1 of the Growth Plan addresses guiding principles. The policies of this section regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- **Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.**
- **Provide for different approaches to manage growth that recognize the diversity of communities in the Greater Golden Horseshoe.**

The legal sale of recreational cannabis is an emerging retail sector, thus providing a new economic/employment opportunity. The proposed use contributes to growth management by utilizing existing infrastructure and contributes to satisfying the diverse needs of the community.

Where and How to Grow

Section 2.1 (Context) of the Growth Plan provides context for the wise management of land and growth. Specifically, this section states that:

“It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing need and market demand. This Plan's emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and public service facilities, and less on continuously expanding the urban area.”

The proposed use will utilize an existing, underutilized building without consuming more urban land.

Section 2.2.1.4. pertaining to complete communities is also relevant and reads as follows:

4. Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes.

The proposed use will introduce a small-scale retail store in a mixed-use neighbourhood surrounded by residential uses, offering convenient access to those who utilize cannabis for recreational purposes.

Some policies under Section 2.2.5 (Employment) are also relevant to this proposal and read as follows:

3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

15. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

The subject property is located in proximity to existing residential uses. The use supports active transportation, and is located on a bus route with stops immediately adjacent to the property. The proposed use also supports the intensification of the subject property by locating within an existing building with four empty available commercial units that are suitable for retail use.

It is my opinion that the proposal conforms to the Growth Plan.

6.3 Niagara Region Official Plan

The subject property is also governed by the policies of the Niagara Region Official Plan ("ROP"). The property is within the "Urban Area Boundary" and situated within the "Built-Up Area" as per Schedule A of the ROP. Growth Management Objectives for the Niagara Region and Urban Areas are listed under Section 4.A.1. Relevant objectives include:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas.

Objective 4.A.1.2 Direct a significant portion of Niagara's future growth to the Built-up Area through intensification.

Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.

Objective 4.A.1.10 Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment

opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.

The subject property is located within the existing Urban Area and within the “Built-Up Area”. The use will contribute to intensification of the subject property, and will be compact, transit supportive, and provide local employment opportunities with easy access to the surrounding neighbourhood and the travelling public.

The proposed use also satisfies some of the policies listed under Section 4.G Urban Growth, for achieving the sustainable urban vision for the Region, including:

- **Encouraging mixed and integrated land uses;**
- **Making efficient use of land, resources and infrastructure;**
- **Promoting compact, transit supportive development friendly to active transportation;**
- **Supporting intensification.**

The proposed use encourages a mix and integration of land uses in the subject area, which is predominantly residential, and represents efficient use of land and infrastructure by utilizing an existing building having full municipal services. The subject property is transit supportive and contributes to intensification as defined by the PPS.

Policies pertaining to “Commercial Areas” are covered under Section 3.D of the ROP. Relevant policies under this section include the following:

3.D.2 Municipalities are encouraged to develop policies which carefully balance the supply of commercial space with the demand for commercial goods and services, placing a particular emphasis on commercial retail goods and services.

3.D.8 The Region recognizes neighbourhood commercial activities as an integral part of Niagara’s residential areas.

3.D.10 New commercial development or redevelopment should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood’s existing or proposed fabric. Assessment in relation to community character could include:

- a) **The scale of the activity;**
- b) **The orientation of the development to adjacent land uses; and,**
- c) **The capacity of the development to operate compatibly with housing.**

3.D.11 Commercial development and redevelopment projects should be designed to be transit and active transportation friendly.

The proposal will introduce one (1) additional commercial use (i.e., cannabis retail store) to an existing commercial property located within the “Built-Up Area”. The proposed use contributes to balancing the supply for the increased demand for cannabis products in recent years. The proposed use is small-scale retail, and the location will serve the surrounding neighbourhood and travelling public without altering the character of the area. There are no major changes proposed to the existing, newly renovated building. The subject property is also transit friendly, with two bus stops immediately accessible to the subject property.

The proposal to allow a cannabis retail store on the subject property conforms to the ROP. Conformity to the ROP was also confirmed at the May 13, 2021 pre-consultation meeting.

6.4 City of Port Colborne Official Plan

The Port Colborne Official Plan (“PCOP”) was approved by the then Ontario Municipal Board on November 25, 2013. The plan sets out long-term goals and objectives for the community and guides how growth and change is managed.

The subject property is located within the Urban Area Boundary and is designated “Highway Commercial” as per Schedule A: City-Wide Land Use in the PCOP. The “Highway Commercial” designation is covered under Section 3.8 of the PCOP.

Criteria Under Section 3.8

Policies for the “Highway Commercial” designation can be found under Section 3.8, which states that:

The predominant uses for lands designated Highway Commercial shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker.

As well, the General Policies under Section 3.8.1 further establish that:

b) Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices shall not be permitted.

The policies direct that most retail uses shall be directed to the downtown. Thus, an amendment for a site-specific retail use (i.e., cannabis retail store) outside of the Downtown Commercial area is required.

Other relevant policies include the following:

- d) Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures.**
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.**
- f) At the time the existing residential or commercial development fronting Main Street between the Welland Canal and Elizabeth Street are redeveloped, they should be redeveloped to a higher order of mixed use comprising ground floor commercial integrated with upper storey residential uses, and generally comply with the design guidelines in the Downtown designation.**
- h) New and expanding Highway Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted.**

The existing, recently renovated building conforms to these policies. Adequate off-street parking with two separate driveway entrances to the site are existing. The property fronts Main Street East and is located between the Welland Canal to the west and Elizabeth Street (Highway 140) to the east. No additional commercial space is proposed and the proposed use will occupy existing, vacant ground floor commercial space, with residential uses above.

It is my opinion that consideration of an OPA for a site-specific cannabis retail store is reasonable and appropriate. The proposed use is compatible with surrounding land uses. Furthermore, it is a destination type use that is not reliant on pedestrian traffic normally associated with a downtown shopping district. Further, the proposed use is similar in nature and scale to uses already permitted in the Highway Commercial Zone, such as convenience store, as detailed below in Section 6.5. It is my opinion that this specific use is appropriate in a "Highway Commercial" designation.

6.4.1 Market Evaluation

As mentioned above, a market evaluation for the proposed cannabis retail store was requested at the pre-consultation meeting to justify its location outside of the downtown. Revitalization of the downtown core is a stated objective of the Official Plan, and is addressed in the Economic Development Policies found in Section 2.4.6.1 of the PCOP. In keeping with this goal, the majority of retail commercial uses are directed to locate in the downtown as per the following policy:

2.4.6.1 General Commercial

- a) Commercial development will be directed to the following distinct commercial areas:**
 - i) Downtown/West Street;**

- ii) Main Street;
- iii) Two (2) existing shopping centres; and
- iv) Portal Village Plaza

Although not located downtown, the subject lands front onto Main Street East, thus the subject property is considered a distinct commercial area as per this policy.

In our evaluation of the Zoning By-law, we identified that only two (2) zones currently permit stand-alone (non-accessory) retail stores. These are the Commercial Plaza (“CP”) Zone and the Downtown Commercial (“DC”) Zone. There are three existing cannabis retail stores in the City. Two of these are located within the DC Zone within the downtown area: “True North Cannabis”, located at 349 King Street, and “Weedy Point”, located at 230 Main Street West. A third cannabis retail store, “Sessions Cannabis”, is located at 287 West Side Road in a CP Zone. The locations of the existing cannabis retail stores are shown on **Schedule 4** to this report. All of these stores are located on the west side of the canal, and therefore serve a different part of the community than the subject property.

Therefore, the proposed location introduces a cannabis retail store to a part of the City where there is currently not one existing. The proposed site-specific permission in a Highway Commercial Zone will provide a reasonable separation between cannabis retail stores.

The City’s Economic Development Strategic Plan (March 2018) also speaks to the importance of downtown and includes the following guiding principle:

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.

Protecting the downtown and encouraging its function as a primary retail district for the Town is a laudable goal. However, a concentration of retail cannabis locations within the downtown core is not, in my opinion, desirable and may have a negative impact on the downtown by taking up available retail space from other potential retail uses. Additionally, a concentration of cannabis retail locations may detract from the small-town character that the Economic Development Strategy seeks to nurture. Furthermore, the proposed location ensures there are no impacts to sensitive land uses. The proposed retail space is approximately 40 square metres (400 square feet) in area, and small-scale in nature. Specific retail uses of this size are not anticipated to have a market impact.

6.5 Comprehensive Zoning By-law 6575/30/18

The subject lands are presently zoned Highway Commercial (“HC”) under the City’s Comprehensive Zoning By-law 6575/30/18 (“ZBL”). The current zoning permits a range of

service commercial, office and institutional uses. General retail uses are not permitted under the current zoning. A ZBA is required to permit the proposed site-specific retail use.

The current zoning does, however, allow for uses that are similar in nature to the proposed use, such as a “convenience store”, which is defined as:

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.

The proposed use is a retail store that sells small quantities of specialized products. Other uses that allow retail components are also permitted in the HC Zone, including “hotel”, which is defined as:

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.

As well, “recreation facility”, which is defined as:

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

These definitions support that retail uses are not strictly prohibited and may be appropriate in an HC Zone.



7.0

Draft Amendments

7.0 Draft Amendments

7.1 Draft Official Plan Amendment

Attached as **Schedule 5** to this report is a Draft Official Plan Amendment (“OPA”). The OPA proposes a site-specific amendment to allow a cannabis retail store on the subject property in addition to the existing permitted uses in the “Highway Commercial” designation.

The OPA further proposes a definition for “cannabis retail store.”

7.2 Draft Zoning By-law Amendment

Attached as **Schedule 6** to this report is a Draft Zoning By-law Amendment (“ZBA”). The ZBA proposes a site-specific amendment to allow a cannabis retail store in addition to the existing permitted uses in the HC Zone.

The ZBA further proposes a definition for “cannabis retail store.”

An aerial photograph of a city neighborhood, showing residential streets, houses, and a parking lot. The entire image is overlaid with a semi-transparent green filter. The text is centered on the left side of the image.

8.0

City Economic Development Strategic Plan

8.0 City Economic Development Strategic Plan

As noted, the policies and provisions contained within the PCOP and the ZBL are intended to direct retail uses to the downtown area. The City's Economic Development Strategic Plan: 2018-2028 ("Economic Plan") provides directives on how the growth in Port Colborne, including its downtown area, should be achieved. This plan specifies the following goals:

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.

Port Colborne needs to establish a reputation as a charming, small-town community.

A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere.

As previously noted, there are already two cannabis retail locations within the downtown. Recreational cannabis outlets are legitimate retail uses that are appropriate in the downtown. However, concentrations of this use would not, in my opinion, contribute to "a charming, small-town community".



9.0

Planning Opinion

9.0 Planning Opinion

Based on my review of the pertinent planning documents including current legislation, provincial policies, the ROP, the PCOP, and the ZBL, it is my opinion that the proposed amendments to the PCOP and ZBL to permit a site-specific retail cannabis store is appropriate and represents good planning. A “Highway Commercial” designation is a reasonable and appropriate location for the proposed use.

Legal Considerations

The retail sale of recreational cannabis was legalized by the federal government through the *Cannabis Act* in 2018. The *Cannabis Licence Act, 2018* was also passed in Ontario to provide further standards and regulations for licensing and sale of cannabis. The *Registrar’s Standards for Cannabis Retail Stores* was also released by the Alcohol and Gaming Commission of Ontario to explain regulations for cannabis retail stores. 2466602 is in the process of becoming licensed to lawfully sell recreational cannabis, and regulations under each document have been considered and incorporated into the design and layout of the proposed cannabis retail store.

Public Engagement/Opinion

The public engagement regarding the City’s decision to “opt in” to permitting cannabis retail stores revealed that many residents (approximately 67% of those surveyed) were in favour of the retail sale of cannabis. One of the main concerns identified with the sale of cannabis during the public engagement process was proximity to sensitive land uses such as daycares and schools. Separation from these uses is a requirement of the City’s Cannabis Statement, and is a legislative requirement of the *Education Act R.S.O. 1990*. The subject property is not located near daycares, schools or other identified sensitive land uses apart from the nearby playing fields, which are not accessible from the subject property within a 150 metre area.

Downtown Considerations

The Economic Plan for Downtown Port Colborne identified a vision to establish a reputation of a charming downtown with a dining, arts, culture and shopping atmosphere. A concentration of the same or similar uses is not necessarily desirable (i.e., retail cannabis stores). As well, downtown uses are intended to serve a pedestrian nature, and a cannabis retail store is a destination and not a use that typically serves walk-in traffic.

The Cannabis Statement requires that cannabis stores be located away from land uses designated to serve youth, including schools, libraries, parks and community centres. Currently, some existing uses in and around the downtown may be considered “sensitive” as per the Cannabis Statement, including the Port Colborne Public Library, located at 310 King Street, the EarlyOn Child and Family Centre located at 92 Charlotte Street, and the Anchors Away Support Services Inc. community centre located at 59 Clarence Street. Under Section 23 of the ZBL, the Downtown Commercial (DC) Zone also permits other “sensitive” uses such as day care, medical clinic and social service facility. The majority of uses permitted in the HC Zone are not

considered sensitive. Directing this use away from the downtown ensures the cannabis retail store is well removed from existing and future sensitive uses.

335 Wellington Street Considerations

Currently, there are existing commercial and residential uses on the subject property, with a restaurant in one of the units of the existing building, and three residential units on the second floor. The surrounding uses are mainly residential, with some mixed-use properties nearby, including a gas station and convenience store and a small-scale recycling facility, which are not considered sensitive uses. All sensitive land uses in proximity to the site, including a park with playing fields and a YMCA, are well separated from the subject property. The cannabis retail store would serve the surrounding community and the travelling public on a busy, transit supportive road without concerns for public health and safety.

Compatibility


The cannabis retail store is compatible with the existing restaurant and residential uses on the property, and with surrounding land uses. It will not require exterior alteration to the existing building, with the exception of signage. Currently, the existing building is compatible in scale and character to the surrounding area. The existing building is 2 storeys in height, which is consistent with the surrounding single-detached dwellings that are between 1 to 2 storeys high. Setbacks from both Wellington Street and Main Street East are consistent with those of the surrounding residences. As well, no issues with shadows, or general built form will result from the proposed use, as it will be located in an existing unit. The residential uses on the second storey will be maintained, contributing to the compatibility of the subject property with surrounding residential uses.

Compatibility is also measured based on criteria such as safety, noise, odour and traffic generated from the proposed use. In accordance with the aforementioned *Registrar's Standards for Cannabis Retail Stores* from the Alcohol and Gaming Commission of Ontario, physical design measures to ensure safety including security cameras, lighting, and secure storage areas are requirements for retail cannabis stores. According to Section 2.0 – Physical Store Requirements:

Cameras and lighting must be positioned to clearly capture 24 hour coverage of the interior of the premises and immediately outside the premises, including the:

- a. Entrances and exits, including where IDs are checked.
- b. Pick up area(s) for cannabis purchased online or by telephone.
- c. Point of sale area(s).
- d. Receiving area(s).
- e. Sales floor area(s).
- f. Cannabis storage area(s).

2466602 will incorporate all listed measures to ensure the safety of the surrounding neighbourhood is maintained and compatibility with the adjacent residential area is achieved. As well, the store must comply with legislative restrictions for permissible hours of operation. The cannabis retail store is not expected to generate any more noise than existing neighborhood retail uses (i.e., the gas station across the street) and the security measures listed above will further serve to reduce potential noise or nuisance. Odour is also not expected to cause concerns as appropriate packaging and storage of goods will be maintained. As well, while consumption of recreational cannabis is legally permitted in many public spaces including sidewalks and parks, consumption on site is not anticipated and no seating areas or designated smoking areas will be provided. Little traffic is expected from the proposed small-scale use. As well, there is adequate parking available on the subject property, and the property is also transit accessible. The cannabis retail store will serve the surrounding community without causing nuisance or altering the neighbourhood character, and will contribute to the mix of uses in the area.



10.0

Conclusions

10.0 Conclusions

Based on my review of the pertinent legislation, planning documents and other applicable plans and policies, it is my opinion that the proposed OPA and ZBA to allow a site-specific cannabis retail store in a Highway Commercial designation and zone, outside of the downtown area, is appropriate, compatible and represent good planning.

A summary of my planning opinion is as follows:

1. The proposal is consistent with the PPS and conforms to the Growth Plan and the ROP.
2. The proposal represents an efficient use of land and existing infrastructure on an existing transit route. The proposal also contributes to the mix of land uses in the area and a complete community.
3. The proposed use is appropriate, compatible, and well separated from sensitive land uses.
4. There are currently no cannabis retail stores located east of the canal. The proposed location will serve a different market area and, in my opinion, will not have a negative market impact on the City's commercial hierarchy.
5. There is adequate existing services for water, sanitary, storm and waste collection for the subject property. The proposal will not require additional services or expansion of existing infrastructure (e.g., road widening).

Yours truly,

WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP





PROJECT:
335 Wellington St.
 Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

SCALE:
1:5500

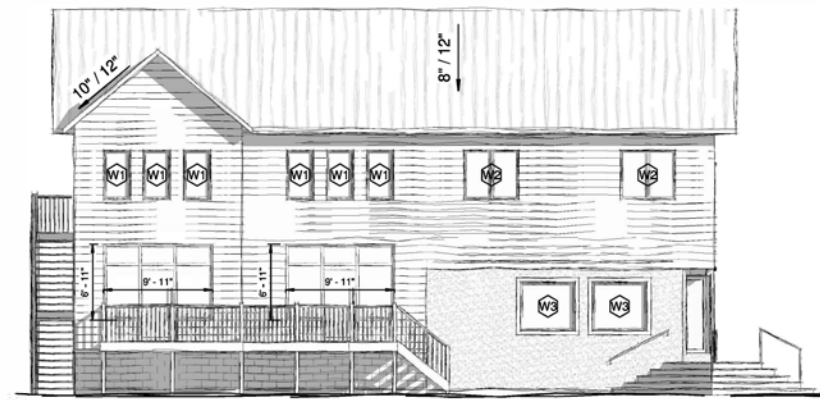
Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
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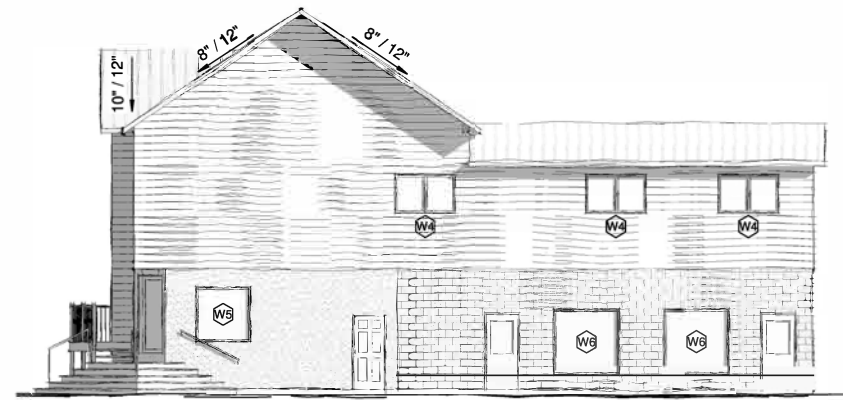
Site Location Map

SCHEDULE 1

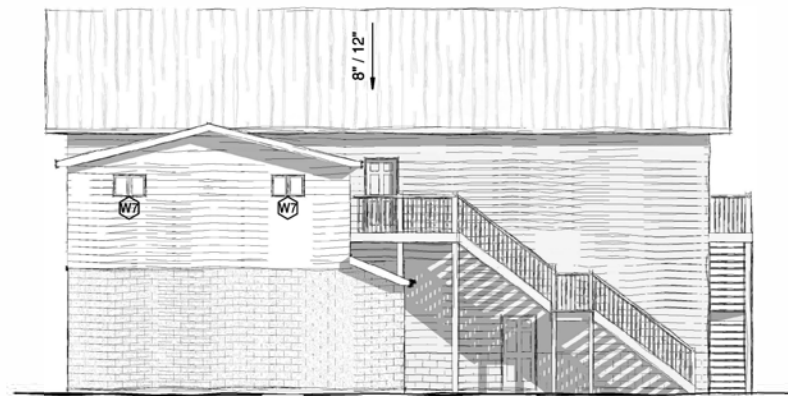
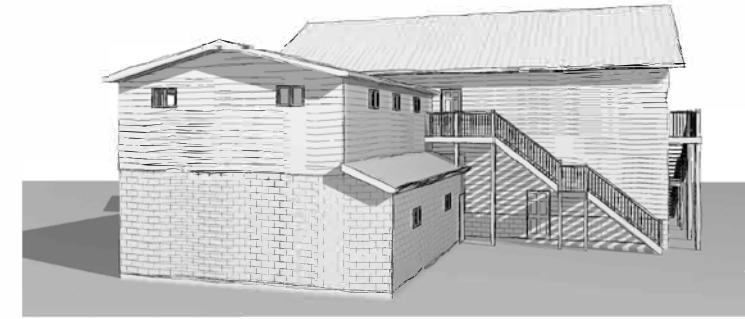
SCHEDULE 2



1 FRONT ELEVATION
1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
1/8" = 1'-0"



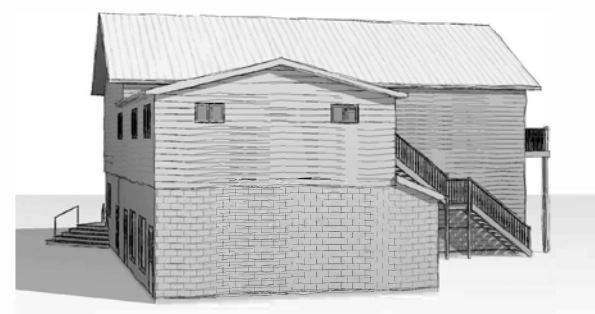
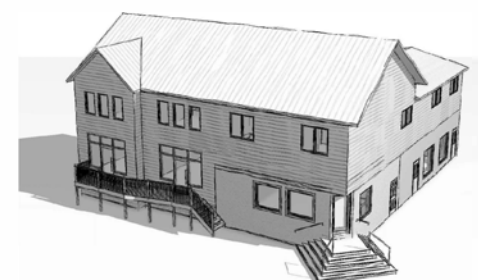
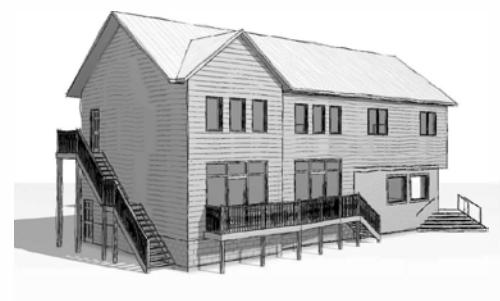
3 REAR ELEVATION
1/8" = 1'-0"



