

City of Port Colborne Public Meeting Agenda

Date: Tuesday, September 20, 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. Requests to delegate, both written and appearing in-person or 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 Proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, File No. D07-01-22 & D14-13-21, 2022-213 | 1 |
| a. | Written Delegation material from Jennifer Gardiner, resident | 23 |
| 4.2. | Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22, 2022-215 | 24 |

5. Procedural Motions
6. Information Items
7. Adjournment

**Subject: Public Meeting Report for Proposed Draft Plan of
Condominium and Zoning By-law Amendment at 690-700
Elm Street, File No. D07-01-22 & D14-13-21**

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2022-213

Meeting Date: September 20, 2022

Recommendation:

That Development and Legislative Services – Planning Division Report 2022-213 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications submitted by Curtis Thompson of Better Neighbourhoods Inc. on behalf of the owner Topwide Property Development Inc. for a proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street.

Background:

Applications for Draft Plan of Condominium and Zoning By-law Amendment were submitted by Better Neighbourhoods Inc. in May 2022. The application was deemed complete on July 6, 2022, following the erection of the public notice sign. The following reports/plans have been submitted to help facilitate the development of the land: Planning Justification Report, Functional Servicing Report, Site Plan, Servicing and Grading Plans, Geotechnical Report, proposed elevations and conceptual renderings, Topographic Survey, and a Storm Drainage Plan. These materials can be found on the City's website under "Current Applications".

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R4-CH (Fourth Density with Conversion Holding) and R2 (Second Density Residential) to a site-specific R4 zone that will permit a development of

71 total dwelling units (five single-detached, 10 semi-detached, 15 block townhouses, and 41 apartment dwelling units).

The Draft Plan of Condominium will implement the proposed Zoning By-law Amendment and legally allow each unit to be held in independent ownership and establish common elements such as the internal condominium road.

Internal Consultations:

The applications and supporting materials were circulated internally to applicable departments and agencies in July 2022. As of the date of preparing this report, the following comments have been received by applicable departments and agencies:

Port Colborne Fire Department

“Fire has no concerns at this time”

Drainage Superintendent

“There are no concerns regarding municipal drains for this parcel”

By-law Enforcement Division

“By-law Services have no adverse comments at this time”

Engineering Comments

City Engineering staff have reviewed and provided technical comments on the submission materials. It is noted that the majority of the comments are minor and can be addressed through the future site plan control process.

Niagara Region

(full comment attached as Appendix C)

Regional Planning and Development Services staff does not object to the Zoning By-law Amendment and Draft Plan of Condominium Applications, in principle, as the proposed redevelopment is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the conditions of the attached Appendix [of the comment letter] being fulfilled. City staff should be satisfied that the proposed development is compatible with the surrounding urban fabric and that all local requirements are met.

Public Engagement:

The Notice of Public Meeting is required to be sent to property owners within a 120m radius of the subject property, as per Sections 34 (13) and 51 (20.1) of the *Planning Act*. Notice was circulated on August 31, 2022, and no comments from the public have been received as of the date of preparing this report.

Any/all comments submitted on the applications will be reviewed and responded to through a future recommendation report.

Discussion:

These applications will be reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Regional Official Plan*, *the City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. According to the PPS, settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area as well as a delineated built-up area, where the Growth Plan states that growth should be focused in “Built-up” areas.

The Regional Official Plan (ROP) designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Policies within the ROP generally encourage intensification throughout the Built-up Area. Section 4.A.1 will be used to assess the application when a recommendation report is brought forward at a future date.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include, residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

Residential land uses such as the uses proposed are permitted in the Urban Residential designation. The land use designation is not proposed to be changed as a result of this application.

Sections 2.4.3 and 3.6 of the OP will be used to assess the application when a recommendation report is brought forward at a future date. These sections provide

policies on intensification and infill, as well as the general policies of the Urban Residential designation.