4 LEFT SIDE ELEVATION
1/8" = 1'-0"



Window Schedule			
Mark	Count	Width	Height
W1	6	30"	54"
W2	2	60"	54"
W3	2	60"	54"
W4	3	66"	42"
W5	1	60"	60"
W6	2	72"	72"
W7	7	36"	24"
Grand total: 23			

[illegible]

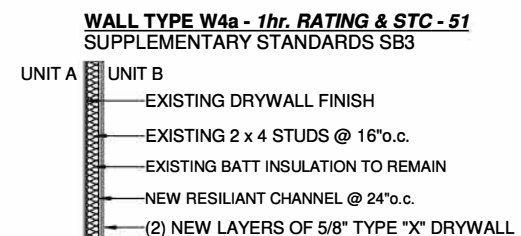
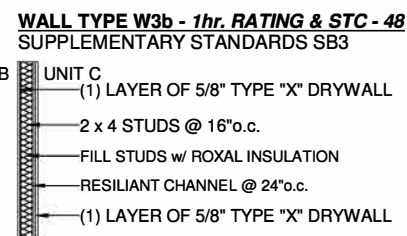
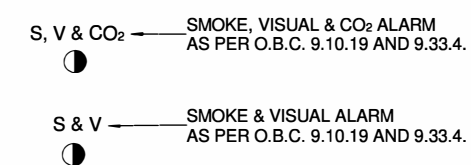
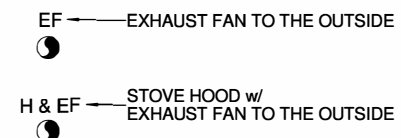
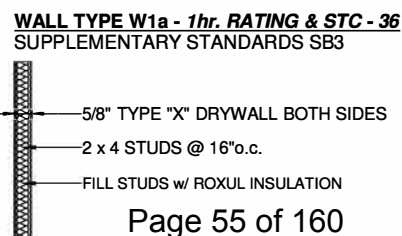
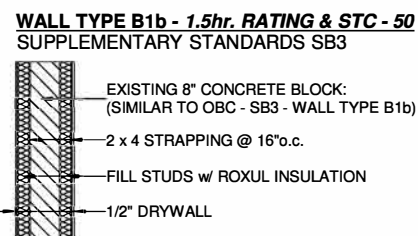
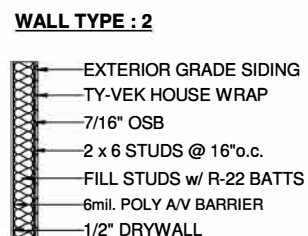
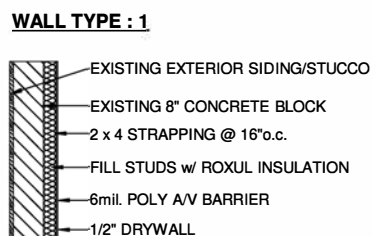
FOR PERMIT

7/07/20 9:25:48 AM

SHEET TITLE:

ELEVATIONS

JOB #:	
SCALE:	1/8" = 1'-0"
SHEET NO:	1

[illegible]

FOR PERMIT

7/07/20 9:25:50 AM

SHEET TITLE:

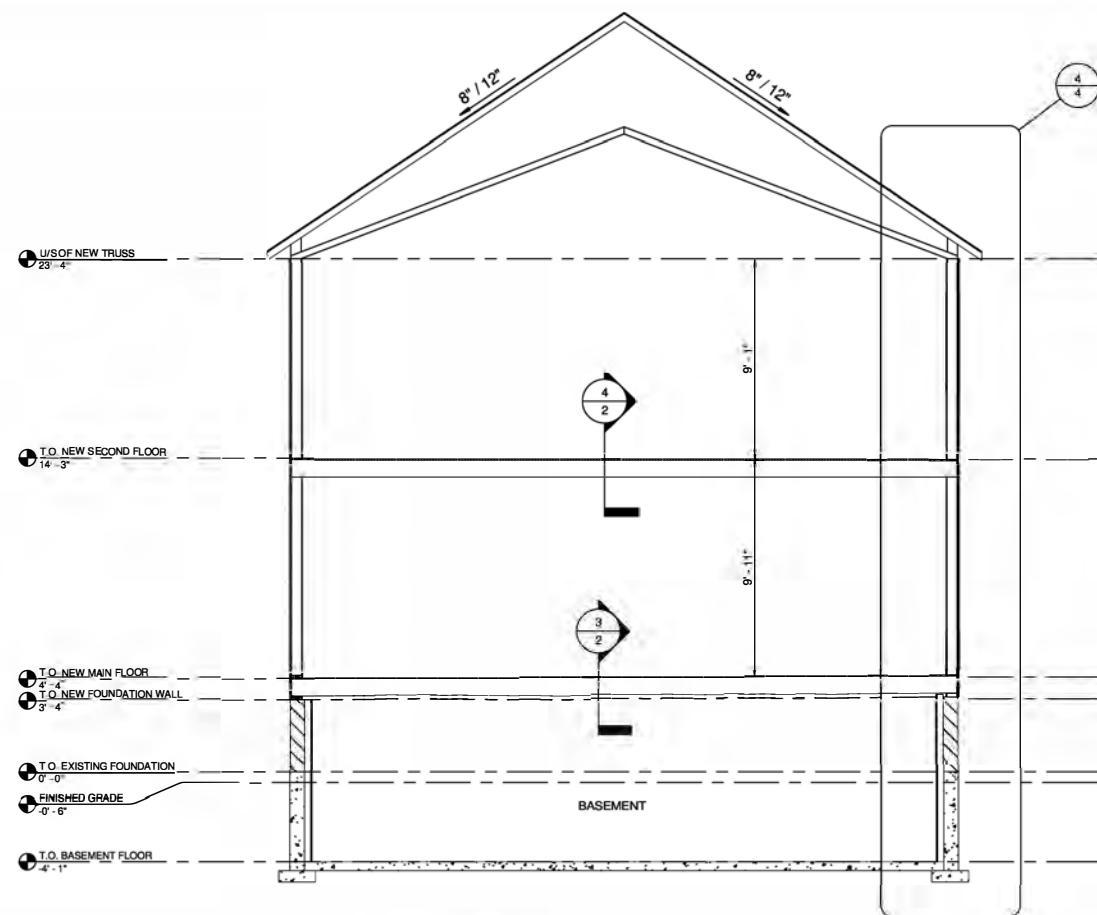
BASEMENT & MAIN FLOOR PLANS

JOB #:

SCALE: As indicated

SHEET NO.

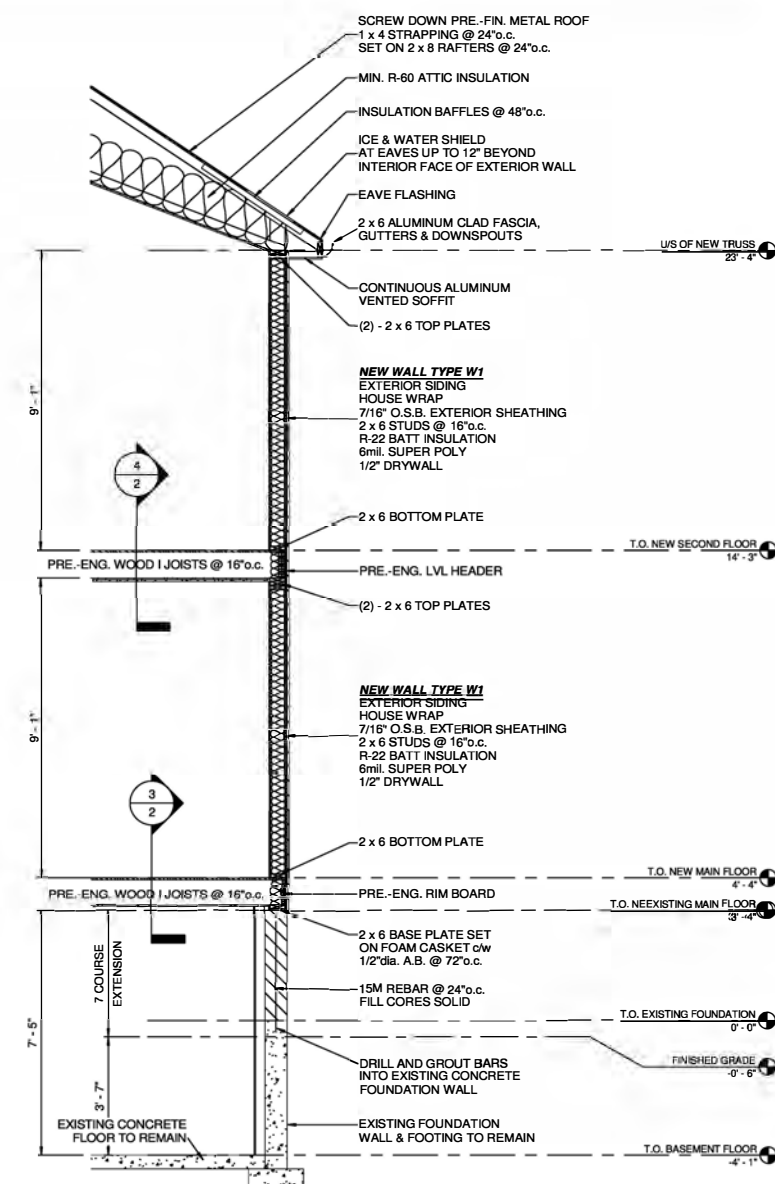
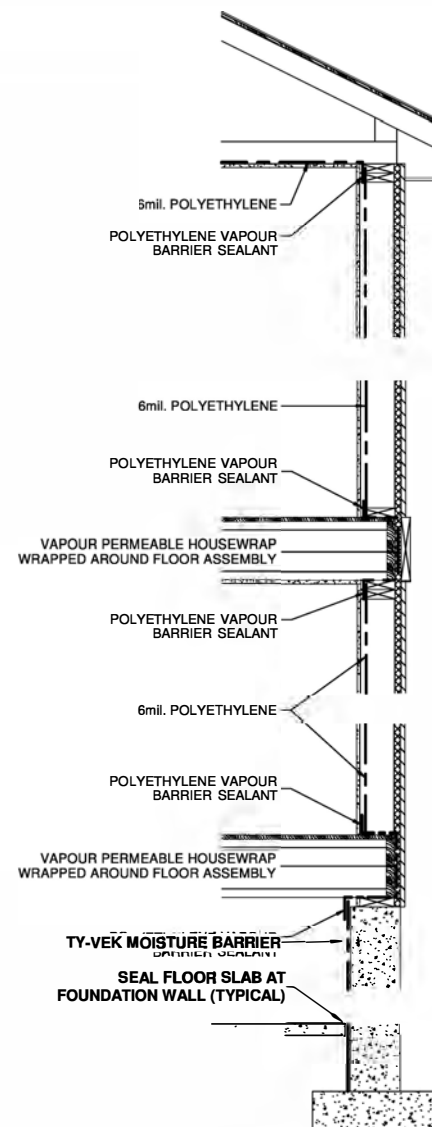
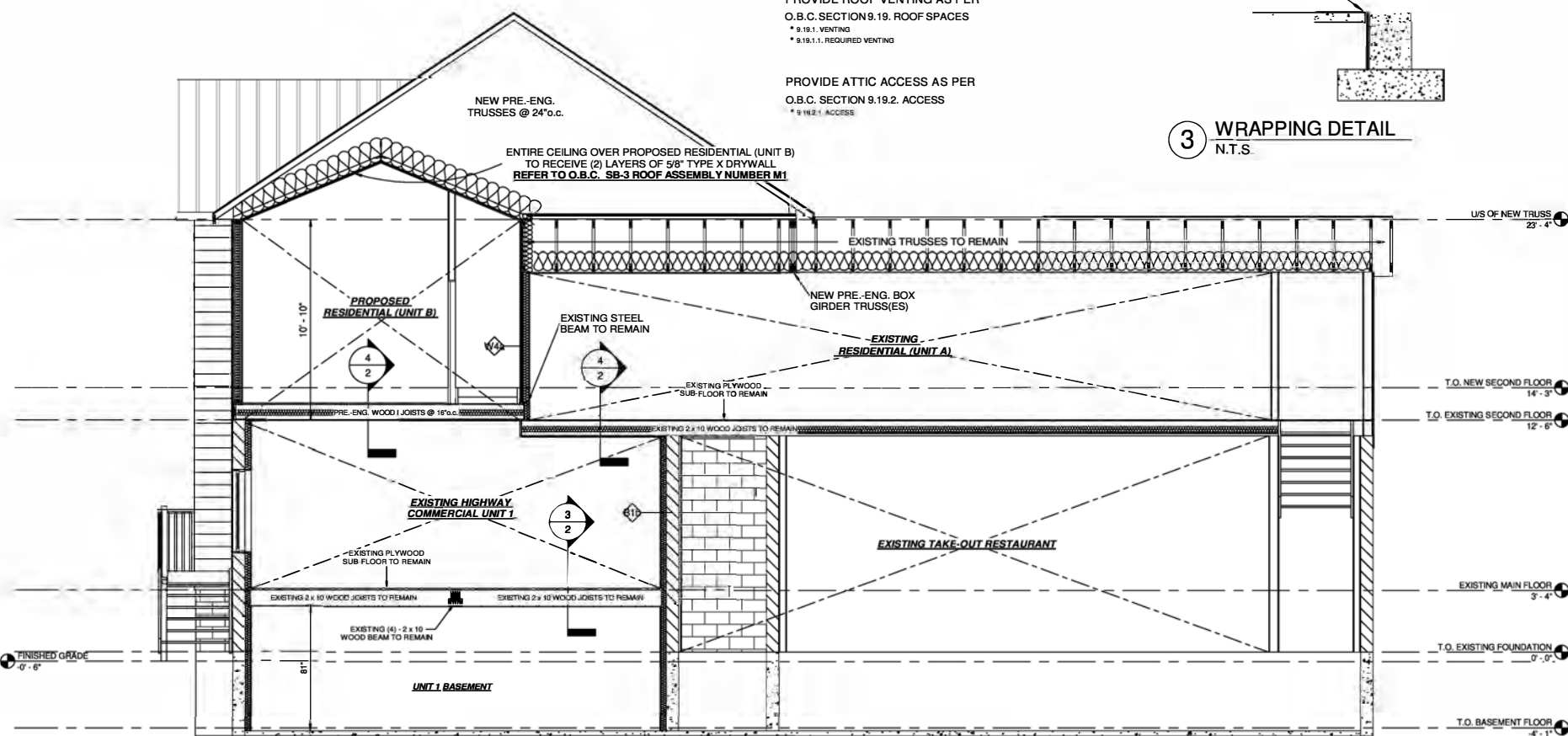
2
indicated
7/07/20 9:25:50 AM



**PROVIDE PRE-ENG. SEALED
ROOF TRUSS DRAWINGS
TO CITY BUILDING DEPT.
PRIOR TO FRAMING INSPECTION**

PROVIDE ROOF VENTING AS PER
O.B.C. SECTION 9.19. ROOF SPACES
* 9.19.1. VENTING
* 9.19.1.1. REQUIRED VENTING

PROVIDE ATTIC ACCESS AS PER
O.B.C. SECTION 9.19.2. ACCESS
* 9.19.2.1 ACCESS



JASON PIZZICAROLA DESIGN - ARCHITECTS INC
296 RIDGE ROAD N
RIDGEWAY, ONTARIO, L0S 1N0
T. 905-894-8300
F. 905-894-8400
e-mail jpizzicarola@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053



337 Wellington St.
Port Colborne, ON
L3K 2K4

[illegible]

FOR PERMIT

7/07/20 9:25:51 AM

SHEET TITLE:

SECTIONS

JOB #

SCALE: As indicated

SHEET NO:

4 d 7/07/20 9:25:51 AM



LEGEND:

 SUBJECT PROPERTY  150m RADIUS

PROJECT:
335 Wellington St.
Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

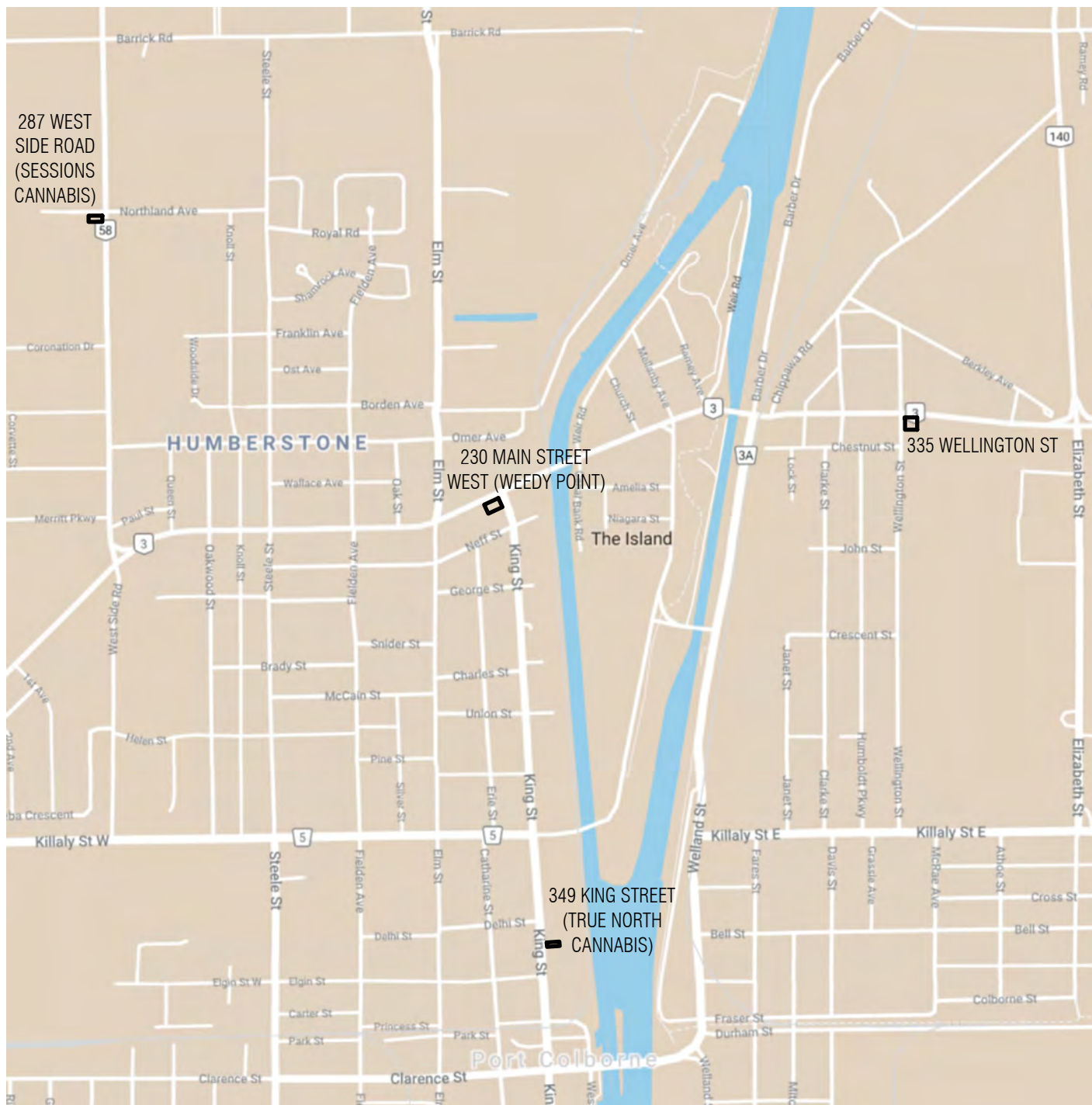
SCALE:
1:1800

Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
t - 905-681-1769 e - Glenn@WellingsPlanning.ca

Subject Property with 150 Metre Radius

SCHEDULE 3



PROJECT:
335 Wellington St.
Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

SCALE:
1:1800

Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
t - 905-681-1769 e - Glenn@WellingsPlanning.ca

SCHEDULE 4

Cannabis Retailers in the City of Port Colborne

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

Being a by-law to adopt amendment No. XXX to the
Official Plan for the City of Port Colborne.

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore the Council of the Corporation of the City of Port Colborne under Section 17(22) of the *Planning Act*, hereby enacts as follows:

1. That Official Plan Amendment No. XXX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and effect on the day of passing thereof.

Enacted and passed this _____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
City Clerk

**AMENDMENT NO. XXX TO THE OFFICIAL PLAN
FOR THE PORT COLBORNE PLANNING AREA**

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Part A – The Preamble

Purpose

Location

Basis

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Details of the Amendment

Implementation and Interpretation

Part C – The Appendices

I. Location of Subject Lands

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, constitutes Amendment No. XXX to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices

PART A – THE PREAMBLE

Purpose

The purpose of the amendment is to add a site-specific policy associated with the existing “Highway Commercial” designation permitting a “Cannabis Retail Store” on the property known as 335 Wellington Street.

Location

The lands affected by this amendment are legally described as Part of Lot 26, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street.

Basis

The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. An application has been submitted to introduce a “Cannabis Retail Store” on the subject property. The lands are designated “Highway Commercial”, which does not currently permit retail stores. A site-specific amendment to the Official Plan has been requested to allow for the proposed “Cannabis Retail Store”.

Policies of the Official Plan, the Cannabis Retail Sale Policy Statement, and public input regarding the legal storefront sale of cannabis have been considered in the preparation of this Amendment. It has been determined that site-specific consideration for a “Cannabis Retail Store” on the subject property would be compatible and appropriate, and would be well removed from sensitive land uses.

This Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The following constitutes Amendment No. XXX to the Official Plan for the City of Port Colborne under Section 3.8 “Highway Commercial”:

That the lands shown on Appendix I be redesignated from “Highway Commercial” to “Highway Commercial Special”.

In addition to the uses permitted in the Highway Commercial designation, the lands designated Highway Commercial Special, located at 335 Wellington Street, may also be used for a “Cannabis Retail Store”.

A “Cannabis Retail Store” is defined as:

a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

IMPLEMENTATION AND INTERPRETATION

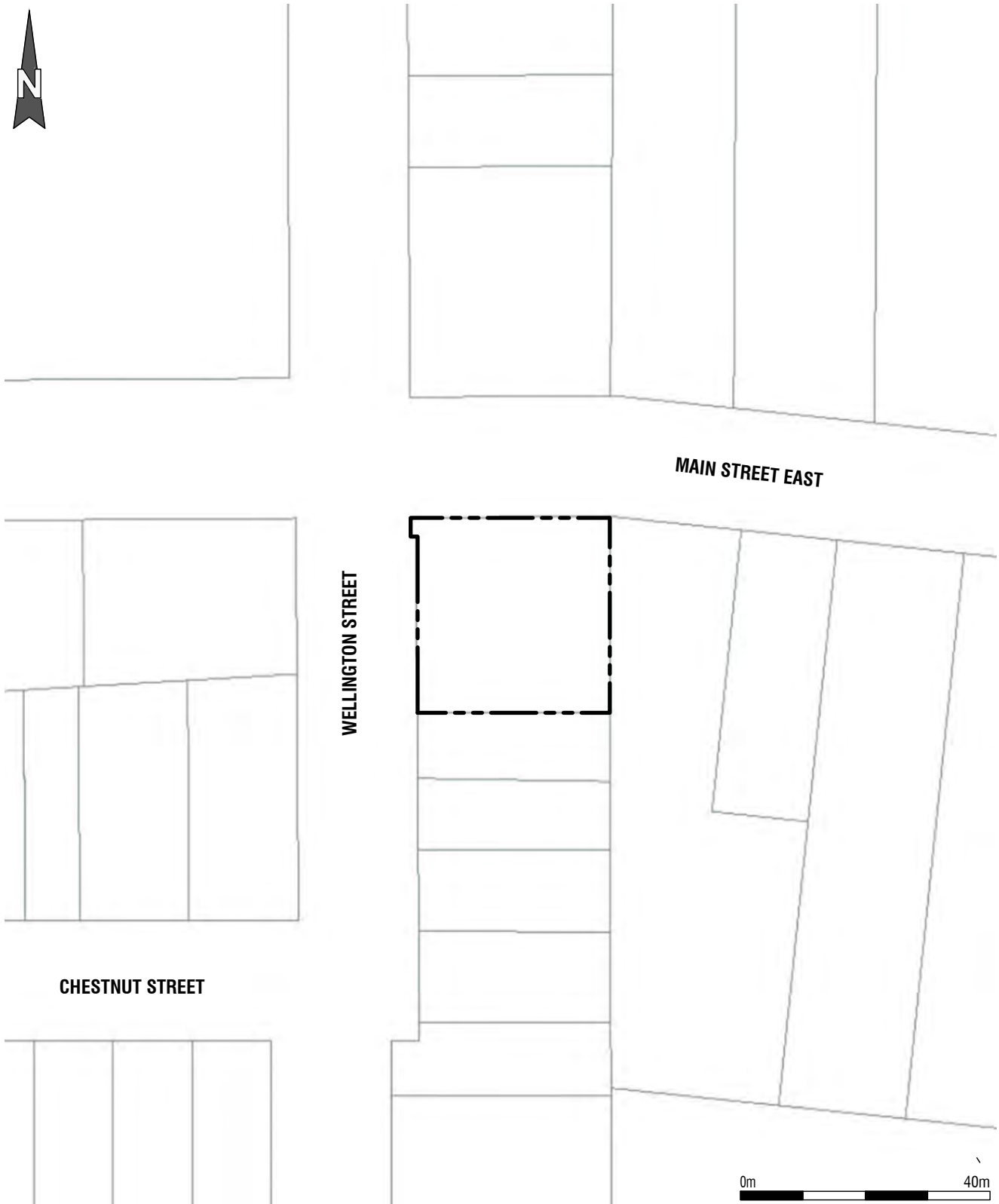
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. XXX but are included as information to support the Amendment.

Appendix I – Location of Subject Lands.

Appendix I
OPA No. _____
City of Port Colborne



This is a Appendix 1
 To OPA No. _____ Passed
 This __ Day of __, 2022



Lands to be Redesignated from
 "Highway Commercial" to
 "Highway Commercial Special"

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the lands legally described as Part of Lot 26, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of lands and the location and use of buildings and structures.

Whereas, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law.

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. The zoning of the lands is changed from Highway Commercial ("HC") Zone to Highway Commercial - Special ("HC-XX") to permit a "Cannabis Retail Store".
3. A "Cannabis Retail Store" is defined as:

A store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

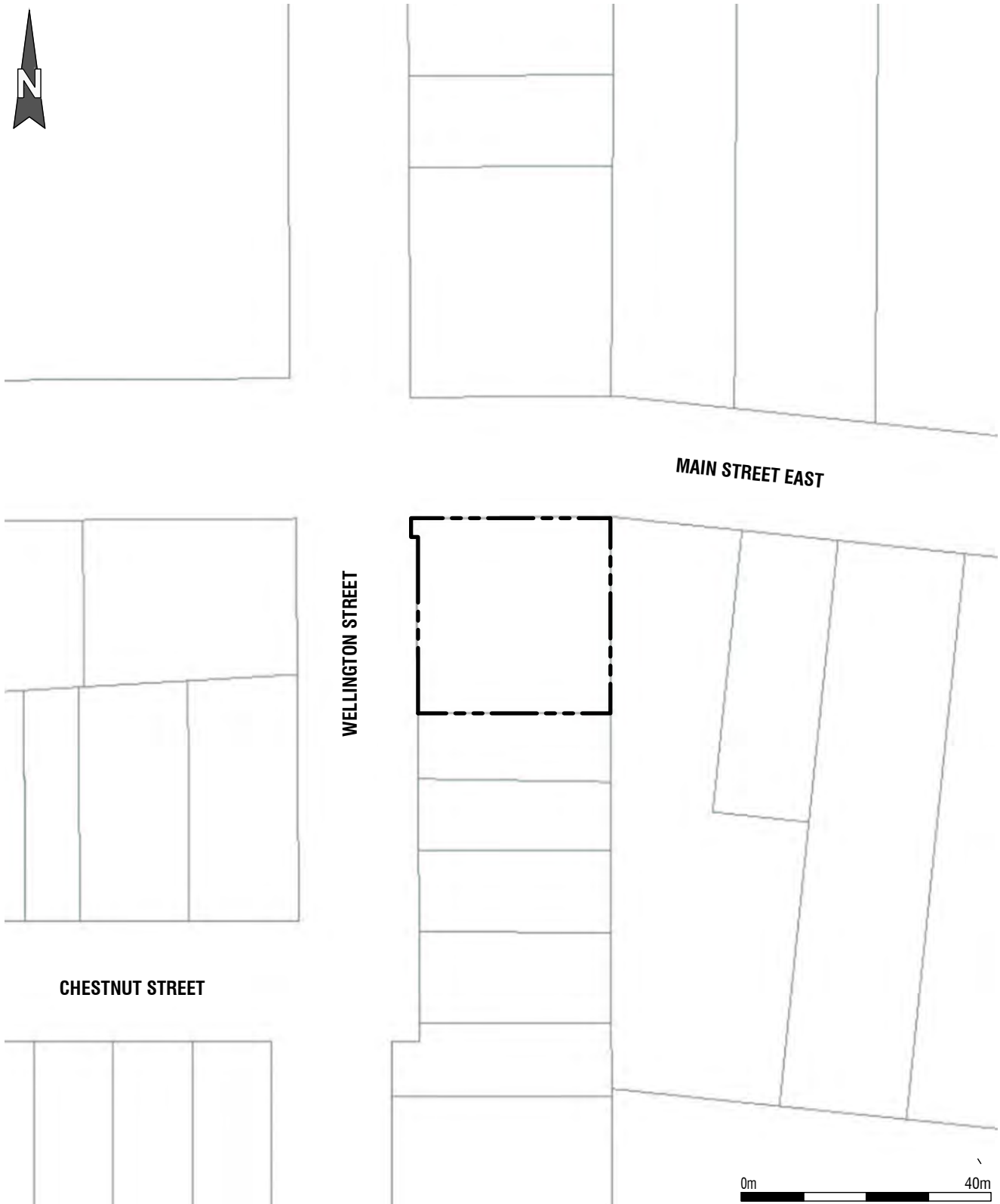
4. That this By-law shall come into force and take effect on the day it is passed by Council, subject to the provisions of *The Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this _____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
Clerk

Schedule "A"
By-Law No. _____
City of Port Colborne



This is a Schedule "A"
 To By-Law No. _____ Passed
 This __ Day of __, 2022



Lands to be Rezoned from
 "HC" Zone to "HC-XX" Zone



ADDRESS : 513 Locust Street, Unit B
Burlington, Ontario
L7S 1V3

PHONE : (905) 681-1769

EMAIL : glenn@wellingsplanning.ca

WEBSITE : wellingsplanning.ca

Subject: Public Meeting Report for Official Plan and Zoning By-law Amendment at 54 George Street, Files D09-03-21 and D14-15-21

To: Council - Public Meeting

From: Planning and Development Department

Report Number: 2022-10

Meeting Date: January 18, 2022

Recommendation:

That Planning and Development Department Report 2022-10 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding proposed Official Plan and Zoning By-law Amendments initiated by NPG Planning Solutions Inc. on behalf of the owner 2852479 Ontario Ltd. for the lands known as Lots 9, 10, and Part of Lot 11 on Plan 767 and Block 'A' and Part of Block 'B' on Plan 775, on the southwest corner of George Street and Erie Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street and/or 192-200 Erie Street.

Background:

The application for Official Plan Amendment proposes to add a site-specific policy to the Urban Residential designation to the property to permit a 30-unit stacked townhouse development. The amendment is required to alter the Official Plan policy to permit a density of 103 units per hectare.

The application for Zoning By-law Amendment proposes to change the zoning from Institutional (I) to R4-66, a special provision of the Fourth Density Residential (R4) zone that will permit a 30-unit stacked-townhouse development with a front yard setback of 4.5 metres, maximum building height of 14.5 metres, and a landscape buffer of 2.5

metres between the edge of the parking area and the lot line abutting a public road. Additionally, the proposed amendment will add a definition for a “Dwelling, Townhouse, Stacked” to Section 38 of Zoning By-law 6575/30/18.

Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on December 17, 2021. As of the date of preparing this report, the following comment has been received:

Port Colborne Fire & Emergency Services

“No objection to the proposed zoning change”

Public Engagement:

Notice of Public Meeting was circulated via regular mail to property owners within 120m from the subject property on December 17, 2021. Two public notice signs were also posted on the property by December 24, 2021. Finally, notices were posted on the City’s website under “Current Applications”. As of the date of preparing this report, the following public comment has been received:

Jennifer Gardiner – 62 George Street, Port Colborne

Note: the full comment is attached as Appendix C.

- Concerns with respect to how the proposal will impact their property
 - Concerns with children being injured crossing the street with an increase of cars parking on the side of the road
-

Discussion:

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan designates the subject properties as **Urban Residential**. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

The proposed Official Plan Amendment proposes to maintain the Urban Residential designation; however, a site-specific amendment has been requested to alter the specific policies under section 3.2.1 to permit a 30-unit stacked townhouse configuration

at a density of 103 units per hectare. The draft Official Plan Amendment has been attached as Appendix A.

City of Port Colborne Zoning By-law 6575/30/18

The subject parcel is zoned **Institutional (I)**. The I zone permits apartment buildings, public; community garden; cultural facility; cemetery; day care; dwelling, accessory; food vehicle; long term care facility; place of assembly/banquet hall; place of worship; public uses; social service facility; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning from Institutional (I) to R4-66, being a special provision of the Fourth Density Residential (R4) zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto. The special provision has been requested to permit a 30-unit stacked townhouse configuration with a front yard setback of 4.5 metres, maximum building height of 14.5 metres, and a landscape buffer of 2.5 metres between the edge of the parking area and the lot line abutting a public road. Additionally, the proposed amendment will add a definition for a “Dwelling, Townhouse, Stacked” to Section 38 of Zoning By-law 6575/30/18. The draft Zoning By-law Amendment has been attached as Appendix B.

Adjacent Zoning and Land Use

Northwest George Street/ Humberstone Shoe Park Zoned: P	North Humberstone Shoe Park/ Townhouse Zoned: P and R4	Northeast Low-density residential Zoned: R2
West Low-density residential Zoned: I and R2	Subject Property	East Low-density residential Zoned: R2
Southwest Low-density residential Zoned: R4	South Low-density residential Zoned: R2	Southeast Low-density residential Zoned: R2

A sketch of the proposed development has been attached as Appendix D.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendments at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to a future regular meeting of Council.

Appendices:

- a. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment
- c. Public Comment(s)
- d. Proposed Site Plan
- e. Planning Justification Report prepared by NPG Planning Solutions

Respectfully submitted,

David Schulz, BURPI
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 9 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

- 1. That Official Plan Amendment No. 9 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
- 2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
Clerk

**AMENDMENT NO. 9
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT**

January 5, 2022

**AMENDMENT NO. 9
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 9
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 9 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 9 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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Implementation & Interpretation

Part C – The Appendices

1. Minutes of the Public Meeting

2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following map and text changes, constitutes Amendment No. 9 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to facilitate the development of the subject lands, shown on the attached Schedule, as residential stacked townhouses at a maximum density of 103 units per hectare.

Location

The lands affected by this amendment are legally described as Lots 9, 10 and Part of Lot 11, Registered Plan No. 767 and Block 'A' and Part of Block 'B', Registered Plan No. 775 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street. A detailed map of the subject lands is attached as Schedule "A" to this Official Plan Amendment No. 9.

Basis

Currently, the subject lands are designated "Urban Residential". An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 30 residential stacked townhouse units within two blocks and 38 surface parking spaces. The proposed density is 103 units per hectare.

The proposed development provides an opportunity for commercial areas to be strengthened through the introduction of residential uses, meet the municipality's intensification target of 15% and maximize the efficiency of existing infrastructure as outlined in 2.4.3 of the Official Plan. The design of the proposed development is in a manner that is compatible and will limit impact on the existing neighbourhood to the south and west.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "I - Institutional" zone to "R4-66" being a site-specific special provision of the Fourth Density Residential (R4) zone.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 9 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are permitted to develop residential stacked townhouses at a maximum density of 103 units per hectare.

Details of the Amendment

Notwithstanding Section 3.2.1 c) of the Official Plan for the City of Port Colborne, a maximum density of 103 units per hectare of land shall be permitted on the subject lands shown on Schedule “A” to this amendment.

The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Urban Residential”, and entitled “Schedule A to Official Plan Amendment No. 9”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

Implementation and Interpretation

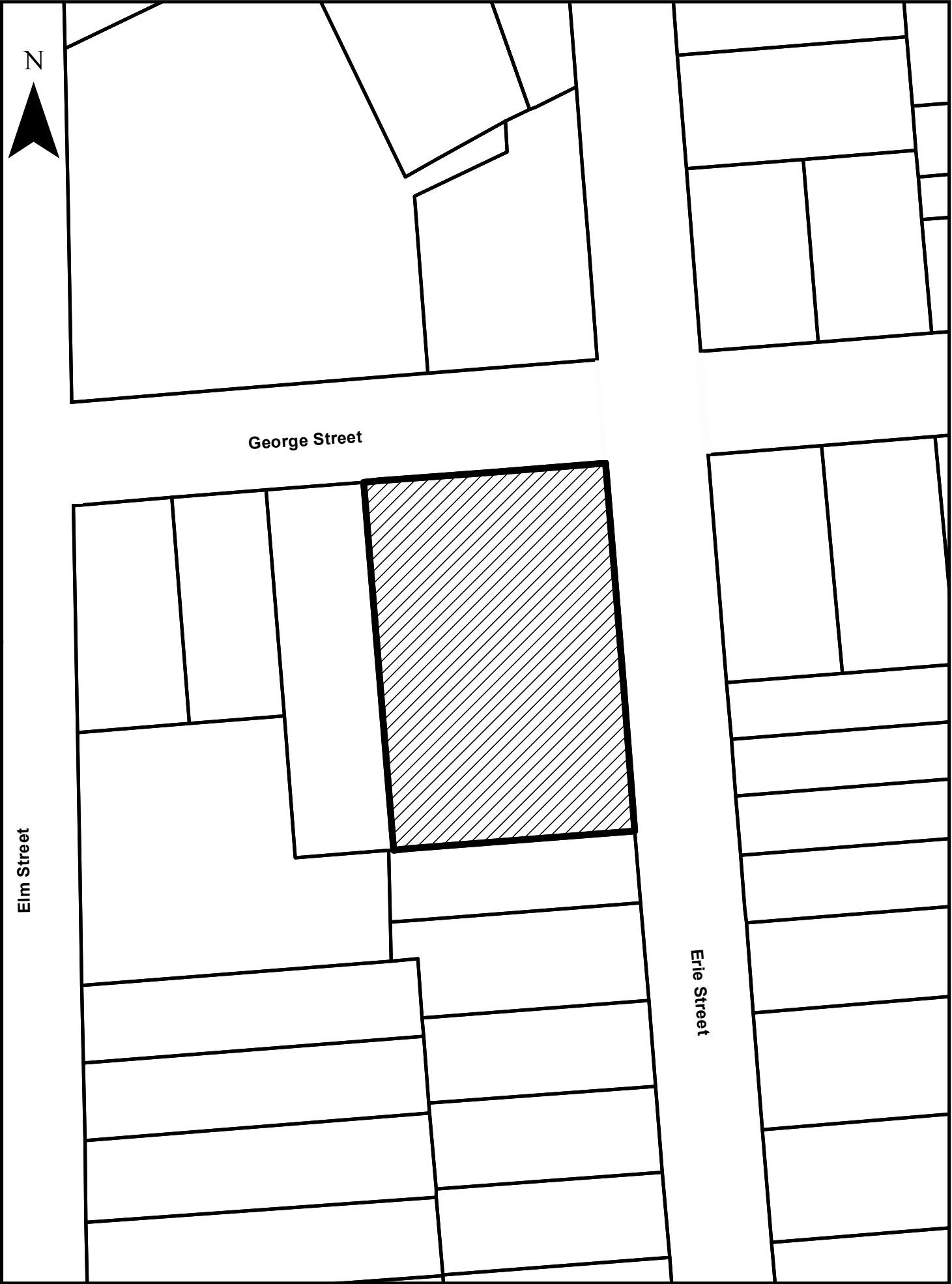
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 9 but are included as information to support the Amendment.

APPENDIX I – Minutes of the Public Meeting on April 19, 2021

APPENDIX II – Department of Planning & Development Report



This is Schedule "A" to By-law No _____

Passed _____, 2022

Mayor

Clerk



- Lands subject to site-specific Official Plan Amendment No. 9

File No. D09-03-21 & D14-15-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

January 2022

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Lots 9, 10, and Part of Lot 11 on Plan 767 and Block 'A' and Part of Block 'B' on Plan 775, on the southwest corner of George Street and Erie Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street and/or 192-200 Erie Street.

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

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Institutional (I) to R4-66, being a special provision of the Fourth Density Residential (R4) zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-66

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, "dwelling, townhouse, stacked" is deemed to be a permitted use and the following regulations shall apply:

- | | |
|--|-------------|
| a) Minimum Front Yard | 4.5 metres |
| b) Maximum Height | 14.5 metres |
| c) Minimum Landscaped buffer area
between the edge of the parking area
and the lot line abutting a public road | 2.5 metres |

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

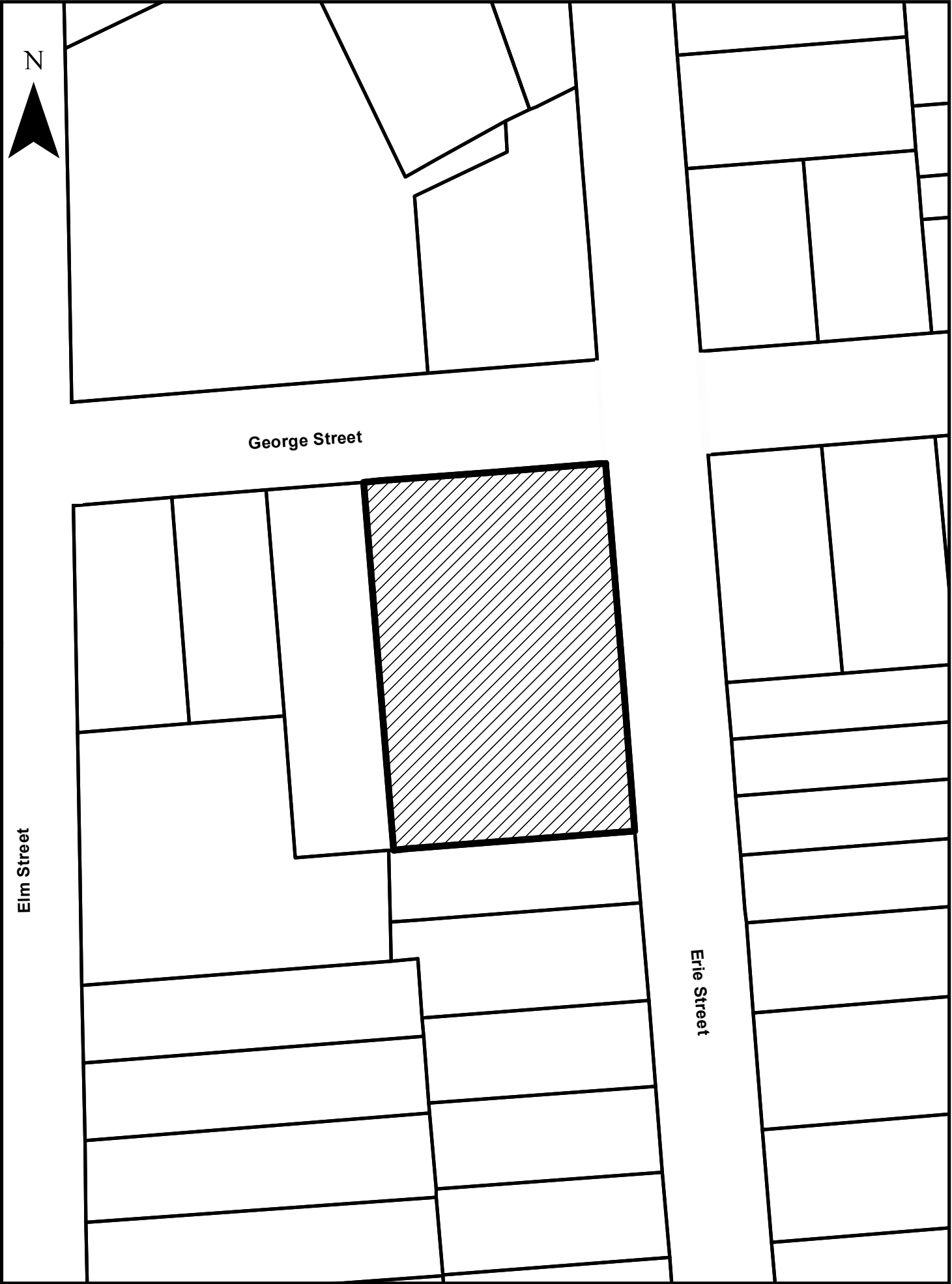
Dwelling, Townhouse, Stacked: means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this day of , 2022.