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

The subject property currently has two zones assigned to it. The larger portion of the property is zoned R4-CH (Fourth Density Residential with a Conversion Holding) and the remaining is zoned R2 (Second Density Residential). The Conversion Holding (CH) requires the filing of a Record of Site Condition (RSC) prior to its ability to be lifted from the property. The applicant has successfully filed an RSC with the Ministry of the Environment, Conservation and Parks. A site-specific R4 zone with the CH removed is proposed for the entirety of the lands through this application. Key changes proposed within the Zoning By-law are summarized below, the full draft Zoning By-law Amendment can be found within Appendix D:

- Revisions to the accessory dwelling unit provisions to set a maximum unit size and building height
- Revisions to the home-based business provisions
- Deletion of Section 2.12 – Buildings on One Lot provision
- Revisions to the permitted encroachment provisions
- Revisions to the ingress and egress provisions to reduce the minimum two-way traffic driveway width
- Revisions to the R4 zoning requirements to reflect the proposed condominium configuration

Adjacent Zoning and Land Use

The parcels surrounding the subject lands are predominantly zoned R2 (Second Density Residential) to the north, west and south. Additionally, there is a church to the south that is zoned I (Institutional).

Financial Implications:

There are no financial implications at this point as no decisions are being made on the applications.

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 Draft Plan of Condominium and Zoning By-law Amendment 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 Council at a future meeting.

Appendices:

- a. Proposed Site Plan
- b. Proposed Draft Plan of Condominium
- c. Niagara Region Comment
- d. Draft Zoning By-law Amendment

Prepared by,

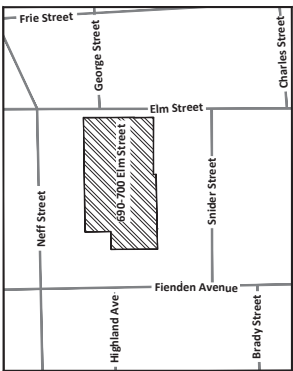
David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Respectfully submitted,

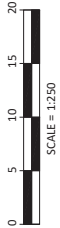
Denise Landry, MCIP, RPP
Manager of Planning Services
(905) 835-2900 x203
denise.landry@portcolborne.ca

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.



Key Map Not To Scale



Preliminary

Legal Description	Area	Owner
Part of Lot 3 on west side of Block 10, B & C on Register in the City of Port...		

Land Use Schedule			#
Use		Unit (lot)	
Single Detached		20-24	5
Semi-Detached		16-19	10
Townhouses		1-11	15
Apartments		31	41
Total			71

Parking Chart	
Parking Type	Stall
Accessible Stalls	3
Standard / Outdoor Stalls	84
Garage Stalls	27
Lobby Stalls (Off-Street)	16
Total	130

[illegible]

190A Ontario Street, St Catharines, Ontario L2R 5K9 Studio: 905.684.8585 Betterneighbourhoods.ca

PROJECT TITLE:

690-700 Elm Street
Port Colborne, Ontario

DRAWING TITLE:

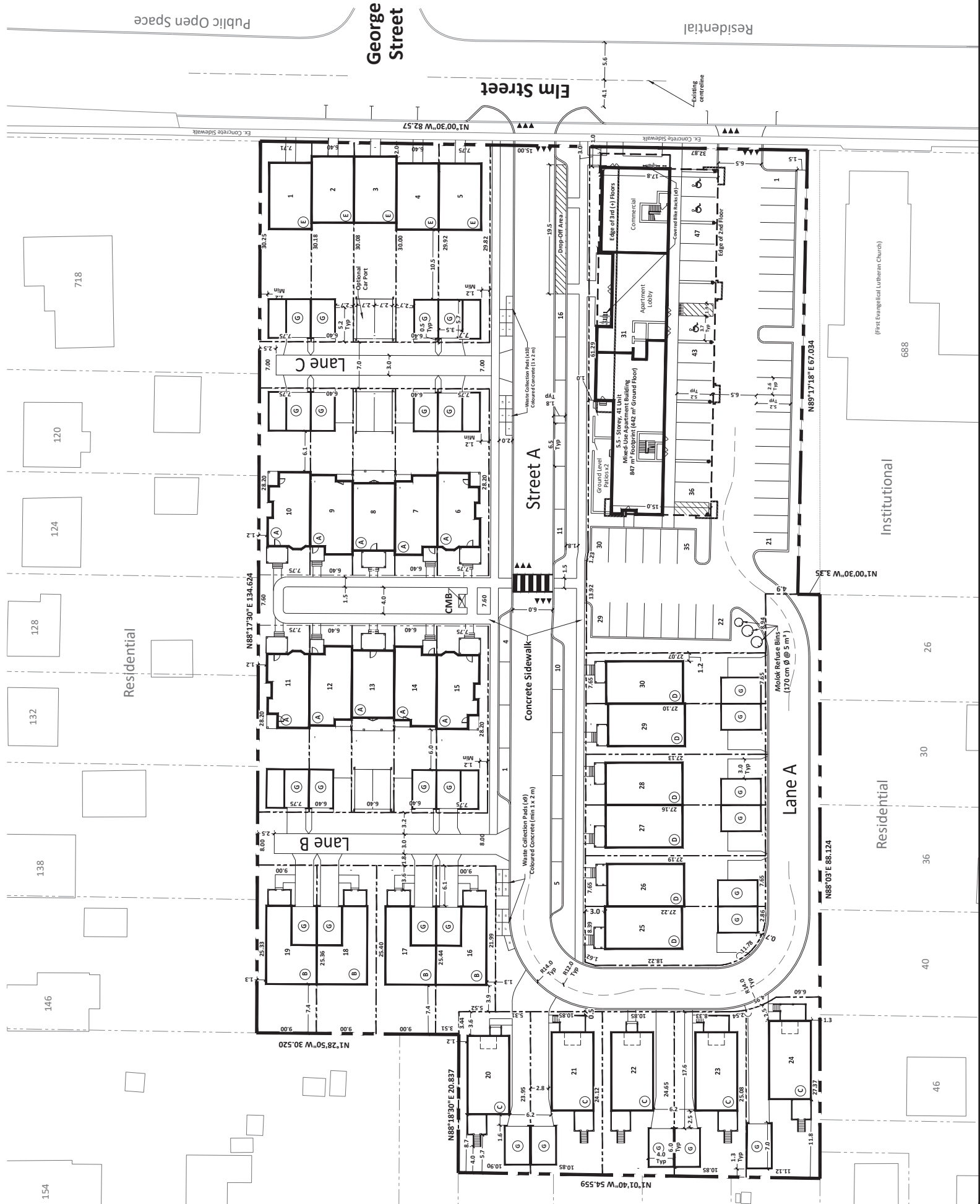
Site Plan

DATE OF ISSUE: 2022-05-17

DRAWING No:

DRAWING No.:
0376-SP-1

C





Requirments Of Section 51(17) of the Planning Act

Owner's Certificate

Surveyor's Certificate

Brent Laroque O.L.

[illegible]

190A Ontario Street, St Catharines, Ontario L2R 5K9 Studio: 905.684.8585 Betterneighbourhoods.ca

Draft Plan of Vacant Land Condominium

2022-03-30

DRAWING NO:
0397-DPVIC-1

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

August 4, 2022

Region File: D.18.07.ZA-21-0105
D.11.07.CD-22-0014

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment and Draft Plan of Condominium
City File: D14-13-21, D07-01-22
Owner/Applicant: Topwide Investments/Topwide Property Development
Agent: Better Neighbourhoods Inc.
690-700 Elm Street
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the proposed Zoning By-law Amendment and Draft Plan of Condominium Applications for 690, 692, and 700 Elm Street. Regional staff received circulation of the Applications from the City on July 12, 2022, with the receipt of the associated review fees on August 4, 2022. The subject lands are approximately 1.2 ha (3.05 acres) in size.

The Zoning By-law Amendment is required to change the zoning from a “Second Density Residential” (R2) zone to a “Fourth Density Residential” (R4) zone and lift the existing Holding provision for a Record of Site Condition to be filed. The proposal is to develop three properties under a Draft Plan of Vacant Land Condominium, consisting of 5 single-detached dwellings, 10 semi-detached dwellings, 15 townhouse dwellings, a 6 storey mixed-use apartment building (41 units), and a private street with lay-by and designated visitor parking.

A pre-consultation for the proposal was held on February 11, 2021 with staff from the City and Region in attendance. The following comments are provided from a Provincial and Regional perspective to assist City Council in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within a “Settlement Area” under the *Provincial Policy Statement* (“PPS”), designated “Delineated ‘Built-Up’ Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”), and designated “Urban (‘Built-Up’) Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies direct development to take place within the Urban Area to make efficient use of existing servicing and infrastructure and support the achievement of complete communities. These same policies place an emphasis on intensification and infill to foster a mix of land uses that provide for the diversification of housing options, improved social equity and quality of life, connection to multiple forms of transportation, access to public amenities and institutions, and spaces that are vibrant and resilient in design. A full range of residential and commercial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation. Regional staff has not identified any land use compatibility concerns with the proposed development, nor is the subject land impacted by natural heritage features.