William C Steele
Mayor

Amber LaPointe
Clerk



This is Schedule "A" to By-law No _____

Passed _____, 2022

Mayor

Clerk



- Lands subject to site-specific Zoning By-law Amendment, rezoning the lands from Institutional (I) to R4-66

File No. D09-03-21 & D14-15-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

January 2022

David Schulz

From: Chris Roome
Sent: January 4, 2022 10:48 AM
To: David Schulz
Subject: FW: RE: Notice of Public Hearing 54 George Street
Attachments: 20211231_072226.jpg; 20211231_075932.jpg; 20211231_075943.jpg; 20211231_080117.jpg; 20211231_080133.jpg

From: jennifer.winfrey [REDACTED]
Sent: December 31, 2021 8:06 AM
To: [REDACTED]; Chris Roome <Chris.Roome@portcolborne.ca>; Gary Bruno <gary.bruno@portcolborne.ca>
Subject: FW: RE: Notice of Public Hearing 54 George Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "jennifer.winfrey" [REDACTED]
Date: 2021-12-31 7:21 a.m. (GMT-05:00)
To: Chris Roome <Chris.Roome@portcolborne.ca>, [REDACTED]
Subject: RE: Notice of Public Hearing 54 George Street

Good morning Chris

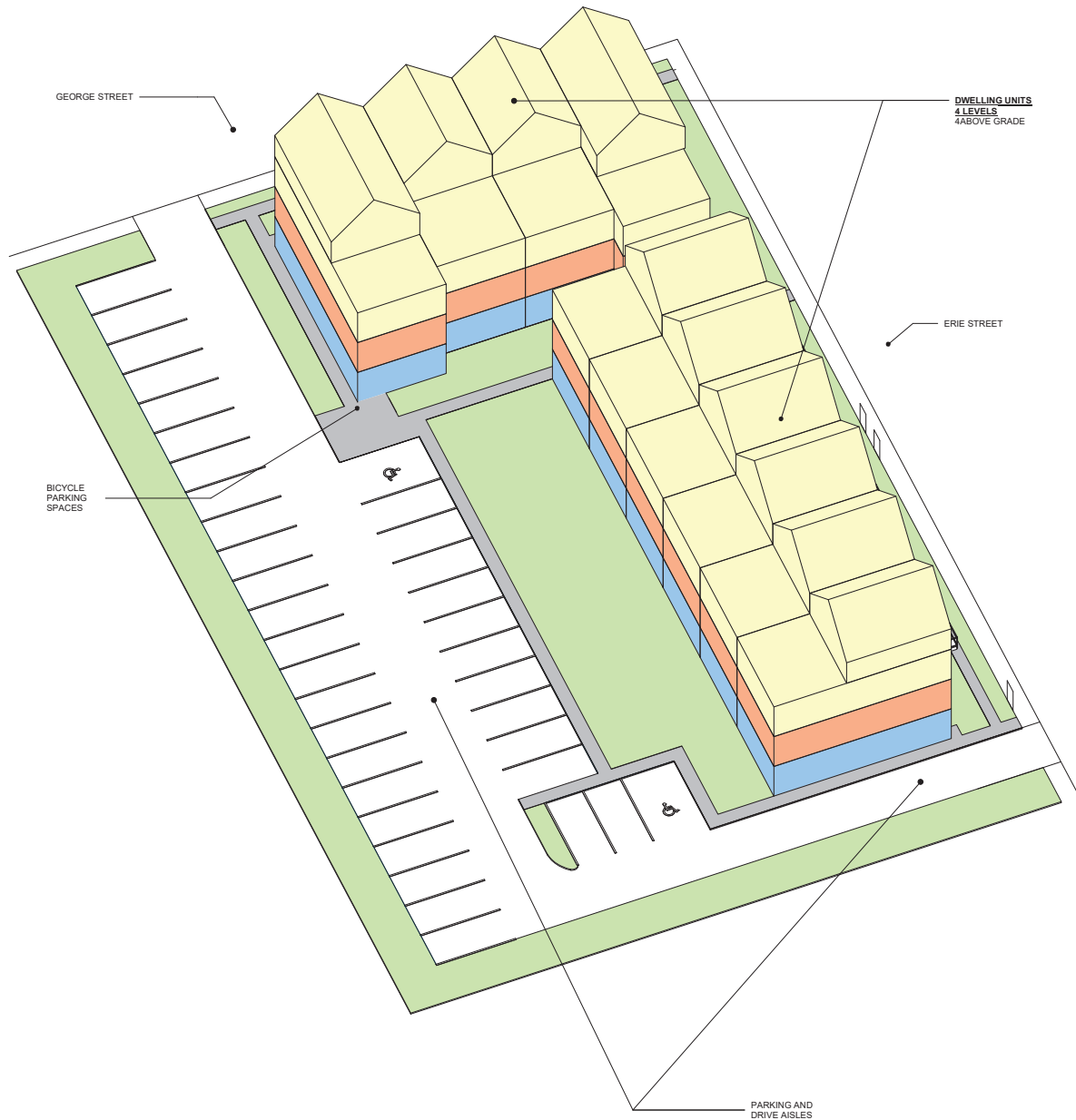
Regarding the proposal to rezoning 54 George Street. It is almost necessary to review building plans to see how my property could be impacted from the new apartments and the parking situation

Also being so close to the park and many children crossing the street on Erie and George how many visitors parking spots would be included in the plans, parking on Erie and George Street could result in a child being injured as they don't always cross at the corner due to the fact the other townhouses on the corner of Erie and George Street do not use the parking lot provided and park on the street including the wrong way as a Humane Society truck is always parked opposite to traffic and it seems like bylaw does nothing. Also in winter months when no parking on the streets for snow removal is in effect we have never seen bylaw out to ticket any of the vehicles parked on Erie and George Street. To also add the new apartments on Minto did not supply enough parking at that location and parking is a regular occurrence on the road. To add to my concern on Erie and Killaly Street the old church parking is horrible as they even park over the sidewalk and again bylaw does nothing as a vivid walker I can't walk safely in these areas due to parking. Also when biking in these areas you are forced to bike on the roads because the shoulder of the roads are full of vehicles and backing out of driveway for the homes you have to back out blindly to see traffic coming as my husband has been almost hit on his bike multiple times.

Thank you, looking forward to hearing from you.

Jennifer Gardiner





1 BIRD'S EYE VIEW
A101



PLANNING JUSTIFICATION REPORT

Official Plan & Zoning By-law Amendment Application

October 2021

54 George Street

City of Port Colborne, ON

For: 2852479 ONTARIO LIMITED

By: NPG Planning Solutions Inc.

4999 Victoria Avenue

Niagara Falls, ON

D: 905.321.6743

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1.0 INTRODUCTION

NPG Planning Solutions Inc. (NPG) were retained as planning consultants for 2852479 ONTARIO LIMITED, owner of approximately 0.30 hectares of land in the City of Port Colborne. The subject lands are legally described as Lots 9,10, and Part of Lot 11 (Registered Plan No. 767) and Block A and Part of Block B (Registered Plan No. 775), City of Port Colborne, Regional Municipality of Niagara. NPG has been retained to provide professional planning advice on the proposed development of a townhouse complex with a total of 30 dwelling units on the subject lands. Implementation of the proposed development requires an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA), and a future Site Plan and Condominium applications.

The following Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the application for the Amendment to the Official Plan (approved in November 2013) and the Zoning By-Law 6575/30/18 when assessed against policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), Niagara Region Official Plan (“NROP”), and the City of Port Colborne Official Plan (“Local OP”). The proposed development is an example of good land use planning, and therefore, we recommend that the Official Plan and Zoning By-law Amendment be approved.

As per the Pre-Consultation Agreement dated May 27th, 2021, the following documents are required for a complete Official Plan and Zoning By-law Amendment application:

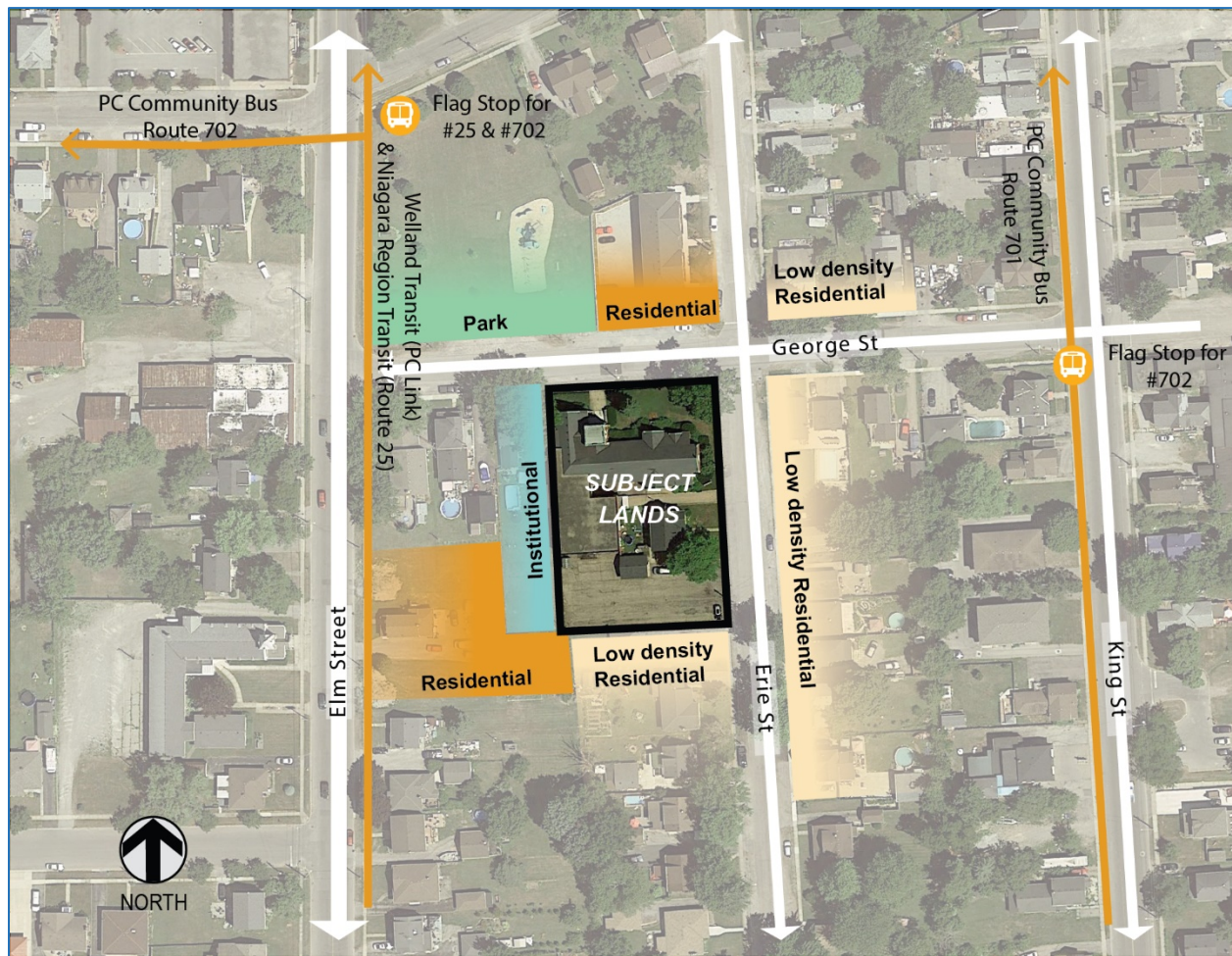
1. Planning Justification Report
2. Conceptual Site Plan

2.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING LAND USES

As shown in **Figure 1 – Site Context and Surrounding Uses**, the subject lands are located south of George Street and west of Erie Street. The subject lands have a frontage of approximately 44 metres on George Street, a depth of approximately 65 metres and a total area of roughly 2,930 square metres. The land is designated Urban Residential in the City’s Official Plan and zoned Institutional (I) in Zoning By-law 6575/30/18.

Currently, the site contains a church building, its accessory structures and an asphalted parking area to the south. There are no areas of natural heritage significance identified on the subject lands. The uses surrounding the subject lands are predominantly residential in nature, consisting of single-detached and multi-unit residential dwellings. The parcel immediately to the west, zoned Institutional, contains a single-detached residence. A neighbourhood park exists to the northwest of the site. Please refer to **Photos 1 – 10** on the following pages for more details.

Figure 1. Site Context and Surrounding Uses



- **North:** Park and Townhouse dwellings
- **South:** Single-detached dwellings
- **East:** Single-detached residential dwellings
- **West:** Single-detached dwellings

Photo 1. Frontage along George Street



Photo 2. Frontage along Erie Street



Photo 3. Accessory structures along the Erie Street frontage



Photo 5. Interface along the South Lot Line



Photo 7. View of the Interface along the West Lot Line from George Street



Photo 9. Surrounding uses to the East of the Subject Site



3.0 PROPOSED DEVELOPMENT

2852479 ONTARIO LIMITED is proposing to develop a total of 30 dwelling units arranged in two stacked townhouse blocks. Block A is situated along the northern property line, and contain 12 dwelling units. Block B is located along the east lot line and contains 18 units.

Lot coverage is proposed at approximately 25% of the total site area, and landscaping is proposed to cover approximately 41% of the entire site area. Landscaping is comprised of the proposed walkways and landscaped areas around the residential blocks. Parking for the development will be provided at grade, at a rate of 1.26 spaces per dwelling unit, with a total of 38 parking spaces, including 2 accessible spaces.

The proposed housing type is a stacked townhouse with at-grade and upper-level units. The proposal will deliver a residential density of 103 units per hectare. The Bird's Eye View prepared by Organica Studio demonstrates the split between the levels. Each vertical stack will be split into four levels, consisting of one at-grade unit and two upper-level units. The proposed built-form will be at a height of 14.2 metres. The proposed product type will create housing choice in the City while allowing units to be at an affordable price. Overall, the proposed housing type is a good product to increase density in a compatible manner.

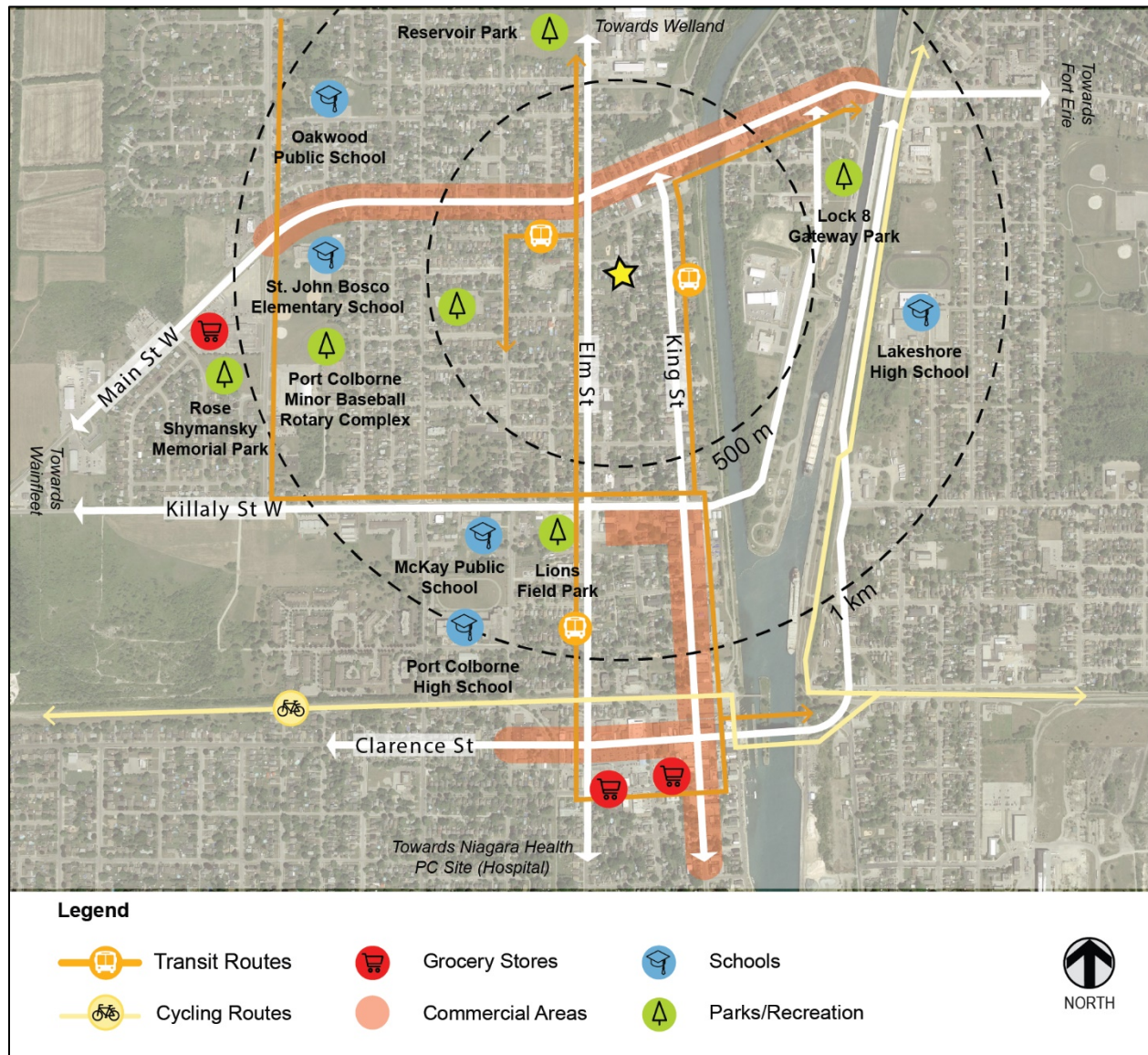
Residential development on the subject lands will promote high quality urban living with access to transit, grocery stores, schools and other local attractions. **Figure 2 – Community Facilities** illustrates the available amenities near the site.

Access to the site is proposed via Erie Street – which is a Local Road in the City of Port Colborne. The arterials - Elm Street and King Street are located less than 150 metres from the property. Pedestrian sidewalks are currently provided along George Street and Erie Street. The proposed Site Plan includes well-connected walkways providing direct access to the existing sidewalk from each unit. Furthermore, Port Colborne operates Route #701 and #702 which travels on King Street and Elm Street, respectively. Generally, higher density developments are proposed on lands that front onto Arterial or Regional Roads. However, due to the proximity of the subject lands to the arterial roads, access to transit and nearby community facilities, it is our opinion that the proposed development is a good use of the subject lands.

The City of Port Colborne Official Plan designates the subject lands as Urban Residential according to Schedule A – City Wide Land Use Plan (see **Appendix C – City Schedules**). As per Section 3.2 of the City's Official Plan, lands in this designation are primarily used for residential purposes, and the proposed use complies with this designation. Section 3.2.1 c) of the City's Official Plan caps density at 100 units per hectare and requires high density residential developments to have frontage on an arterial or collector road. An

Official Plan Amendment is being sought to facilitate the proposed density along the local road.

Figure 2. Community Facilities



The City of Port Colborne Zoning By-law 6575/30/18 currently zones the lands as Institutional (I). The proposed development of two townhouse blocks made up of 30 units is currently not permitted within this zone. As such, Estate Hill is proposing to re-zone the subject lands to a Site-Specific Fourth Density Residential Zone (R4-XX), which will include relief from: Minimum Front Yard, Maximum Height and Landscaped Area Provision for Parking Areas. Further details of the proposed amendments can be found in **Section 5.2 – Proposed Zoning By-law Amendment** of this report.

4.0 PLANNING POLICY FRAMEWORK

As aforementioned, the purpose of this Planning Justification Report is to evaluate the appropriateness of advancing the application for a Zoning By-law Amendment in the context of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, Region of Niagara Official Plan, City of Port Colborne Official Plan and City of Port Colborne Zoning By-law 6515/30/18. The following provides an overview and discussion of these documents.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land and development within the province of Ontario. It supports improved land use planning and management, contributing to a more efficient land use planning system, which seeks to ultimately protect resources of provincial interest, public health and safety, and preserve and maintain the natural environment.

Relevant Policies and Analysis

Section 1.1.3 Settlement Areas of the PPS states that:

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The subject lands are located within the Urban Area of the Municipality of Port Colborne as defined in the PPS and are within an area that is the focus of growth and development. The proposal will develop the currently underutilized parcel, to provide an opportunity for residential intensification and promote its efficient utilization over the long term. It is the intent of the proposed development to utilize available municipal services, and details regarding servicing capacities will be reviewed at the site plan application stage. The site

is close to existing transit routes and stops, which will render the proposed development to be transit-supportive.

Section 1.4 Housing of the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

The proposed development will deliver residential intensification by way of 30 stacked townhouse units, at a density of 103 units per hectare. The stacked townhouse model with surface parking will allow for a housing option that is more affordable, dense and efficiently utilizes the existing municipal services. Additionally, the proposed density in proximity to the existing transit network and local facilities will assist in creating a more active and livable community.

Section 1.6.6.2 states that municipal sewage and water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal services are to be promoted. The development is proposed to utilize the existing municipal sanitary and water servicing available along George Street and Erie Street. As noted previously, details with regards to servicing will be discussed at the site plan application stage of the development.

Summary

The proposed development is within an existing settlement area and will provide additional housing supply to align with the needs of the current and future residents. Further, the development is appropriately located to rely on available municipal services and infrastructure.

Based on the foregoing, the proposed development is consistent with the general policies and intent of the PPS.

4.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019. The Plan directs growth to Settlement Areas throughout the Greater Golden Horseshoe, including the Region of Niagara and the City of Port Colborne. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

Relevant Policies and Analysis

Section 1.2.1 sets out the Guiding Principles of the Growth Plan, and the policies relevant to the development are listed below.

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*

The development proposal supports the achievement of a complete communities vision by providing residential uses on an underutilized parcel. The location of the site close to local businesses, schools and parks further implements the complete communities vision. The proposed residential intensification will be supported by the existing transit services, which will provide convenient connections to local destinations.

The policies of Section 2.2.1 - Managing Growth requires development to be directed to Settlement Areas and within the delineated built boundary. The subject lands are located within the Built-up Area of Port Colborne as per Schedule 2 of the Growth Plan. Accordingly, Niagara Region is targeting 40% of all new residential growth to be within the Built-up Area (Policy 4.C.3.1 of Niagara Region Official Plan), which will increase to 50% at the time of the next Municipal Comprehensive Review to conform with Policy 2.2.2.1 a) of the Growth Plan. The proposed development will provide residential intensification within an area with existing municipal services.

Policy 2.2.2.3 encourages all municipalities to develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas. Section 2.2.6 - Housing supports housing choice through the achievement of minimum intensification and density targets. The proposed development will contribute to the achievement of the Region’s intensification target of 15% for the City by accommodating 30 dwelling units and achieving a density of 103 dwelling units per hectare. Further, the

proposed residential development will provide an alternate housing option to serve a range of household sizes and incomes. Development of the subject lands will support the achievement of a “complete community” vision within the area by providing residential options that allow ageing in place close to retail services and transit stops. Additionally, the proposed stacked townhouse units are compatible with the surrounding low-density residential uses and commercial uses and provides an opportunity for intensification, affordability and alternative design, which all encourage housing choice in the City.