Growth management policies state that until the Region’s municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the ROP for the Delineated Built-Up Area (40%) will continue to apply. The proposal will contribute to the City’s intensification target, as it is considered to be an intensification of the subject lands in accordance with both Provincial and Regional policies. Regional staff acknowledge that compatibility with respect to the surrounding local context and urban fabric is a local planning matter that should be to the satisfaction of the City.

As such, Regional staff is satisfied that the proposed redevelopment of the subject lands is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the comments below.

Site Condition

Part of the subject land (700 Elm Street) was previously used for commercial purposes (autobody shop/former retail fuel outlet) which is considered a commercial use as defined by the *Environmental Protection Act, 1990*. The proposed redevelopment will introduce a new sensitive (residential) use to the property. Therefore, in accordance with the *Environmental Protection Act, 1990* and its associated O.Reg. 153/04, a Record of Site Condition (“RSC”) is required to be filed on the Ministry of the Environment, Conservation and Parks’ (“MECP”) Environmental Site Registry (“ESR”) prior to the change in land use (commercial to residential). As it relates to 690 and 692 Elm Street, both properties have been historically used for residential uses, and as such, do not require a RSC.

A *Phase I Environmental Site Assessment* (“ESA”, dated May 5, 2017, prepared by Amec Foster Wheeler) was completed and subsequently updated June 4, 2018 identifying potentially contaminating activities (“PCAs”) and resulting areas of potential concern (“APECs”) associated with the autobody shop, former retail fuel outlet, former shoe factory, and former lumber yard located at 700 Elm Street. As such, a *Phase II ESA* (dated June 6, 2018, prepared by Amec Foster Wheeler) was completed to investigate the APECs identified through the Phase I ESA in order to file a RSC. The Phase II ESA utilized the Table 3 Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential, Parkland, and Institutional Property Use for medium and fine textured soils. The Phase II ESA results concluded that the soil and ground water testing indicated no exceedances of the Table 3 Site Condition Standards, therefore no remediation was required.

A RSC (#224753) was filed to the MECP’s ESR on July 16, 2018 in accordance with the *Environmental Protection Act, 1990* and its associated regulations, as amended. Staff find the submitted Phase II ESA work and RSC to be acceptable. As such, it is recommended that the Holding (H) Provision on 700 Elm Street be lifted, subject to City staff’s satisfaction that all local requirements and provisions have been met.

Regional staff request that a Letter of Reliance from the Qualified Professional be provided for all submitted ESA work. The Letter must indicate that despite any limitations or qualifications included in the completed ESAs, that the Region is authorized to rely on all information and opinions provided there within. An appropriate condition to this effect is included within the attached Appendix.

Site Servicing

Regional staff note that site servicing works are subject to the City’s review and approval. The Region will require the submission of a written acknowledgement and undertaking, as well as a clause in the future condominium agreement, acknowledging that servicing allocation for the development will not be assigned until the plan is registered. Appropriate conditions have been included within the attached Appendix.

Stormwater Management

Staff has reviewed the *Functional Servicing Report*, prepared by Better Neighbourhoods Inc. (dated May 18, 2021) which identifies that the stormwater from the development will outlet to the existing storm sewer on Elm Street. It rests with the City to ensure that the local infrastructure requirements with respect to water quality and quantity control are adequately addressed. From a Regional perspective and based on our review of the conceptual storm servicing plan, Regional staff consider the proposed redevelopment a feasible opportunity to implement water quality control measures to mitigate impacts due to urbanization. Therefore, the following requirements that had been offered during the pre-consultation should be satisfied at the time of future *Planning Act* application (i.e. Draft Plan and/or Site Plan):

- Stormwater runoff be captured and treated to a Normal protection (i.e. 70% long-term suspended solids removal) prior to discharge from the site.
- Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Appropriate conditions with respect to stormwater management requirements is included within the attached Appendix.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling: No limit blue/grey containers collected weekly;
- Organics: No limit green bins collected weekly; and,
- Garbage: 2 garbage bags/cans per unit collected every-other-week.

Regional staff note that Condominium Townhouse Developments are eligible to receive internal curbside waste collection through the Region subject to the Developer / Owner complying with the Region's Corporate Policy and By-laws. Prior to waste collection services commencing, the Owner would be required to complete the Application for Commencement of Collection and required Indemnity Agreement with the Region's Waste Management Division. Forms are online at: www.niagararegion.ca/waste.

Regional staff has reviewed the provided Site Plan drawing and note in order for the proposed townhouse units to receive internal Regional curbside collection, that waste collection pads would need to be provided for all units that do not have a clear unobstructed frontage on the private street. Waste collection pads are currently shown for units 1-19; however, the pads will need to be revised to reflect the current design requirement of 1 metre wide by 2.5 metres deep. The size requirement has increased to accommodate the every-other-week garbage collection which the Region has now implemented.

The Developer is also advised that the waste collection pads are not permitted to be proposed in a stacked manner, as each individual pad needs to be located at the curbside of the street to provide waste collection staff with direct access to the bins. Therefore, units 25-30 would not be eligible for curbside collection behind the proposed parking spaces, as containers would need to be placed at the driveways along proposed "Lane A". A revised Site Plan will need to be submitted showing the location

of the required waste collection pads showing no pads are to be situated in a stacked manner as well as implementing the increased size requirement.

Regional staff acknowledge that Molok Bins are proposed to service the mixed use apartment building. Please be advised the Molok Bins are not eligible for Regional collection and would be the responsibility of the Owner through a private waste collection contractor and not the Region.

Appropriate conditions with respect to waste collection are included within the attached Appendix.

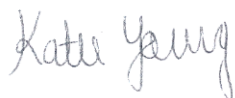
Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the Zoning By-law Amendment and Draft Plan of Condominium Applications, in principle, as the proposed redevelopment is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the conditions of the attached Appendix being fulfilled. City staff should be satisfied that the proposed development is compatible with the surrounding urban fabric and that all local requirements are met.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca.

Please send a copy of the staff report and Council's decision on the applications.

Kind regards,



Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region

Appendix

Regional Conditions of Draft Plan of Vacant Land Condominium Approval 690-700 Elm Street, City of Port Colborne

1. That the Owner provides a Letter of Reliance from a Qualified Professional to be submitted to the Niagara Region and City of Port Colborne for the completed Environmental Site Assessment work for the development. The Letter of Reliance shall indicate that, despite any limitations or qualifications included in the submitted ESA work, that the Region is authorized to rely on all information and opinions provided there within.
2. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
3. That the Owner submit a written undertaking to Niagara Region Planning and Development Services Department that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this development will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement.
4. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the Vacant Land of Condominium and the following plans designed and sealed by a Qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to Niagara Region Planning and Development Services for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
5. That the Condominium Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plans required in accordance with the approved Stormwater Management Plan.

6. That a Garbage Truck Turning Plan using the Regional truck template be submitted for Regional review and approval to ensure the development is able to accommodate internal Regional curbside waste collection services.
7. That a revised Draft Plan be submitted showing the location of the waste collection pads required to service units 1-19, designed in accordance with Regional requirements.
8. That the following clauses be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for the affected units:
 - *“Purchasers/Tenants of townhouse units 1-19 are advised that in order to accommodate Regional Curbside Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.”*
 - *“Purchasers/Tenants of the mixed-use apartment building are advised that the building is not eligible for Regional waste collection and waste collection of the Molok waste system will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.”*
9. That the Owner / Developer shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection and Indemnity Agreement with Niagara Region’s Waste Management Division.

Clearance of Conditions

Prior to granting final approval, the City of Port Colborne must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

City of Port Colborne

By-law No. _____ (2022)

Being a by-law to amend Zoning By-law 6575/30/18, as amended, for lands located at 690-700 Elm Street, on the west side, opposite George Street, and legally described as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne. The Zoning By-law Amendment rezones the lands from the R2 & R4-CH zones to a site-specific Fourth Density Residential – ** (R4-**) zone:

Topwide Property Development Inc.
File No. *****

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the City of Port Colborne has recommended that such a by-law be enacted;

AND WHEREAS the Council of the City of Port Colborne has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

- i) **THAT** Schedule 'A7' to Zoning By-law 6575/30/18, as amended, is hereby amended by rezoning the lands identified on Schedule 'A', attached hereto and forming part of this By-law from:

Second Density Residential (R2); and
Fourth Density Residential – Conversion Holding (R4-CH)

to

Fourth Density Residential – ____ (R4-____)

- ii) **THAT** Section 37 – Special Provisions of By-law 6575/30/18, as amended, be modified by adding the following site-specific provisions to replace the default regulations:

General Provisions

Section 2 of the General Provisions is amended by deleting and replacing the following subsections as applicable, for the lands identified as R4-____.

2.9 – Accessory Uses to a Dwelling

2.9.1 – Accessory Dwelling Unit

- iii) The maximum floor area for the accessory dwelling unit shall not exceed 65 m².