Section 3.2.3 – Moving People of the Growth Plan states that “*public transit will be the first priority for transportation infrastructure planning...*”. Being located close to existing transit stops, the proposed development supports the use of active transportation options. As illustrated in the Site Plan Concept (see **Appendix A**), the proposed development implements adequate walkway connections to ensure a well-connected internal pedestrian network. Connections to the existing municipal sidewalk promote safety, increases mobility by foot and assists in building healthier communities. The use of active modes of transportation will help reduce single-occupancy car trips, reduce traffic congestion on major roads and cut down greenhouse gas emissions.

In accordance with Section 3.2.6 - Water and Wastewater Systems, municipal water and wastewater systems are intended to be utilized for the proposed development. The residential development will need to be designed to meet the City of Port Colborne servicing requirements and will be discussed at the site plan stage of the application. Per Section 3.2.7 - Stormwater Management, the design of the proposed development demonstrates a compact built form, providing approximately 41% landscape cover for on-site water percolation and reduce stormwater runoff. Appropriate installations to provide effective stormwater quantity and quality control, including sediment and erosion control measures during the grading and site servicing period, would also be discussed during the site plan process.

Summary

The proposed development is located within the delineated Built-up Area and supports the achievement of complete communities, housing choice, as well as the minimum intensification targets for the City of Port Colborne. The development intends to make use of the existing municipal services and the available transit network.

Based on the foregoing, the proposed development conforms with the general policies and intent of the Growth Plan.

4.3 Niagara Region Official Plan (2014 Consolidation)

The Niagara Region Official Plan (NROP) is a long-range document that guides the physical, economic, and social development of Niagara Region. It contains objectives, policies and mapping that implement the Region's approach to ensuring most new development in Niagara Region is directed towards the existing Built-up Area to accommodate future growth.

Relevant Policies and Analysis

The following table identifies the Regional Schedules pertaining to the subject lands.

Table 1. Subject Land Designation on Regional Schedules

SCHEDULE	SUBJECT LAND DESIGNATION
Schedule A: Regional Structure	Built-up Area; Within Urban Area Boundary
Schedule C: Core Natural Heritage	No designation
Schedule D1: Potential Resource Areas: Stone	Devonian Formation
Schedule D3: Potential Resource Areas: Peat and Petroleum	Welland Gas Field
Schedule E1: Transportation Infrastructure	Main Street W and King Street are Regional Roads;
Schedule E2: Strategic Cycling Network	Elm Street and Main Street W are identified as part of the Strategic Cycling Network
Schedule G1: Niagara Economic Gateway	Port Colborne is identified as Gateway Economic Centre

The subject lands are located in the Built-up Area within the Urban Area Boundary of the City of Port Colborne (see Schedule A in **Appendix B – Regional Schedules**) and is identified as part of the Gateway Economic Centre (see Schedule G1 in **Appendix B – Regional Schedules**). Growth Management Policies of the plan are to “*direct the majority of growth and development to Niagara’s existing Urban Areas*” and focusing “*a significant portion of Niagara’s future growth to the Built-up Area through intensification*”. All forms of development that occur within the Built-up Area is Intensification, as per Policy 4.C.1.1.

The subject lands are considered suitable for intensification, as the proposal will make efficient use of the existing municipal services and infrastructure, and in proximity to community facilities.

A minimum of 40% of all residential development occurring annually within Niagara are to occur within the Built-up Area of Niagara's communities. The City of Port Colborne is expected to accommodate a minimum of 15% of all new residential development through intensification (according to Policy 4.C.4.2). Local Official Plans are to generally encourage intensification throughout the Built-up Area (as per Policy 4.C.2.1 b)). The proposed development will support the achievement of the Regional and Municipal intensification targets by attaining a density of 103 units per hectare. The development is also at a higher density than the neighbouring residences, which will support the overall residential intensification objective. The lands are proximate to existing transit facilities, municipal sidewalk infrastructure and a planned cycling route, which will enable the proposed development to be transit-supportive and active transportation friendly.

Section 4.G.3 of the NROP provides policy direction for sustainable urban development.

- The proposed site design features a compact built form, with integrated walkways and landscaped areas. 41% of the site is proposed to be landscaped, which will provide adequate surface area for on-site stormwater infiltration.
- NPG has received confirmation (in **Appendix G – Email confirmations**) from Regional staff that all units can be serviced by the Regional Waste Management.
- The Region promotes and supports a multimodal transportation system to reduce single-occupant vehicle trips and encourage transit-supportive development. The subject lands are close to Elm Street which is identified as a Strategic Cycling Route as per Schedule E2 of the NROP (see **Appendix B – Regional Schedules**). The proposed development will utilize the proximity to the regional bicycling network to promote active means of transportation, reduce the need for single-occupancy vehicle trips, and support a multi-modal transportation system.

As such, the proposal supports the Region's interest in establishing environmental sustainability principles by way of building compact, integrating appropriate stormwater and waste management into the development plan, and providing active transportation options to the future residents.

Section 8.B of the NROP gives guidance on utilizing water and wastewater systems. The required form of servicing for development in Urban Areas is through municipal sewage and water services. The proposed development intends to be connected to the existing municipal servicing along George Street and Erie Street, details of which will be discussed at the site plan stage.

Section 11.A speaks to the Region's policy direction for attractive and well-designed residential developments. The NROP encourages diverse housing types within urban neighbourhoods to serve a variety of people for age-in-place benefits. The proposed development will provide an alternative housing model in the form of stacked townhouse units. By introducing a different housing type, it will also support the achievement of a complete community vision for the local area. Next, Blocks A and B are oriented towards and along the public streets, providing eyes-on-street benefits to the neighbourhood and contributing to a sense of safety within the public realm. Vehicle parking areas are provided at the back of the development, and includes accessible spaces. The site layout illustrates safe and convenient walkway connections from the car park area to the municipal sidewalk and to the entrance of each unit. Lastly, appropriate setbacks have also been implemented to be compatible with neighbouring single-detached residences and further compatibility analysis is generally provided in **Section 4.4** of this report. It is our opinion the proposed development is well-designed and will support in enhancing the aesthetic and functionality of the neighbourhood.

The pre-consultation meeting dated May 27th, 2021 identifies that a Record of Site Condition (RSC) is not required as the existing church has not been repurposed for another use, such as a commercial/community/industrial use. Accordingly, an RSC has not been filed on the Ministry's Brownfields Environmental Site Registry.

Summary

The proposal focuses development within the Built-up Area which is encouraged for residential intensification. The development is intended to be connected to municipal servicing. It facilitates residential intensification by way of 103 units per hectare, which will contribute to the Region and City's intensification targets. By introducing a different housing type – stacked townhouse units, it will also support the achievement of a complete community vision for the local area. The proposed development addresses many of the principles of sustainability and it is our opinion the proposal is well-designed and improves the local streetscape.

Based on the foregoing, the proposed development conforms with the general policies and intent of the Niagara Region Official Plan.

4.4 City of Port Colborne Official Plan (2020)

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matter that influences the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

Relevant Policies and Analysis

The following table identifies the City Schedules pertaining to the subject lands.

Table 2. Subject Land Designation on City Schedules

SCHEDULE	SUBJECT LAND DESIGNATION
Schedule A: City-Wide Land Use	Urban Residential; Within Urban Area Boundary
Schedule B: Natural Heritage	No designation
Schedule B3: Vulnerable Aquifer Areas	High Vulnerable Aquifer
Schedule C: Mineral Aggregate and Petroleum Resources	Petroleum Resource Areas
Schedule D: Transportation	George Street and Erie Street are Local Roads Elm Street and King Street are Arterials

The following are Growth Management Strategies for the City that are relevant to the proposal:

- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- e) Support infill and intensification, subject to the applicable policies, in the following designations: i) Urban Residential; ii) Hamlet; and iii) Downtown Commercial*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands*

The subject lands are within the City's Urban Area Boundary (see Schedule A in **Appendix C – City Schedules**). In accordance with the City's growth management strategies, the lands are within an area serviced by municipal water and sanitary services. The proposal will provide residential intensification on an underutilized lot, and will offer an alternative housing model that will add to the mix of the existing housing stock in the neighbourhood. Convenient access to transit facilities allows the development to be transit-supportive and encourages healthy and active lifestyles.

As identified in Section 2.4.3, the City encourages intensification throughout the Built-up area. Section 3.1.1.1 of the City's Official Plan states that "*all growth and development*

which occurs within the Built boundary is considered to be intensification and will count towards the achievement of the municipality's intensification target". The subject lands within the Built-up Area reduce the consumption of greenfield lands, maximizes the efficiency of existing infrastructure and support the achievement of the municipality's intensification target of 15% (as per Section 2.4.3.1).

Section 2.4.3.2 provides design guidelines for intensification sites to match the pre-established building character of adjacent buildings. Notably, the site comprises a church building that is distinctive from the surrounding single-detached dwellings. The proposal provides residential use, which is more fitting with the surrounding residential use. Further, the development includes convenient walkway connections providing direct access to the existing municipal sidewalk from each unit. The proposed development will integrate the ability to walk, cycle and take transit to local destinations.

The subject lands are designated as "Urban Residential" on Schedule A – City-Wide Land Use Plan (see **Appendix C – City Schedules**), which are "*primarily used for residential purposes*". The proposed stacked townhouse dwellings intended for residential purposes are therefore a permitted use in this designation.

Section 3.2.1 b) and c) offers policies for assessing medium and high density residential developments.

b) Medium Density Residential will:

- i) Be developed at a density ranging from 35 to 70 units per hectare as: Townhouses; Stacked townhouses; triplexes; and/or fourplexes.*
- ii) Be encouraged adjacent to arterial or collector roads; and*
- iii) Be subject to Site Plan Control.*

As per Section 3.2.1 b), the proposed stacked townhouse built-form is recognized as Medium Density Residential, which permits a maximum density of 70 units per hectare. However, the proposed development will be achieving a density of 103 units per hectare. Due to the increased density, the development is assessed against the policies under Section 3.2.1 c) High Density Residential.

c) High Density Residential will:

- i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*

As noted, the proposal is for a stacked townhouse development. Each vertical stack will be split into four levels, consisting of one at-grade unit and two upper-level units. Unlike a typical apartment building, each unit has its own front entrance and does not have any shared lobby space or elevators. The proposed housing

type provides homeowners more separation in using their space. Although the proposal does not provide apartment dwellings, it is our opinion that the proposed development is comparable to a low-rise building, and therefore, complies with the intent of this policy.

The requested density of 103 units per hectare can be supported as it is a minor increase from the maximum permitted density of 100 units per net hectare.

ii) Have frontage on an arterial or collector road;

Currently, the subject lands front on George Street, a local road that is designed to accommodate up to 199 average annual daily traffic (as per Section 9.1.2 of the City's Official Plan). A traffic study was not required for this application as per the pre-consultation agreement. As such, no significant traffic issues are anticipated due to the proposed site design. Further, it is noted that Elm Street and King Street are arterial roads, located less than 150 metres from the property. Although the lands do not directly front on the arterials, it will take advantage of the proximity for connections to local establishments, transit and the bike network.

iii) Have commercial or ground-oriented residential uses on the main floor;

The proposed stacked townhouses will contain at-grade and upper-level units "stacked" on top of each other. In addition, Blocks A and B are oriented to front George Street and Erie Street, respectively. As previously noted, each unit has its front entrance on the main floor, which gives them direct access to the abutting municipal sidewalk. In addition, ground-oriented homes are well-suited for the senior population, promoting age-in-place benefits in the community. Lastly, the orientation of the blocks and the residential use of the main floor provide eyes-on-the street advantage for passersby. As such, the proposed residential use is ground-oriented and offers convenient connections to existing sidewalks, promotes age-in-place and delivers eye-on-the-street benefits to the neighbourhood.

iv) Be oriented on the site to minimize shadows on adjacent low and medium density residential development;

The property is a corner lot, abutted by George Street at the north, Erie Street to the east and low-density residential uses to the west and south. Only the immediately adjacent residential developments are assessed for potential shadowing impacts due to the proposed development.

Impacts on residential use to the south

The majority of shadowing is anticipated to occur generally towards the northern side of the development due to the known movement of the sun across the sky. This indicates that the proposal will not shadow over the residential parcels to the south.

Impact on the residential use to the west

For the dwelling to the west, Block A is located at a distance of approximately 16 metres from the western lot line. Due to the increased side yard setback, the proposed development is not anticipated to have significant shadowing impacts on the dwelling to the west.

- v) *Be encouraged to be developed in proximity to public transit and active transportation routes; and*

As previously discussed, the subject lands are within 150 metres of Flag Stops for Route 25 (Niagara Region Transit) and Routes 701 and 702 (Port Colborne Community Bus). Further, all units have a direct connection to the existing municipal sidewalk, providing convenient access to neighbourhood facilities. The proposed development is transit-supportive.

- vi) *Be subject to Site Plan Control; and*

The proposed development will be subject to site plan control, where additional details such as landscaping and servicing will be addressed.

Section 3.2.3.3 b) provides Design Guidelines for Townhouses and Multiple-unit housing model.

b) Townhouses and multiple-unit housing should:

- i) *Be aligned parallel to the street from which the principal entrance should be visible and accessible;*
- ii) *Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street façade that is composed of a consistent and attractive variety of building elements; and*
- iii) *Be consistent with the placement and character of the surrounding built form where an infill development.*

The proposal respects the surrounding dwellings and is appropriate for the development of the site in the following manner:

- Blocks A and B are oriented in a manner such that the longer axis of the building is parallel to the adjoining public road, thereby framing the street and creating opportunities for eyes-on-the-street benefits.
- Each unit will have independent access from the main floor, providing a convenient connection to the car and bike parking area and the existing municipal sidewalk.
- The proposed blocks have been consciously located away from the present single-detached dwellings. Further, a 3-metre landscape strip is provided along the west and south lot lines which will include quality landscaping and will enhance the interface with the surrounding uses from the existing condition. As such, the buildings are not anticipated to cause significant shadowing impacts or privacy issues to the adjacent neighbours.
- Additional details regarding building elements and roof designs will be discussed at the site plan application stage.

The subject lands are located within an area identified as High Vulnerable Aquifer, as per Schedule B3 – Vulnerable Aquifer Areas (**Appendix C – City Schedules**). A groundwater assessment to evaluate the risk level of contaminants was not required for this application, per the pre-consultation agreement. As such, none of the low-, medium- & high-risk contaminants causing uses, listed in Section 4.1.3.1, are being proposed on the subject lands.

Policies in Section 8 of the City's Official Plan are for servicing and stormwater management of the development. Section 8.1.1 a) requires new development in the urban area to be on full municipal water services and sanitary services. In addition, Section 8.2 a) requires stormwater to be managed on-site and not to have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area. The subject lands are serviced by municipal water and sanitary services, in accordance with Section 2.2 c) of the City Official Plan. It is the intent of the developer to provide servicing connections to City mains and appropriate stormwater management schemes for the proposed development. A servicing study and stormwater management plan will be submitted at the site plan application stage as per the pre-consultation agreement to ensure proposed connections are according to City standards.

Section 9 of the Port Colborne Official Plan is for the provision and management of transportation modes and infrastructure within the City. Policies in Section 9.1.1 are intended to promote walking, cycling and transit for new developments. As previously described, Blocks A and B are oriented towards the street, providing a direct connection to the existing municipal sidewalk. Further, the lands are within 150 metres of Flag Stops for Route 25 (Niagara Region Transit) and Routes 701 and 702 (Port Colborne Community Bus). The proposal provides two (2) accessible spaces, in accordance with the Zoning By-law requirements, and are well connected to each unit through the internal walkways. The development will also provide ten (10) on-site bike parking for future

residents. Proximity to the available transit network combined with proposed connections to the sidewalk and bike parking area promotes walking, biking and transit. The proposed design accommodates pedestrians, promotes the concept of a walkable neighbourhood and is transit-supportive.

Section 9.1.2 specifies policies with regards to roads, including their classification, typical right-of-way widths and average annual daily traffic counts. Per Schedule D – Transportation (**Appendix C – City Schedules**), George Street and Erie Street are classified as Local Roads intended to provide access to residential developments. The proposed multi-residential development has one driveway access from Erie Street and one exit aisle to George Street, which will control and support the designated function of the roadway. According to Figure 9.1, the typical right-of-way width for a local road is 20 metres. The pre-consultation meeting did not indicate any road allowance requirement, and therefore has not been addressed in this application.

Based on the foregoing, the proposed residential development conforms with the general intent and policies of the City of Port Colborne Official Plan.

5.0 PROPOSED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT

5.1 Proposed Official Plan Amendment

2852479 ONTARIO LIMITED is proposing to amend the Official Plan to facilitate the proposed development. The specific change to the Official Plan is as follows:

1. Notwithstanding Policy 3.2.1 c) of the Official Plan for the City of Port Colborne, the land may be developed for stacked townhouses and the maximum density shall be 103 units per hectare.

Basis for the Official Plan Amendment:

The Official Plan Amendment can be supported on the following basis:

1. The proposal conforms to the Provincial Policy Statement, A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Region Official Plan;
2. The proposal implements the policies of the Niagara Region Official Plan and the City of Port Colborne Official Plan in that the subject lands are located within the Built Up Area which is a focus for intensification;
3. The proposal creates new housing in the City of Port Colborne contributing to a more diversified housing mix.
4. The requested site-specific density amendment is minor in consideration of the high density provisions in the Official Plan and can be supported.

5.2 Proposed Zoning By-law Amendment

The City of Port Colborne currently zones the subject lands as an Institutional zone (see **Appendix D – Zoning By-law Map**). In order to facilitate the proposed development, the owner is proposing to rezone the subject lands to a site-specific Fourth Density Residential Zone (R4 – XX) and will address: Minimum Front Yard, Maximum Height and Landscaped Area Provision for Parking Areas. See **Table 3, 4 and 5** below for more details. A Draft Zoning By-law Amendment has been prepared and can be found in **Appendix F – Draft Zoning By-law Amendment** of this report.

Table 3. Zoning Comparison Chart for Section 8 (R4 Zone)

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Permitted Uses	e) Dwelling, Townhouse Block;	Stacked townhouse units	Yes
Minimum Lot Frontage per Unit	6 m	6.1 m	Yes

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
(8.5 a))			
Minimum Lot Area (8.5 b))	0.02 ha	0.293 ha	Yes
Minimum Front Yard (8.5 c))	7.5 m	4.50 m (from building); 1.8 m (from the uncovered stairs)	No
Minimum Interior Side Yard (8.5 d))	3 m	15.93 m	Yes
Minimum Corner Side Yard (8.5 e))	4.5 m	4.50 m (from building); 1.8 m (from the uncovered stairs)	Yes
Minimum Rear Yard (8.5 f))	6 m	7.4 m	Yes
Maximum Height (8.5 g))	11 m	14.2 m	No
Minimum Landscaped Area (8.5 h))	25 percent	41.9 percent	Yes
Landscape Buffer (8.5 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.	3.0 m	Yes
8.5 j)	Common walls shall be centred on the common lot line.	N/A	N/A
8.5 k)	There is no minimum interior side yard and/or rear yard for common walls.	Noted.	N/A

Table 4. Zoning Comparison Chart for Section 2 (General Provisions)

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Sight Triangle (2.13)	<p>a) Unobstructed sight triangles are required on all corner lots in all zones.</p> <p>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.</p> <p>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.</p>	<p>a) Provided daylight triangle is unobstructed by above-ground structures.</p> <p>b) A 6.0 x 6.0 m daylight triangle is provided at the northeast corner of the site.</p> <p>c) Noted.</p>	Yes
Sight Triangle Distance (2.13.1)	a) Residential Zone: 6 metres	6.0 x 6.0 m	Yes
Permitted Encroachments (2.19)	<p><u>Uncovered Stairs or Ramps to First Storey</u></p> <p>Yard Permitted: All</p> <p>Required setback from Lot Line: 0.5 m</p>	1.8 m	Yes
Municipal Drains (2.22)	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.	N/A	N/A
Storage of Refuse (2.25)	<p>a) No open storage of refuse shall be permitted anywhere within the zoned area except:</p> <p>i) Where refuse is to be collected within an 18 hour period after such refuse has</p>	All units are eligible for Regional curbside pick up.	Yes

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
	been placed in an outdoor location;		

Table 5. Zoning Comparison Chart for Section 3 (Parking Provisions)

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Parking Space Requirements (3.1.1)	Dwelling, Townhouse Block (1 space required per unit);	38 spaces (1.26 spaces/unit)	Yes
Parking Space Dimensions (3.2)	Standard Parking Space (2.6 x 5.2 m) Accessible Space (3.7 x 5.2 m)	Standard Parking Space (2.6 x 5.4 m) Accessible Space (3.7 x 5.4 m)	Yes
Accessible Parking (3.3)	2 accessible spaces	2	Yes
Encroachment into Yards (3.6)	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.	No encroachments	Yes
Ingress and Egress Standards (3.7)	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.	One way drive aisle is 3.5 m wide	Yes
Landscape Provisions for Parking Areas (3.11.1)	A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) as follows: Lot Line Abutting a Public Road: 3 m Lot Line Abutting a	North lot line: 2.6 m	No

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
	Residential, Institutional or Public and Park Zone: 3 m	South and West lot lines: 3 m	Yes
Bicycle Parking Spaces (3.13)	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	a) On-site common bicycle parking area provided. b) Each bike space is 1.8 x 0.3 m c) Located behind Blocks A & B, and more centrally to be accessible from all units.	Yes
Required Bicycle Parking (3.13.1)	Residential Buildings with 10 or more dwelling units: 6 Spaces plus 1 for every additional 10 dwelling units above 20 (Required: 7 spaces)	10 spaces	Yes

Stacked Townhouse as a Permitted Use

The proposed development features 30 stacked townhouse dwelling units, which are not explicitly permitted in the City of Port Colborne Zoning By-law. As per the information provided by Staff, since each unit will have an independent entrance, the proposed stacked townhouse dwellings would be considered block townhouses, which is permitted under Section 8.2 of the City's Zoning By-law. The proposed development will not require an amendment to the zoning bylaw on this matter.

Minimum Front Yard

The front yard depth for the development is proposed at 4.5 metres, which falls short of the City's requirement of 7.5 metres. Block A, oriented along the front yard, is located 4.5 metres from the property line and allows the development to be closer to the street, providing "eyes on the street" benefits and convenient access to the municipal sidewalks and transit services. There are two sets of stairs at 1.8 metres from the front lot line providing access to all Block A units. Uncovered stairs are permitted in all yards with a 0.5-metre setback requirement from the lot line, as per Section 2.19.1 of the Zoning By-law. As such, the proposal aims to foster a pedestrian-friendly environment along the

existing frontage. The requested variance is not anticipated to cause any significant impacts on the adjoining streetscape and can be supported.