- 2.9.1.2 – Dwelling Unit, Detached Accessory
- iii) Exceed a building height of 7.5 metres.

2.9.2 – Home Based Business

2.9.2.1 – General Provisions

- i) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unless such dwelling is wholly located within 30 metres of a *street line*.
- iii) The use occupies a maximum floor area of 25% of the total dwelling unit *floor area* to a maximum of 23 m², whichever is less. However, dwellings that are wholly located within 30 metres of a *street line*, may occupy a maximum *floor area* of 35% of the total dwelling unit *floor area* to a maximum of 65 m², whichever is less.
- ix) Not more than 2 clients or customers of the home-based business shall be present at any time on the lot occupied by the dwelling unit. There shall be no limit to the number of clients or customers at a home-based business located within 30 metres of the *street line*.

2.9.2.2 – Parking Requirements

- b) Home-based businesses located within 30 metres of the *street line* are exempt from off-street parking requirements.

2.9.2.3 – Signage

- a) Save for dwellings within 30 metres of the *street line*, there shall be no exterior indication of the home-based business including window display, open storage or display of advertising goods, materials or equipment associated with the home-based business other than one legal sign per property which complies with the City of Port Colborne Sign Bylaw and the following regulations:
 - i) The sign shall not be illuminated unless it is associated with a dwelling unit within 30 metres of the *street line*.
 - ii) The sign shall not exceed 0.37 m² in area where there is one home occupation in the dwelling unit or 0.74 m² in area where there are two or more home based businesses in the dwelling unit.
 - iv) The sign shall not be located closer than 0.3 metres to a *street line* or common element within a registered Condominium Plan.
 - v) Notwithstanding subsection a) above, home-based businesses located within 30 metres of a *street line* shall also be bound by the following provisions:
 - 1. Opaque or translucent window signage shall only be permitted on the ground floor level windows or doors. The window-based signage shall not exceed a height of 1/3rd the window or 0.3 metres, whichever is less. The signage shall be installed only at the top or bottom of the window frame and measured from the top or bottom window edge.

2.12 – Buildings on One Lot

Deleted.

2.19 – Permitted Encroachments

2.19.1 – General Structures

	Height of Deck or Platform		
	Height above the Ground Floor Level to 0.61 m	Height above the Ground Floor Level more than 0.61 m but less than 1.2 m	Height above the Ground Floor Level 1.2 m or greater
Minimum Setback from Corner Side Lot Line	1 m	1 m	Corner Side Yard Setback of principal building
Minimum Setback from Front Lot Line	0.5 m	0.5 m	Front Yard Setback of principal building

3.2 – Parking Space Dimensions

	Min. Width	Min. Depth	Conditions
Standard Parking Space obstructed on one side	2.7 m	5.2 m	Abutting any wall, column, or structure on both sides
Standard Parking Space obstructed on two sides	3.5 m	5.2 m	Abutting any wall, column, or structure on both sides

3.5 – Parking Area

- a) On a residential lot with

3.7 – Ingress and Egress Standards

- b) Driveways shall have a minimum unobstructed width of 5.5 metres where two-way traffic is permitted and 3 metres where only one-way traffic is permitted, except that the minimum width of a driveway accessory to a detached, semi-detached or townhouse dwelling shall be 2.6 metres.

Section 8: Fourth Density Residential Zone (R4 – ____)

8.2 – Permitted Uses

- Dwelling, Detached;
- Dwelling, Semi-Detached;
- Dwelling, Triplex;
- Dwelling, Fourplex;
- Dwelling, Townhouse Block;
- Dwelling, Townhouse Street;
- Apartment Buildings;
- Apartment Buildings, Public; and
- Uses, structures and buildings accessory thereto.

8.3 – Regulations for Dwellings; Detached

- Minimum Lot Frontage 10.5 metres
- Minimum Lot Area 260 m²
- Minimum Front Yard
 - Dwelling 2.5 metres

ii. Garage	15 metres
d) Maximum Front Yard	
i. Dwelling	4 metres
e) Minimum Interior Side Yard	1.2 metres
f) Minimum Corner Side Yard	2.5 metres
g) Minimum Rear Yard	7 metres
h) Maximum Height	11 metres
i) Minimum Landscaped Area	25 %
j) Maximum Driveway Width	4 metres or 50% of lot width, whichever is less

8.4 – Regulations for Dwellings; Semi-Detached

a) Minimum Lot Frontage	
i. Block	18 metres
ii. Per Unit	7 metres
b) Minimum Lot Area	0.2 hectares
c) Minimum Front Yard	
i. Dwelling	2.5 metres
ii. Garage	6 metres
d) Maximum Front Yard	4.5 metres
e) Minimum Interior Side Yard	1.2 metres
f) Minimum Corner Side Yard	1.2 metres
g) Minimum Rear Yard	3.9 metres
h) Maximum Height	11 metres
i) Minimum Landscaped Area	25 %
j) Maximum Driveway Width	3.5 metres or 40% of lot width, whichever is less, if fronting Lane B.

8.5 – Regulations for Dwellings; Triplex, Fourplex

a) Minimum Lot Frontage	18 metres
b) Minimum Lot Area	0.2 hectares
c) Minimum Front Yard	
i. Dwelling	2 metres
ii. Garage	15 metres
d) Minimum Interior Side Yard	1.2 metres
e) Minimum Corner Side Yard	2.5 metres
f) Minimum Rear Yard	6 metres
g) Maximum Height	11 metres
h) Minimum Landscaped Area	25 %

8.6 – Regulations for Dwellings; Townhouse Block & Townhouse Street

a) Minimum Lot Frontage	
i. Block	18 metres
ii. Per Unit	6 metres
b) Minimum Lot Area	0.2 hectares
c) Minimum Front Yard	
i. Dwelling	2.5 m or 2 m for dwellings within 30 m of Elm Street
ii. Garage	19 metres
d) Maximum Front Yard	
i. Dwelling	5 m or 4 m for dwellings Within 30 m of Elm Street

- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.2 metres
- g) Minimum Rear Yard
 - i. Dwelling 11 metres
 - ii. Garage (attached & detached) 0.5 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %

8.7 – Regulations for Apartment Buildings & Apartment Buildings, Public

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard 1 metre
- d) Minimum Interior Side Yard 10 metres
- e) Minimum Corner Side Yard 1 metre
- f) Minimum Rear Yard 13 metres
- g) Maximum Height 20 metres

Section 38: Definitions

Dwelling, Townhouse, Block: means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common (party) wall, the said dwelling being located on a single lot, with or without dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act, R.S.O. 1990, as amended from time to time or any successors thereto.

Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home-based business unless provided otherwise in this By-law.

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

Lot Line: means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registrable plan pursuant to the Condominium Act, and includes:

- a) ***Front Lot Line:*** which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;
- b) ***Rear Lot Line:*** which means the lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line; and
- c) ***Interior Side Lot Line:*** which means the lot line other than a front lot line, a corner lot line or a rear lot line; or
- d) ***Corner Side Lot Line:*** which means the longest line along a public road where a lot has two or more lot lines along a public road.

Yard Setback: means the distance required by this By-law between a lot line, not including a corner lot line, and a building, or in the case of a multi-unit development under one ownership such as condominium tenure pursuant to the Condominium Act, any devising property line between a common element feature or another unit and includes:

- a) **Front Yard Setback:** which means shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.
 - i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common element feature shall be deemed to be the front lot line; or
 - ii. Where a building has rear-loaded vehicle access from a private road or laneway and has front entry onto a common element sidewalk, the sidewalk flank devising lot line shall be deemed to be the front lot line; and
 - iii. The front lot line abutting a public street supersedes an internal front lot line.
 - b) **Rear Yard Setback:** which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.
 - i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line opposite the common element feature shall be deemed to be the rear lot line; or
 - ii. Where a building has rear-loaded vehicle access from private road or laneway and has front entry onto a common element sidewalk, the private road or laneway devising lot line shall be deemed to be the rear lot line.
 - d) **Corner Side Yard Setback:**
 - i. Where a building fronts both a public street and a private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.
3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

Enacted, signed, and sealed this, _____ day of _____, 2022.

MAYOR: WILLIAM STEELE

CLERK: AMBER LAPOINTE

Schedule 'A':



This is Schedule 'A' to By-Law No. ____ (2022) passed the ____ day of ____, 2022.