Maximum Height

The proposed building height for the stacked townhouse model is 14.2 metres and exceeds the maximum permitted height by 3.2 metres. The proposed height can be supported for the following reasons:

- The proposal provides more than the required side (west lot line) and rear (south lot line) yard setbacks to be compatible with the adjacent low-density uses.
- Majority of the shadowing is anticipated to occur generally towards the northern side of the development, indicating that the development will not shadow over the residential parcels to the south. For the dwelling to the west, Block A is located approximately 15 metres from the western lot line. Due to the increased side yard setback, the proposed development is not anticipated to have significant shadowing impacts on the dwelling to the west.
- The building walls closest to the south and west lot lines are the side elevations. Typically, these sides do not contain as many fenestrations, balconies, or patios as the front and rear facades and maintain privacy. Moreover, a landscape strip of 3 metres is also proposed along the south and west lot lines to further screen the neighbouring houses from overlook.
- Due to unforeseen bedrock considerations at the location, the building is being to be elevated above what would have been established as the standard foundation depth.

Landscaped Area Provision for Parking Areas

A landscape buffer of 3 metres along lot lines abutting a public road is required. The provision is intended to reduce the visibility of the surface parking area from the public street. A small portion of the parking area abuts George Street and provides a reduced setback of 2.6 metres. This setback is sufficient to provide quality landscaping that can visually buffer the parking area and improve the streetscape along the public street. The variance can be supported as it is a minor reduction from the zoning requirement, and the intention of the provision can be achieved.

6.0 SUMMARY OF PLANNING OPINION

The proposed development is located close to Main Street W within proximity to commercial business', transit facilities and recreational spaces. The surrounding area is characterized by low-density residential uses. The proposed development of 30 residential dwellings will provide an opportunity for higher density intensification, that will respect the existing character of the neighbourhood while making efficient use of the subject lands. The stacked townhouse development will provide an affordable housing form in the City that can serve a variety of households and create housing choice.

The proposed Zoning By-law Amendment is requesting to rezone the subject lands from the current Institutional zone to a site-specific Fourth Density Residential Zone (R4 – XX) and will address: Minimum Front Yard, Maximum Height and Landscaped Area Provision for Parking Areas requirements.

It is our opinion that the proposed Official Plan and Zoning By-law Amendment be approved because it represents good land use planning, is in the City's interest and should be supported for the following reasons:

1. The proposed development is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Region Official Plan, and the City of Port Colborne Official Plan.
2. The proposed development will provide an opportunity for residential intensification within the Built Up Area designated for residential growth and is a focus for intensification. It will make efficient use of the existing municipal services and facilities.
3. The proposed density is appropriate for the subject lands due to its proximity to the arterial roads – Elm Street and King Street with access to local public transit and other active transportation choices.
4. The proposal creates new housing in the City of Port Colborne contributing to a more diversified housing mix.
5. The development is appropriately distanced from the existing low-density residences to the south and west.

7.0 APPENDICES

- 7.1 Appendix A: Site Plan, Schematic Section & Renderings
- 7.2 Appendix B: Regional Schedules
- 7.3 Appendix C: City Schedules
- 7.4 Appendix D: Zoning By-law Map
- 7.5 Appendix E: Draft Official Plan Amendment
- 7.6 Appendix F: Draft Zoning By-law Amendment
- 7.7 Appendix G: Email confirmations

Report Prepared by:



Rhea Davis, MPlan
Planner
NPG Planning Solutions Inc.

Report Reviewed by:



Cory Armfelt, MCIP RPP (AB/ON)
Development Principal
NPG Planning Solutions Inc.

7.1 Appendix A: Site Plan



CONCEPTUAL SITE STATISTICS

LOT AREA (TOTAL)	2,629.6 SQ.M. (.283 HECTARES)
LOT COVERAGE	25.6%
LANDSCAPING	41.9%
BUILDING HEIGHT	14.2m
PROPOSED DENSITY	103 UNITS/HECTARE
PROPOSED PARKING	38 SPACES (1.0 UNIT = 0.28 UNIT - VISITOR)
	BARRIER-FREE PARKING - 2 SPACES
	BICYCLE PARKING - 10 SPACES
PROPOSED UNITS	30 DWELLINGS

1 SITE PLAN
A100 1:150

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architecture | interiors | design | research

54 GEORGE STREET - PROPOSED STACKED TOWNHOMES

ESTATE HILL DEVELOPMENTS

17 145 Birmingham Street | Toronto ON | M6V 3Z6 | 905.832.5758 | info@organicastudio.ca | info@organicastudio.ca

21035

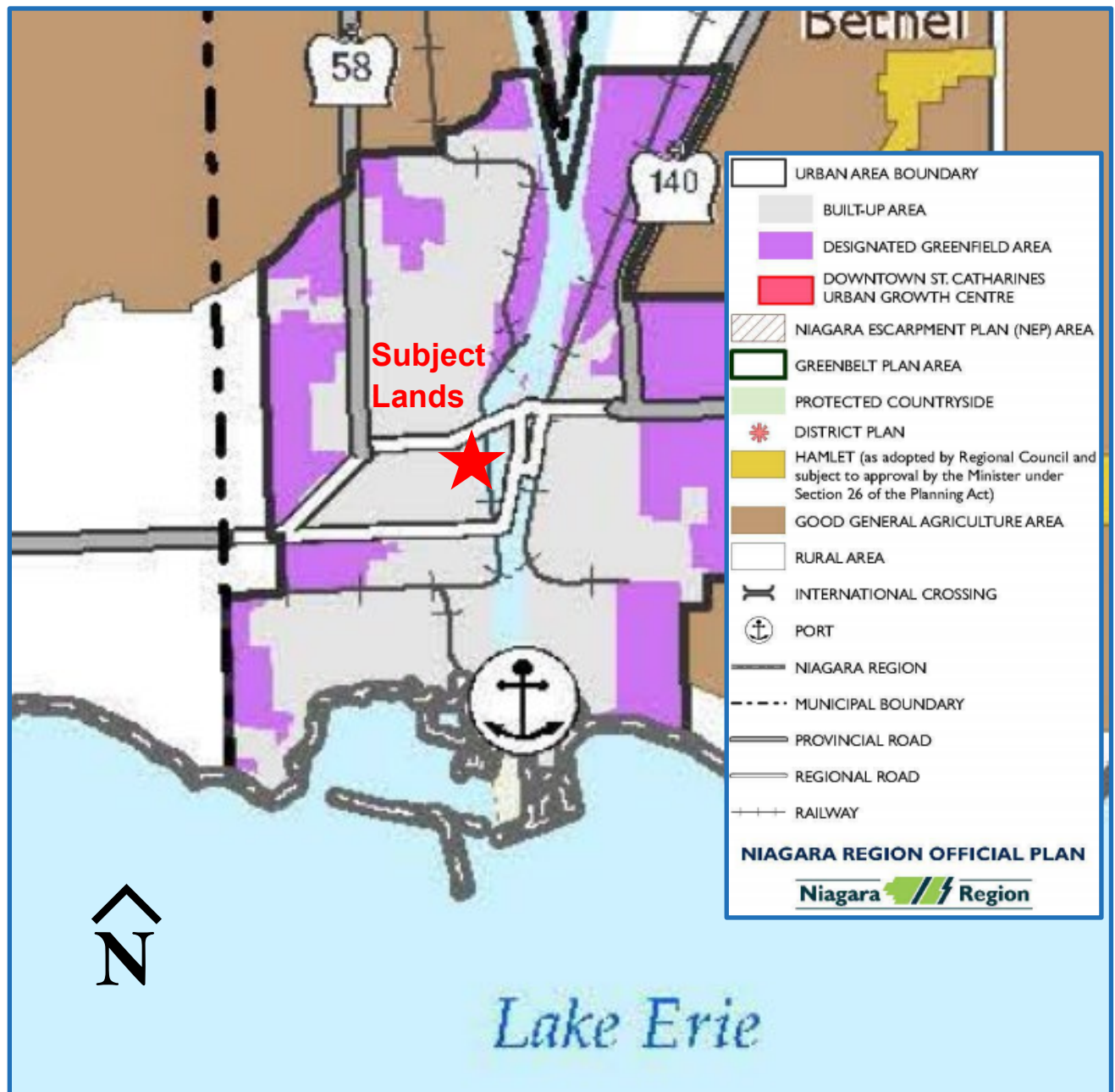
09/22/2021



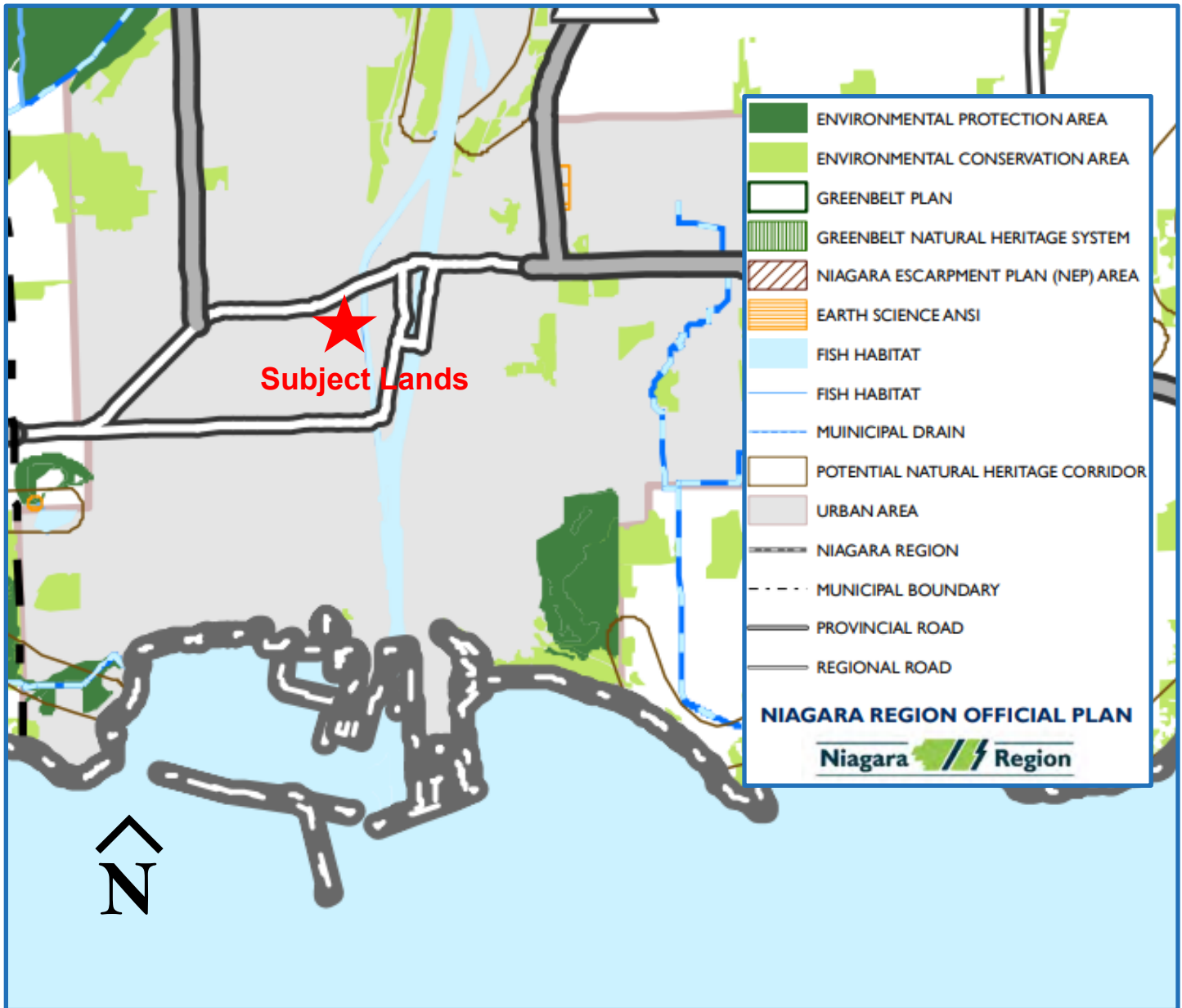
1 BIRD'S EYE VIEW
A101

7.2 Appendix B: Regional Schedules

Schedule A: Regional Structure



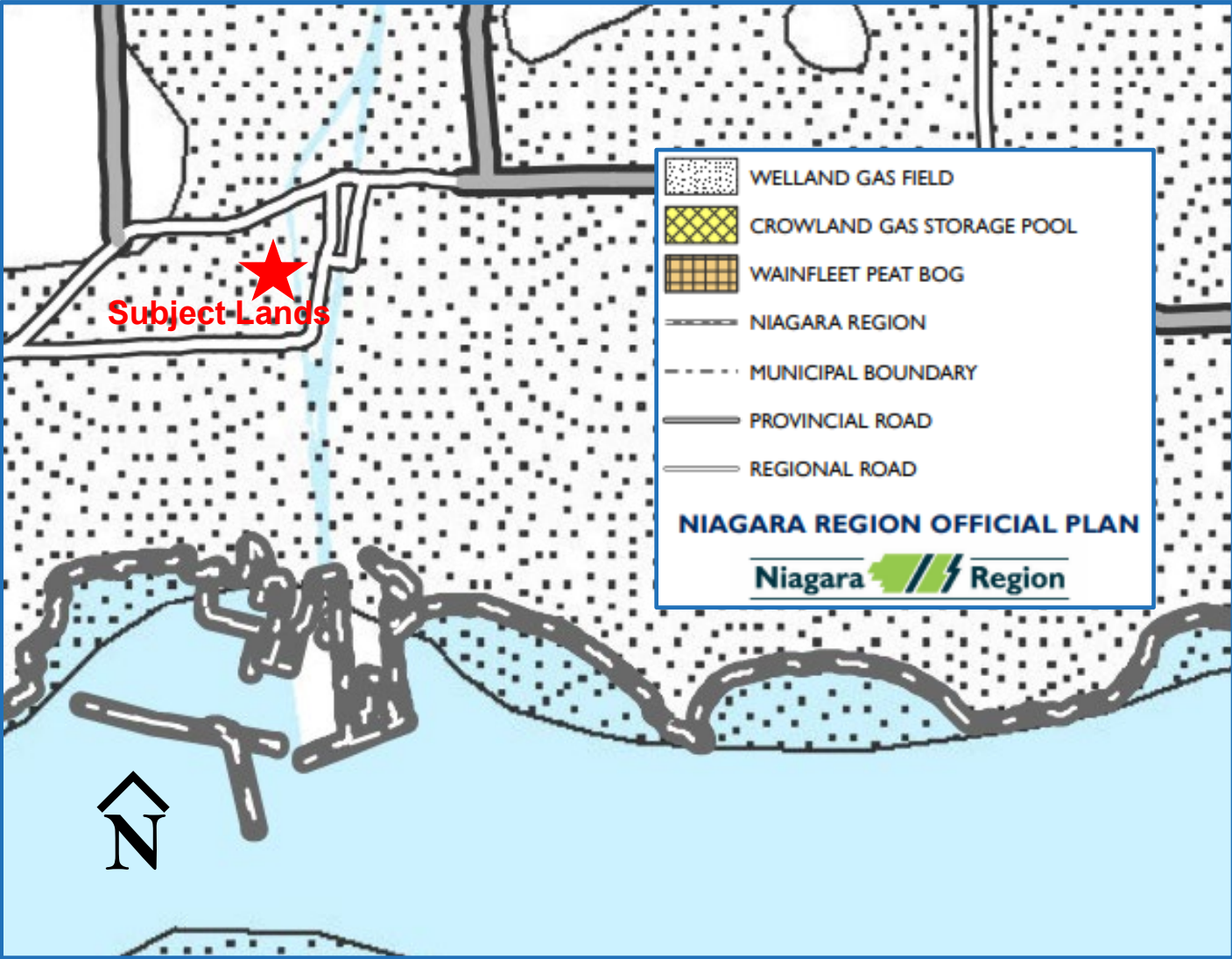
Schedule C: Core Natural Heritage



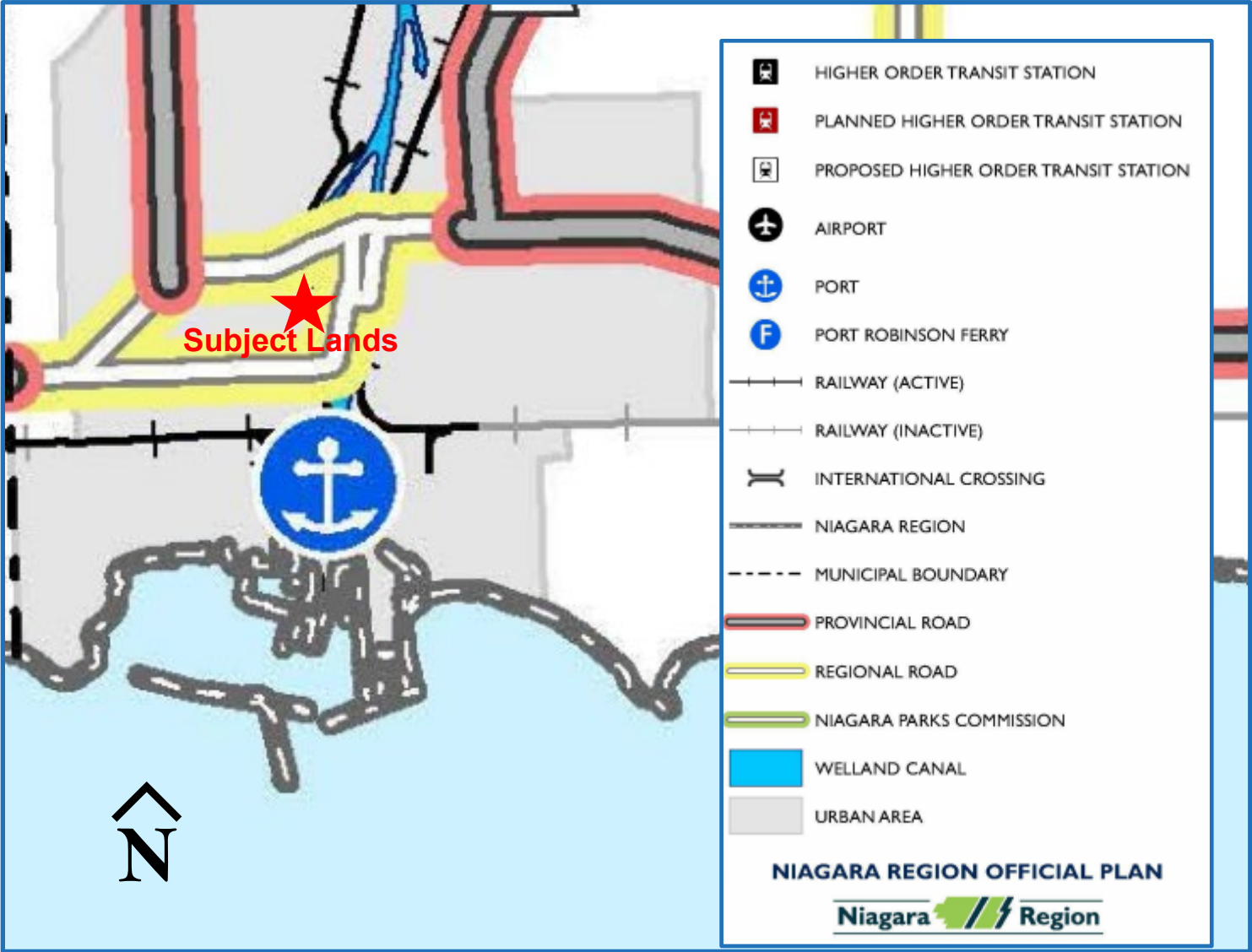
Schedule D1: Potential Resource Areas : Stone



Schedule D3: Potential Resource Areas: Peat and Petroleum



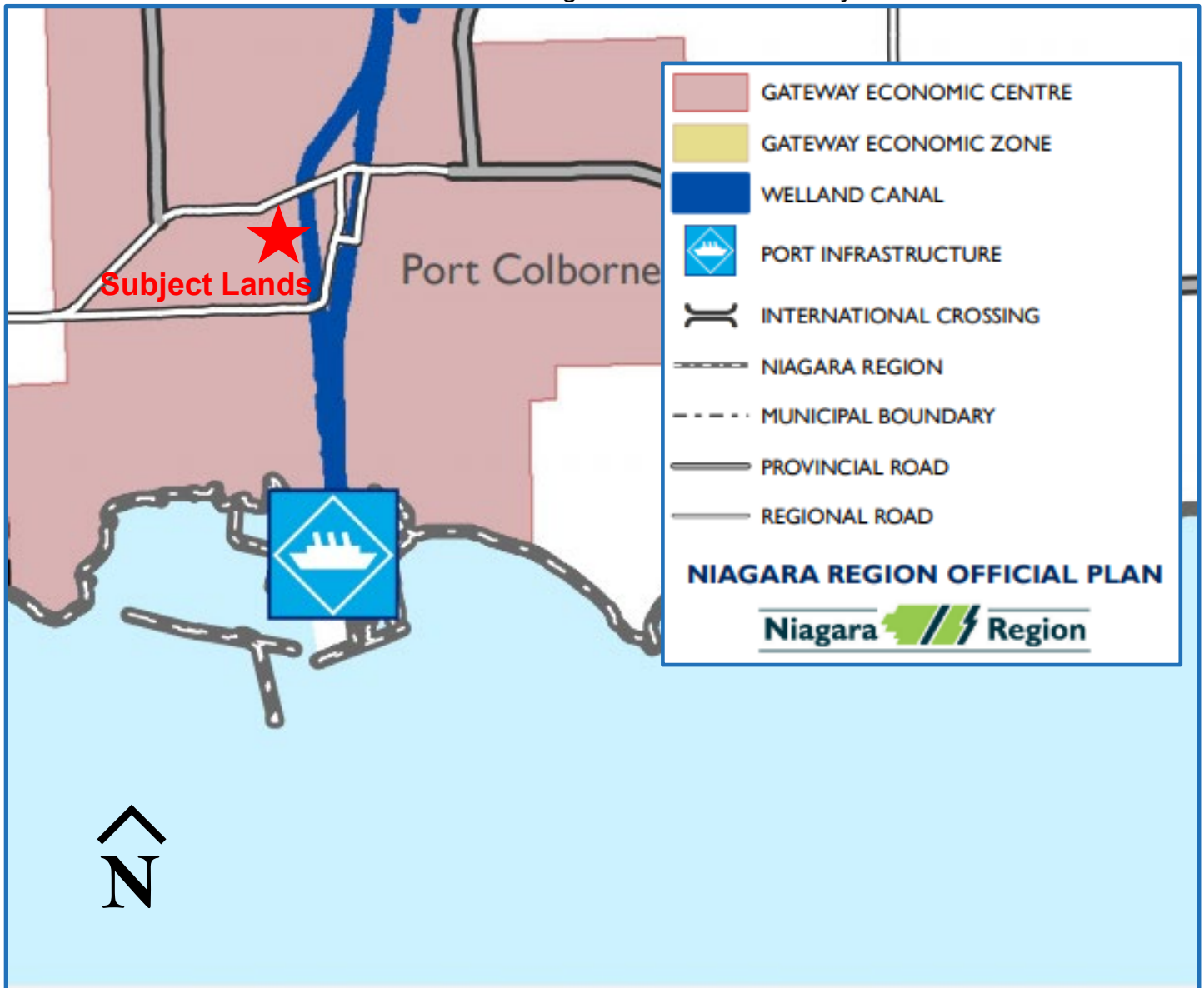
Schedule E1: Transportation Infrastructure



Schedule E2: Strategic Cycling Network

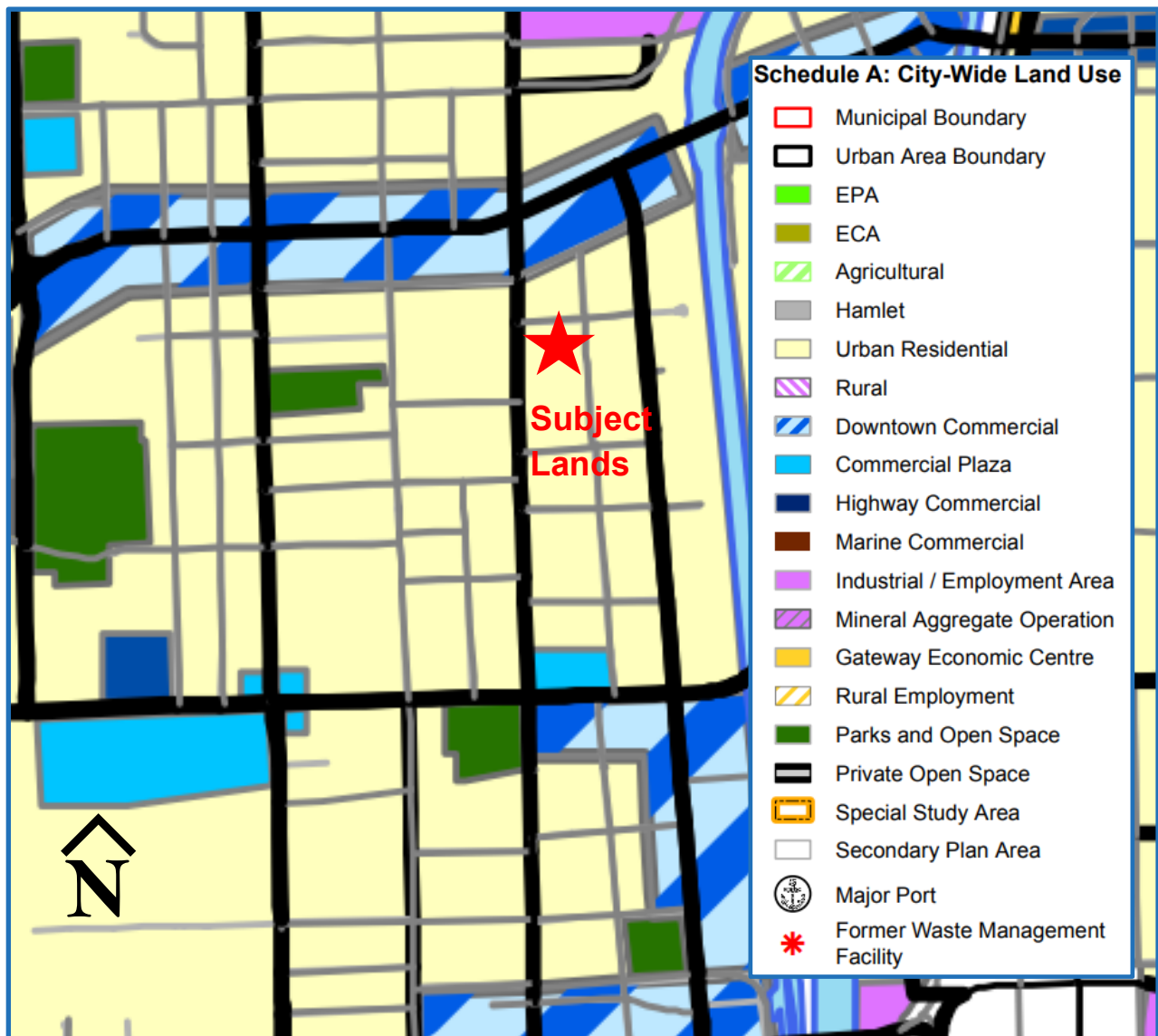


Schedule G1: Niagara Economic Gateway

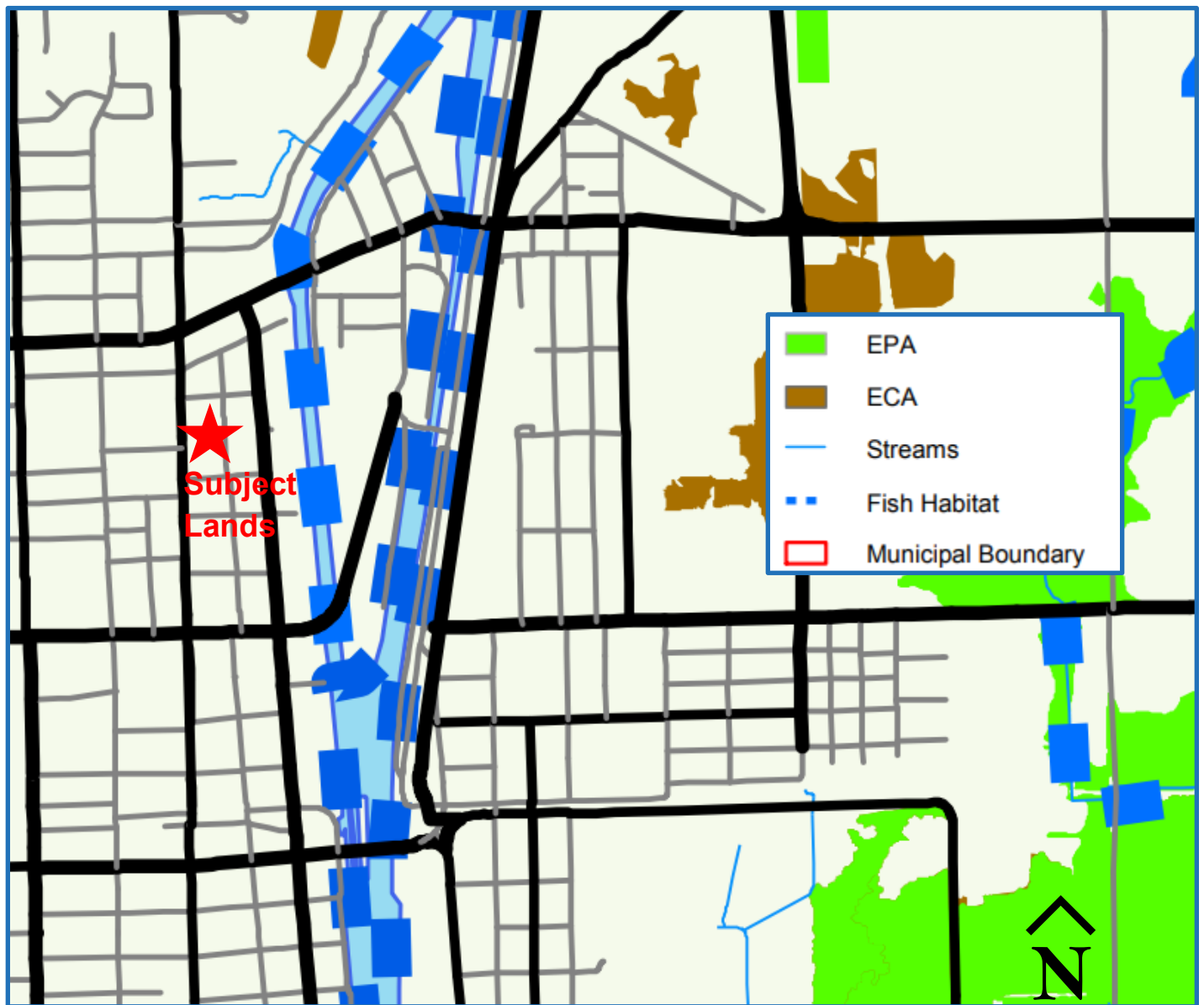


7.3 Appendix C: City Schedules

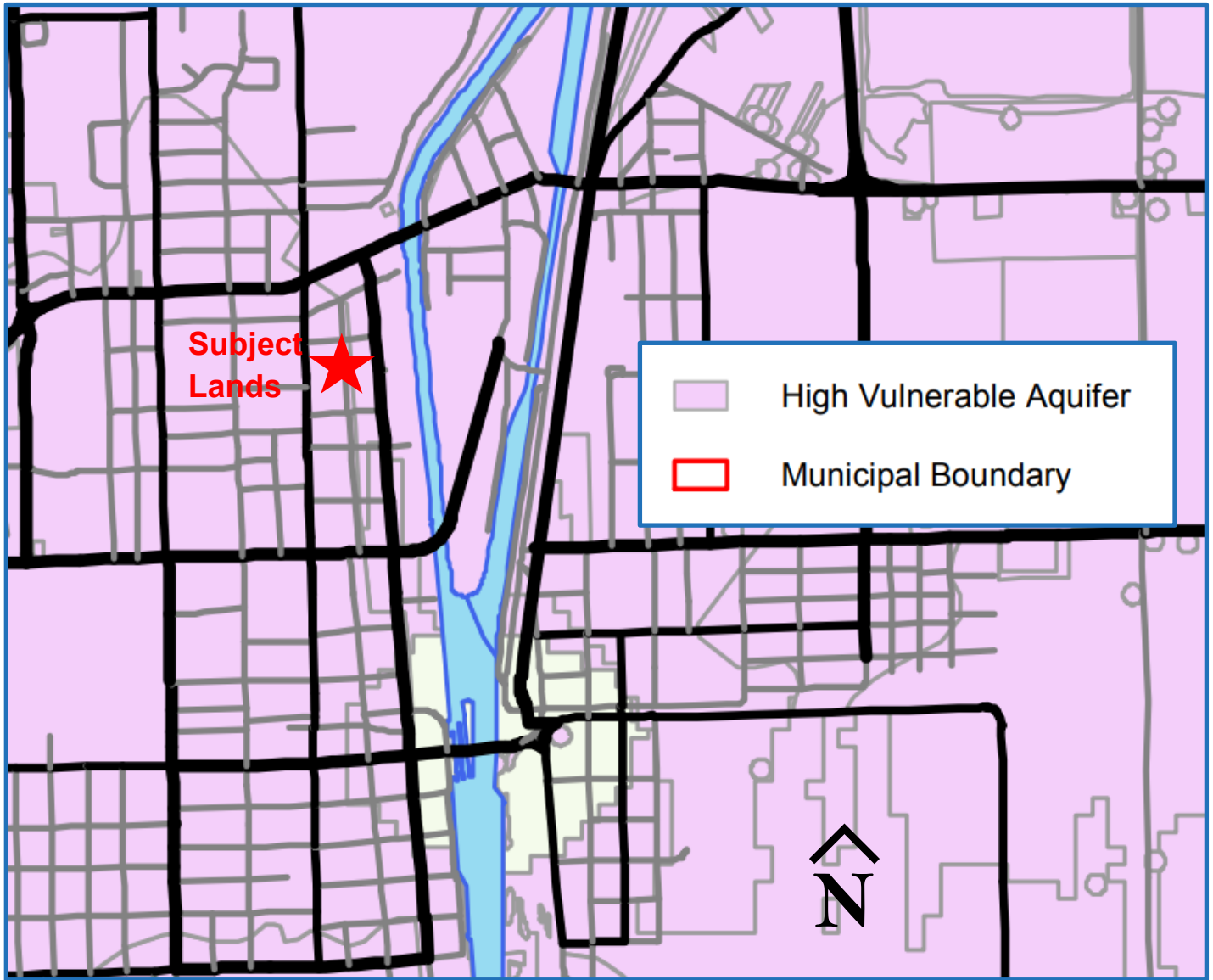
Schedule A: City-Wide Land Use



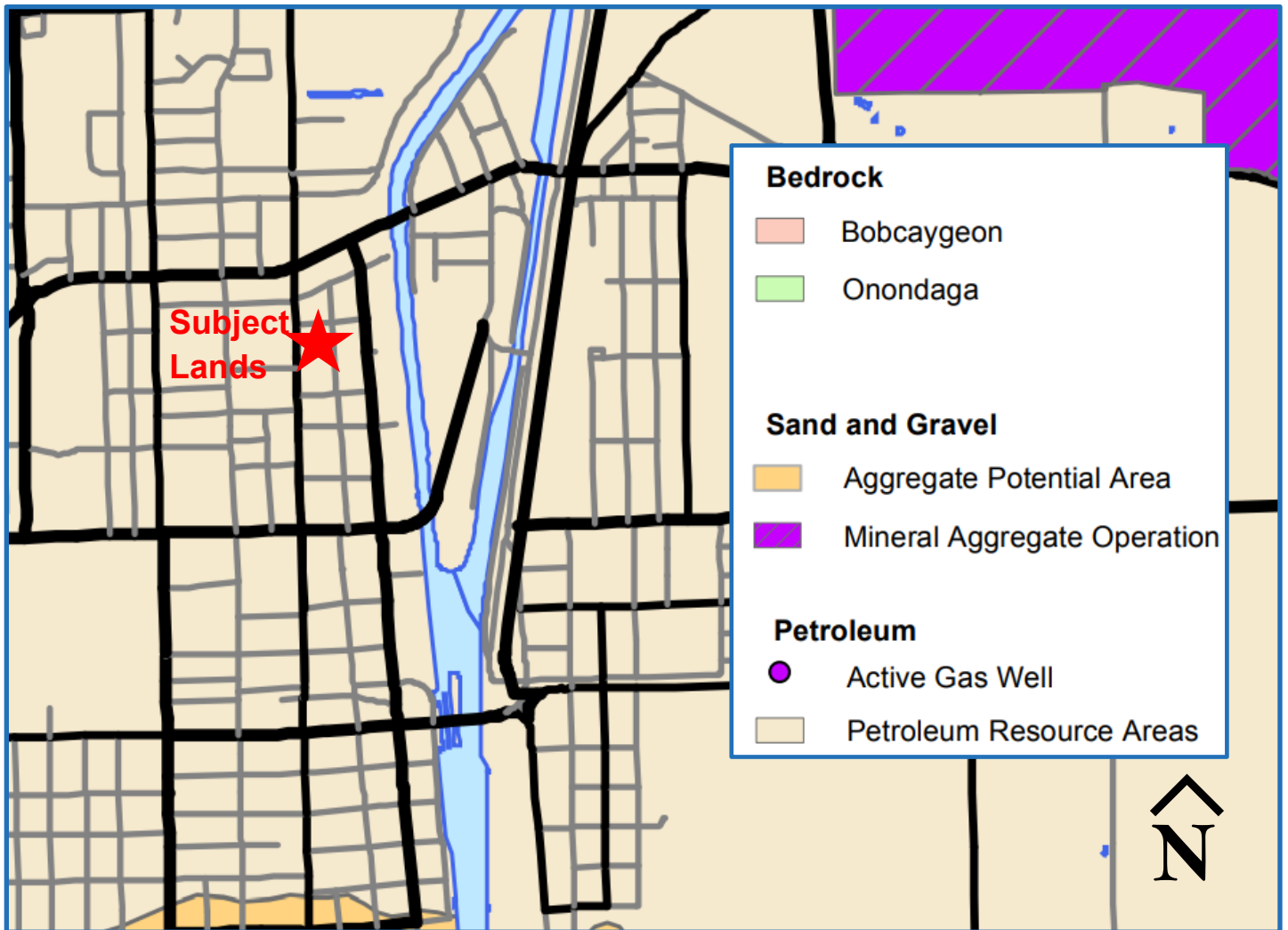
Schedule B: Natural Heritage



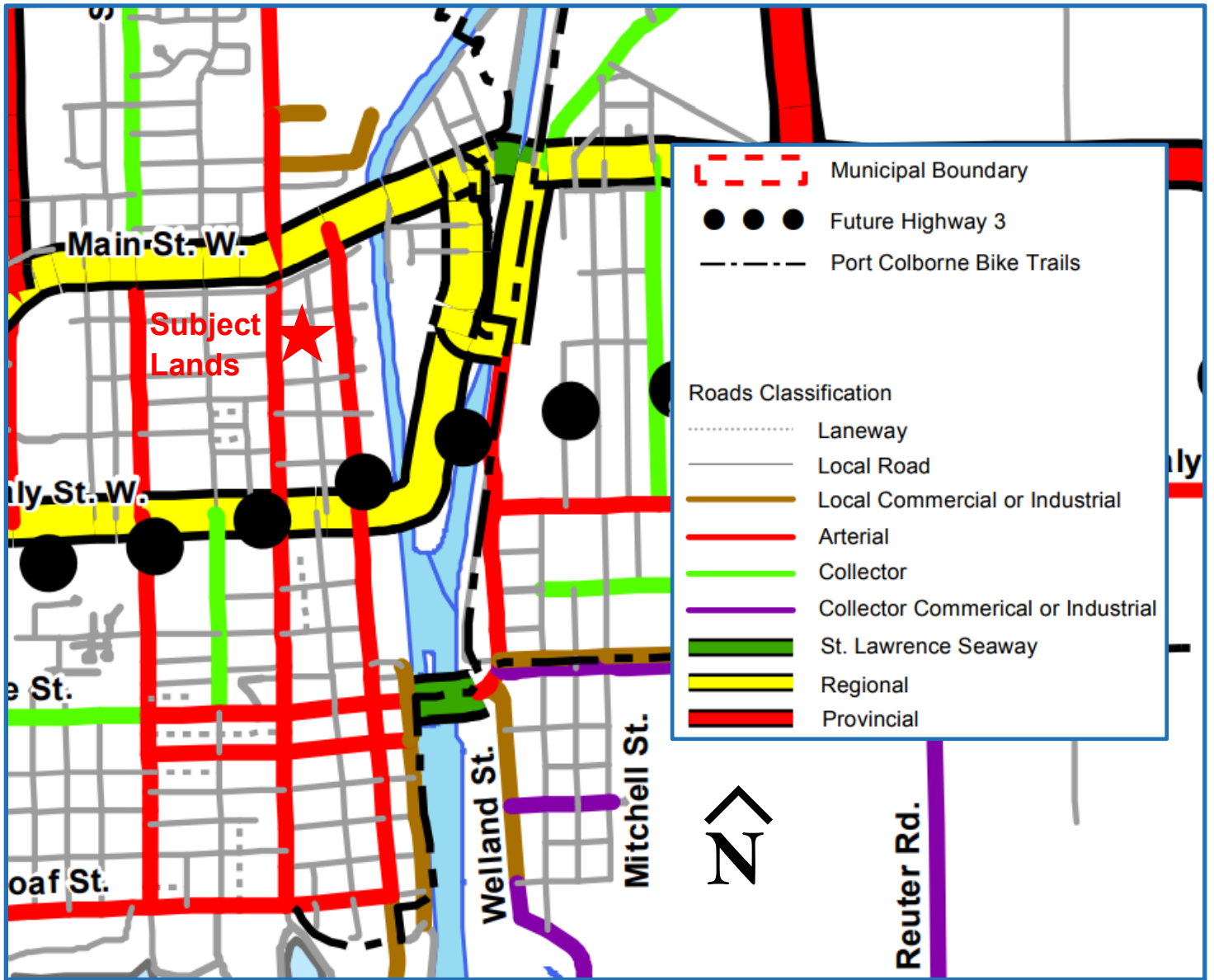
Schedule B3: Vulnerable Aquifer Areas



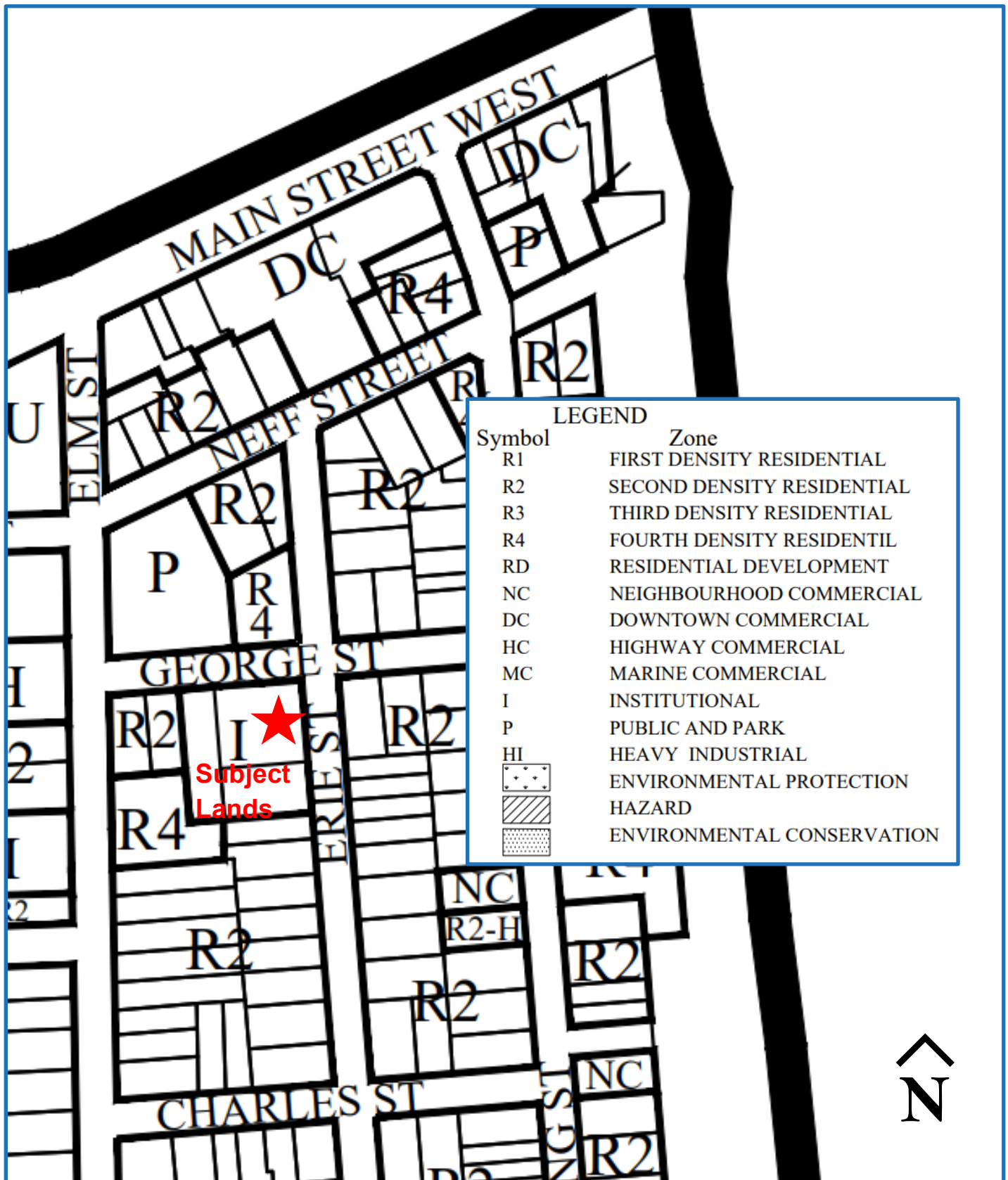
Schedule C: Mineral Aggregate and Petroleum Resources



Schedule D: Transportation



7.4 Appendix D: Zoning By-law Map – Schedule A7



7.5 Appendix E: Draft Official Plan Amendment

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO XXX/XX/21

**BEING A BY-LAW TO ADOPT AMENDMENT NO. XX TO THE OFFICIAL PLAN FOR
THE CITY OF PORT COLBORNE**

WHEREAS It is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

NOW THEREFORE the Council of the Corporation of the City of Port Colborne pursuant to Section 17(22) of *The Planning Act, R.S.O. 1990*, enacts as follows:

1. That the Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area consisting of the attached explanatory text and mapping is hereby adopted.
2. That this By-law shall come into force and take effect on the date upon which it is finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH
DAT OF [MONTH] 2021.**

William C Steele, MAYOR

Amber LaPointe, CLERK

AMENDMENT NO. XX
TO THE OFFICIAL PLAN FOR THE
PORT COLBORNE PLANNING AREA

INDEX

THE STATEMENT OF COMPONENTS

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Purpose

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Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

AMENDMENT NO. XX
TO THE OFFICIAL PLAN FOR THE
PORT COLBORNE PLANNING AREA

THE STATEMENT OF COMPONENTS

PART A

The Preamble which does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule "A", constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

PART A – THE PREAMBLE

Purpose

The purpose of this amendment is to facilitate the development of the subject lands, shown on the attached Schedule, as residential stacked townhouses at a maximum density of 103 units per hectare.

Location

The lands affected by this amendment are legally described as Lots 9, 10 and Part of Lot 11, Registered Plan No. 767 and Block 'A' and Part of Block 'B', Registered Plan No. 775 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street. A detailed map of the subject lands is attached as Schedule "A" to this Official Plan Amendment No. XX

Basis

Currently, the subject lands are designated "Urban Residential". An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 30 residential stacked townhouse units within two blocks and 38 surface parking spaces. The proposed density is 103 units per hectare.

The proposed development provides an opportunity for commercial areas to be strengthened through the introduction of residential uses, meet the municipality's intensification target of 15% and maximize the efficiency of existing infrastructure as outlined in 2.4.3 of the Official Plan. The design of the proposed development is in a manner that is compatible and will limit impact on the existing neighbourhood to the south and west.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "I - Institutional" zone to "R4-XX – Site-specific Fourth Density Residential Zone".

The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;
- A Place To Grow (2019) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Region Official Plan through the promotion of growth in urban areas; and

- Port Colborne Official Plan by introducing residential uses to create mixed use areas, while meeting the City's intensification target and promoting growth within the Built-Up Area.

PART B – THE AMENDMENT

INTRODUCTORY STATEMENT

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Lands shown on Schedule A are permitted to develop residential stacked townhouses at a maximum density of 103 units per hectare.

DETAILS OF THE AMENDMENT

Notwithstanding Section 3.2.1 c) of the Official Plan for the City of Port Colborne, a maximum density of 103 units per hectare of land shall be permitted on the subject lands shown on Schedule “A” to this amendment.

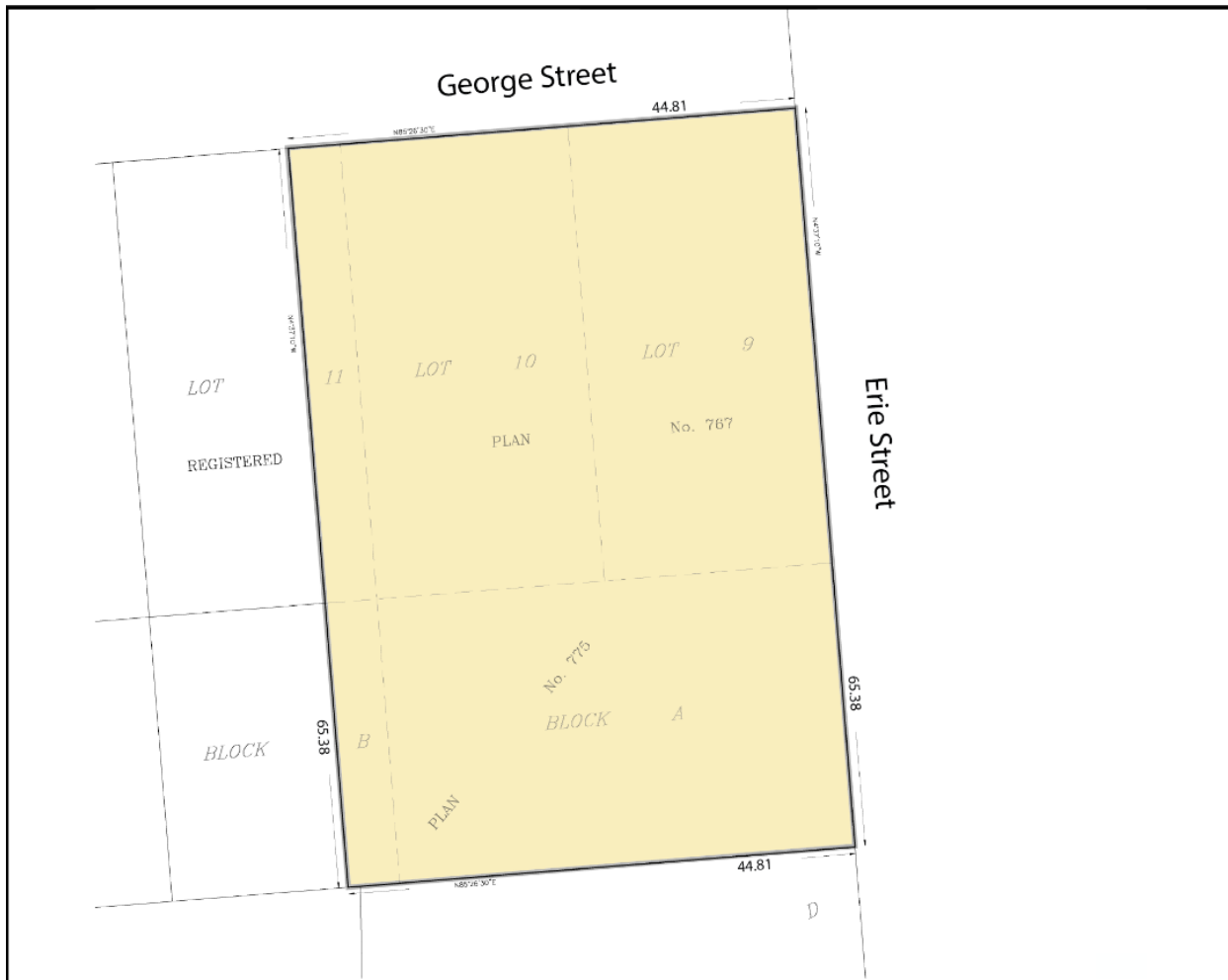
The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Urban Residential”, and entitled “Schedule A to Official Plan Amendment No. XX”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

SCHEDULE A



THIS IS SCHEDULE "A" TO BY-LAW NO. _____
 PASSED THE _____, 2021
 CITY OF PORT COLBORNE

File No:
 Date:
 Scale: NTS

 MAYOR

 CLERK

7.6 Appendix F: Draft Zoning By-law Amendment

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

**BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, RESPECTING LANDS
LEGALLY DESCRIBED AS LOTS 9, 10 AND PART OF LOT 11, REGISTERED PLAN
NO. 767 AND BLOCK 'A' AND PART OF BLOCK 'B', REGISTERED PLAN NO. 775
IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA,
AND MUNICIPALLY KNOWN AS 54 GEORGE STREET.**

WHEREAS By-law 6575/30/18, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the location and use of buildings and structures within the City of Port Colborne;

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

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

1. This amendment shall apply to those lands described on Schedule "1" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule 1 from Industrial (I) to R4-XX, being a special provision of the Fourth Density Residential Zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-XX

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

Minimum Front Yard	4.5 metres from the building
Maximum Height	14.5 metres
Landscaped buffer area between the edge of the parking area and the lot line abutting a public road	2.5 metres

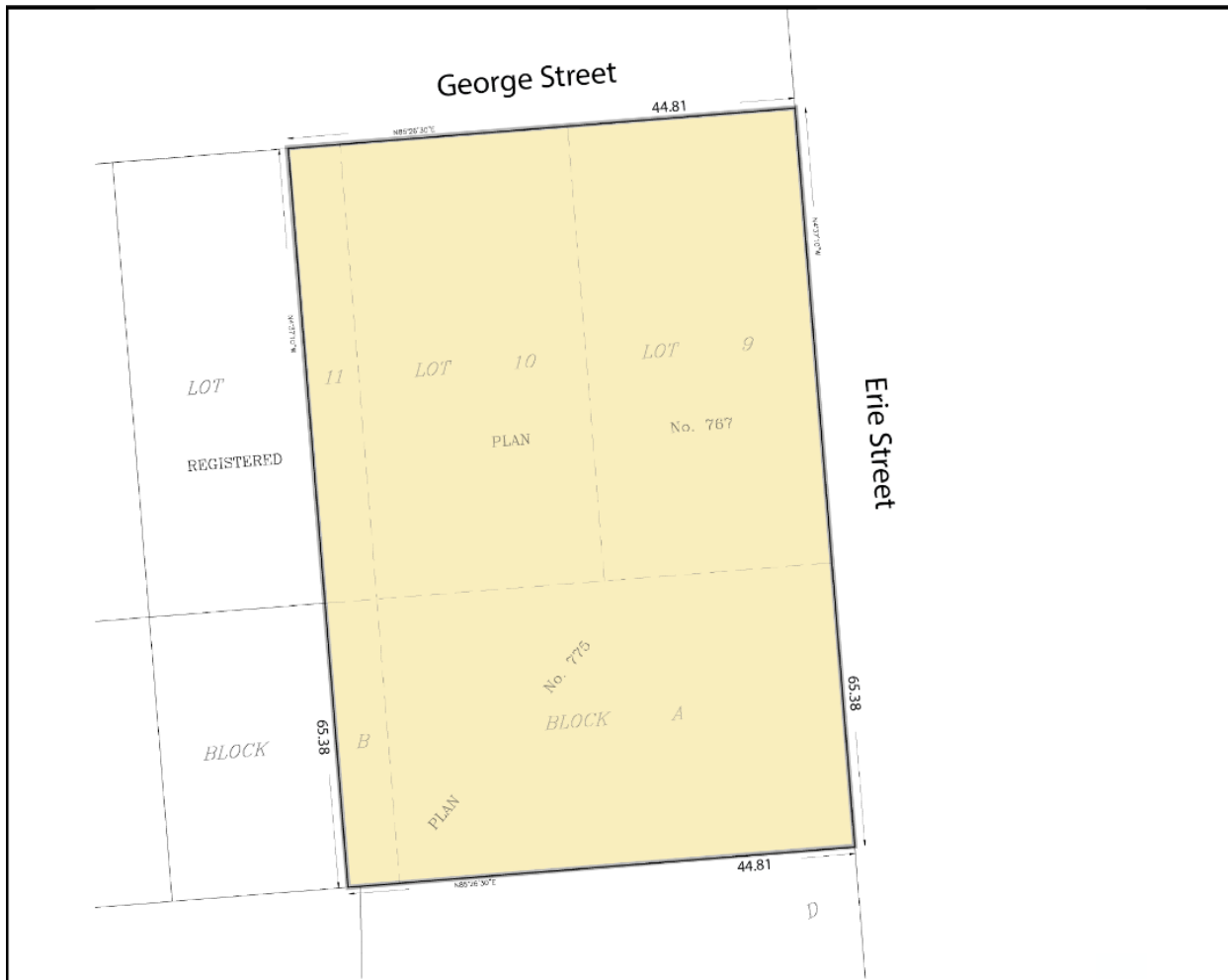
4. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of *The Planning Act, R.S.O 1990*.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with *The Planning Act*.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH DAY
OF XXX, 2021**

William C Steele, MAYOR

Amber LaPointe, CLERK

SCHEDULE 1



THIS IS SCHEDULE "1" TO BY-LAW NO. _____
 PASSED THE _____, 2021
 CITY OF PORT COLBORNE

File No:
 Date:
 Scale: NTS

 MAYOR

 CLERK

7.7 Appendix G: Email Confirmations

From: [David Schulz](#)
To: [Rhea Davis](#)
Cc: [Cory Armfelt](#)
Subject: RE: 54 George Street, Port Colborne
Date: July 21, 2021 8:52:43 AM
Attachments: [image002.jpg](#)
[image004.png](#)
[image006.jpg](#)
[image008.jpg](#)
[image010.jpg](#)
[image012.jpg](#)
[image014.png](#)
[image016.png](#)
[image025.jpg](#)
[image026.png](#)
[image027.jpg](#)
[image028.jpg](#)
[image029.jpg](#)
[image030.jpg](#)

Hi Rhea,

Please see my answers below:

1. We only have a form for each individual application, so we will need both filled out.

With respect to waste collection – the Region's collection policies only collect up to 24 units. Anything in excess of 24 bags/containers of garbage cannot be serviced by the Region.

2. During the pandemic we have not been signing the forms. The one you have is the final copy.
3. If the entrances are all independent to each unit, then this would be considered a block townhouse. If there is one entrance into the building this would be an apartment building.

Regards,

David

David Schulz

Planner

City of Port Colborne

Phone 905-835-2900 Ext. 202

Email David.Schulz@portcolborne.ca

66 Charlotte Street
Port Colborne, ON L3K 3C8

From: [Alguire, Robert](#)
To: [Rhea Davis](#)
Cc: [Cory Armfelt](#); [Kelly, Siobhan](#); [Busnello, Pat](#)
Subject: RE: 54 George St Port Colborne- Multi-Residential Waste Collection
Date: August 5, 2021 4:22:29 PM
Attachments: [image002.png](#)

Hi Rhea,

Sorry for the delayed response as Waste Management staff required an internal discussion to determine the classification of the proposed development. It appears that Niagara Region would be able to service the proposed townhouse blocks as low density residential (LDR), provided that the external doors are visible from the curb, which appears to be the case based on the provided concept plans. This means that instead of the 24 garbage bag/can limit per building, each unit would be eligible for 2 garbage bags/cans collected curbside every-other-week.

Thank you for your patience in working through this matter. Please let me know if you have any further questions.

Best Regards,

Robert Alguire, C.E.T.
Development Approvals Technician
Planning and Development Services Department
Regional Municipality of Niagara
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From: Rhea Davis <rdavis@npgsolutions.ca>
Sent: Thursday, July 29, 2021 3:00 PM
To: Alguire, Robert <Robert.Alguire@niagararegion.ca>; Kelly, Siobhan <Siobhan.Kelly@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>
Cc: Cory Armfelt <carmfelt@npgsolutions.ca>
Subject: RE: 54 George St Port Colborne- Multi-Residential Waste Collection

CAUTION: This email originated from outside of the Niagara Region email system. Use

Subject: Public Meeting Report for OPA and ZBA to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20

To: Council - Public Meeting

From: Planning and Development Department

Report Number: 2022-09

Meeting Date: January 18, 2022

Recommendation:

That Planning and Development Report 2022-09 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding proposed changes to the Mineral Aggregate and Petroleum Resources designation of the Official Plan and changes to Mineral Aggregate regulations under Zoning By-law 6575/30/18.

Background:

As Council is aware, there has been significant public interest in the Mineral Aggregate Operation Zone of the Zoning By-law in relation to the provisions of asphalt and concrete manufacturing.

In response to Council direction and the public interest, proposed amendments were brought forward to Council in late 2020 and early 2021, however the reports were deferred due to concerns raised by Council and public stakeholders.

In the spring of 2021, the City retained an independent planning firm, NPG Planning Solutions, to research and present a recommended approach to Planning staff. It should be noted that staff have been working closely in consultation with NPG to bring forward these proposed amendments.

Internal Consultations:

Notice of Public Meeting was circulated on December 23, 2021 to internal departments and agencies. As of the date of preparing this report, no comments have been received.

Public Engagement:

Notice of Public Meeting was circulated on December 23, 2021, via the Niagara This Week newspaper and also posted on the City's website under "Current Applications". At the time of preparing this report, no new written correspondence has been received from any members of the public.

Discussion:

Planning staff are proposing new policies and regulations for Mineral Aggregate Operations through amendments to both the City Official Plan and Zoning By-law.

The Official Plan is proposed to be amended by introducing new policies to Section 10: Mineral Aggregate and Petroleum Resources for the purposes of facilitating site-specific zoning by-law amendments via Zoning By-law 6575/30/18 for ancillary uses such as: asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of the plan. The draft Official Plan Amendment has been attached as Appendix A.

Zoning By-law 6575/30/18 is proposed to be amended by adding a zone known as the Mineral Aggregate Ancillary Use (MAAU) zone, which will only be permitted via subsequent site-specific zoning by-law amendment applications. A comprehensive analysis with associated studies/reports will be required through any future site-specific amendment applications. The definition for Mineral Aggregate Operation zone is also proposed to be amended to not include accessory uses/facilities used in processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related aggregate products. Finally, the amendment proposes to add new definitions for "Aggregate Depot", "Asphalt Plant, Permanent", "Asphalt Plant, Portable", and "Cement Concrete Plant". The draft Zoning By-law Amendment has been attached as Appendix B.

NPG Planning Solutions in conjunction with Planning staff have taken all public comments previously received into consideration when preparing the draft amendments attached. Any new comments received will be further considered and included in the future recommendation report.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendments at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to a future regular meeting of Council.

Appendices:

- a. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment

Respectfully submitted,

David Schulz, BURPI
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt Amendment No. _____ to the Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore, the Council of The Corporation of the City of Port Colborne under Section 17(22) of the *Planning Act*, hereby enacts as follows:

- 1. That Official Plan Amendment No. _____ to the Official Plan for the City of Port Colborne Planning Area, consisting of the explanatory text is hereby adopted.
- 2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this day of , 2022.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AMENDMENT NO. ____
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

PREPARED BY:
NPG PLANNING SOLUTIONS for the CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT

_____, 2022

AMENDMENT NO. ____
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

AMENDMENT NO. _____
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 6 to the Official Plan for the City of Port Colborne.

Date: _____, 2022

AMENDMENT NO. ____ TO THE OFFICIAL PLAN

**FOR THE
PORT COLBORNE PLANNING AREA**

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STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, constitutes Amendment No. 7 to the Official Plan for the Port Colborne Planning Area.

PART C

The Appendices.

PART A - THE PREAMBLE

Purpose

The purpose of the amendment is to, to introduce new policies to the Mineral Aggregate and Petroleum Resources designation for the purposes of facilitating site specific zoning by-law amendments for these uses via the Zoning By-law.

Location

These policies will apply to the entirety of the jurisdictional boundaries of the City of Port Colborne.

Basis

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors: 1. the policies will ensure compatibility with the surrounding land uses. 2. This Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The Official Plan adopted by By-law 5855/109/12 and approved by the Ontario Municipal Board decision of November 25, 2013, for the Port Colborne Planning Area is hereby amended by doing the following:

Amend Section 10 by adding the following to Section 10.1.1 Additional Policies:

- d) require site specific Zoning By-Law Amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:

- i) The protection of groundwater quality and quantity;
- ii) the protection of adjoining lands from noise, dust, odour, lighting and outdoor storage;
- iii) the protection of the environment from adverse effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
- iv) access being obtained directly to a road capable of bearing the anticipated loaded truck weights and conveying the cumulative volume of traffic without negative impacts to current traffic flow; and,
- v) ancillary land uses will not be permitted where they are prohibited in O. Reg. 466/20 or any successor to this regulation.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and the City of Port Colborne Zoning By-law.

PART C – THE APPENDICES

Non applicable

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Amend Zoning By-law 6575/30/18
Regarding Mineral Aggregate Accessory Use Provisions

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

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

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

1. That the following be added to Section 4.1:

MAAU	Mineral Aggregate Ancillary Use
------	---------------------------------

2. That the following is added as Section 29 – Mineral Aggregate Ancillary Use Zone (MAAU):

29.1 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 Ancillary Use (MAAU) 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) Asphalt Plant, Permanent
- b) Asphalt Plant, Portable
- c) Cement Concrete Plants
- d) Aggregate Depots

29.3 Zone Requirements

- a) Applications for uses in Clause 29.2 may only be considered for lots which are within current Mineral Aggregate Operations (MAO), Gateway

Industrial (GI) and/or Heavy Industrial (HI) zones. The uses may only be undertaken subsequent to a successful zoning amendment (subject to additional approvals) following a comprehensive analysis which demonstrates:

- a. Comprehensive analysis through appropriate studies;
- b. The demand for the type and scope of development proposed in relation to the demographics of the City;
- c. The long-term impacts on municipal servicing;
- d. The long-term impacts on the environment including the quality and quantity of surface water and ground water, impacts on significant environmental features and impacts on areas of significant cultural resources;
- e. The impact of the proposed development on surrounding existing and proposed developments;
- f. That the designated truck access routes will not be primarily through residential areas; and,
- g. That all operations shall adhere to applicable federal, provincial and local regulations, including but not limited to emissions and noise.

- b) New uses will be placed under site plan control and will only be permitted where the plant operations area (excluding offices and parking) is at least 500 metres from any residential use, where the use will be totally enclosed by a security fence or within a fireproof building, and where adequate stormwater drainage can be provided.

3. That the following is removed from the current Section 38:

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.

4. That the following is added to Section 39:

- a) **Aggregate Depot:** A place where gravel, rock, sand, earth, clay, or fill is stored prior to sales and/or distribution. An aggregate depot may include the blending of aggregate with salt.
- b) **Asphalt Plant, Permanent:** A facility for the mixing of asphalt components, including hot mix asphalt, for transfer to a job site.
- c) **Asphalt Plant, Portable:** Equipment that is used to produce asphalt and which is capable of being readily drawn by a motor vehicle and which is not

- permanently affixed to the ground.
- d) **Cement Concrete Plant:** A facility manufacturing concrete from any combination of cement, cement supplement, fine aggregate, coarse aggregate and water. The concrete plant includes associated bins, weigh hoppers, and cement silos.
 - e) **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) Does not include accessory uses/facilities used in processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related aggregate products.
5. That the existing Sections 29 to 39 are renumbered accordingly.
6. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, 2022.

William C. Steele
Mayor

Amber LaPointe
City Clerk