From: jennifer.winfrey
To: [Gary Bruno](#); [David Schulz](#); [Frank Danch](#); [Angie Desmarais](#); [Deputy Clerk](#); [Donna Kalailieff](#)
Subject: 690 -700 Elm Street
Date: September 15, 2022 7:21:07 AM

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

Jennifer Gardiner
62 George Street
Port Colborne, Ontario

Regarding the development at 690-700 Elm Street I personally think this project is a good use of vacant land in the city to increase housing. But my concerns are parking and causing and overflow onto joining side streets. We have a beautiful green space at Humberstone Park and many families are enjoying the space. And many children in the area are walking to the park to enjoy the equipment

My only request would be a time limit of 2 to 3 hours of parking be posted at the parks parking area and cross walks leading to the parks have a 10 meter no parking so children can cross the road safely without having to enter the road to see traffic. Which would include the corners of Elm and George Street also Erie Street and George Street and Elm Street and Neff Street. Could the cost of signs be taken from devolpment charges to avoid any cost to the city. We are very fortunate to have such a beautiful green space in our neighborhood I would ask that this be put into place to keep the space for children not as extra parking.

Thank you
Jennifer Gardiner

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

Subject: Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2022-215

Meeting Date: September 20, 2022

Recommendation:

That Development and Legislative Services – Planning Division Report 2022-215 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications submitted by Matt Kernahan of Upper Canada Consultants on behalf of the owner 2600261 Ontario Inc. for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at Northland Estates, legally known as Concession 2 Pt Lot 31, Concession 2 Pt Lot 31 RP 59R12021 Parts 1 & 2, and Con 2 Pt Lot 31 RP 59R11866 Parts 2 to 5.

Background:

Applications for Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Upper Canada Consultants in July 2022. The following reports/plans have been submitted to help facilitate the development of the land: Planning Justification Report, Functional Servicing Report, Environmental Impact Study, Noise Brief, Stage Two Archaeological Assessment, Traffic Impact Study, Water Balance Study as well as the proposed Draft Plan of Subdivision design (Appendix A). The entirety of the reports/plans can be found on the City's website under "Current Applications".

Internal Consultations:

The applications and supporting materials were circulated internally to applicable departments and agencies in August 2022. As of the date of preparing this report, the following comments have been received by applicable departments and agencies:

Port Colborne Fire Department

“Port Colborne Fire is requesting the following – provide the finished travel road width and all turning radius to ensure correct evaluation of the proposed development.”

By-law Enforcement Division

“No comments at this time, By-law Services will reserve comments for when detailed fence, tree and landscaping plans are available.”

Drainage Superintendent

“No comments at this time, however further comments will surface once the grading plans are presented.”

Engineering Comments

City Engineering staff have reviewed and provided technical comments on the submission materials. It is noted that some of the comments will need to be addressed through a subsequent submission prior to staff bringing forward a recommendation report on these files.

Ministry of Transportation (MTO)

(full comments attached in Appendix B)

We have no objection in principle with the proposed applications.

Subject lands are located within the ministry’s permit control limits (extends up to 800m from MTO property); hence, MTO permits will be required (e.g. grading/servicing, building and land use, etc.). Please be aware that ministry permits will need to be secured prior to the commencement of any on-site works.

Niagara Region

(full comments attached in Appendix B)

At this time, Regional Planning and Development Services staff do not consider the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications to be consistent with the PPS, or conform to the Growth Plan and ROP as an EIS Addendum is required to confirm the proposal will not have significant negative impacts on the Region’s Core Natural Heritage System. The requested EIS Addendum will impact the

Draft Plan and updated studies (Planning Justification Report, Noise Study, Servicing Reports, Stormwater Management Plan) will be required to support a revised proposal.

Public Engagement:

The Notice of Public Meeting is required to be sent to property owners within a 120m radius of the subject property, as per Sections 34 (13) and 51 (20.1) of the *Planning Act*. Notice was circulated on August 31, 2022, and no comments from the public have been received as of the date of preparing this report.

Discussion:

These applications will be reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. According to the PPS, settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area as well as a designated greenfield area. Development in designated greenfield areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The Regional Official Plan (ROP) designates the subject lands as within the “Urban Area Boundary” and “Designated Greenfield Area”. Policies within the ROP generally encourage development within the Urban Area and Greenfield Areas provided the development builds a compact, mixed use, transit supportive, active transportation friendly community. A density target of 50 people and jobs per hectare is targeted for Greenfield development. Section 4 of the ROP sets out specific policies for the above and will be used to assess the application when a recommendation report is brought forward at a future date.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include, residential uses, neighbourhood commercial uses,

cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

Residential land uses such as the uses proposed are permitted in the Urban Residential designation. The land use designation is not proposed to be changed as a result of this application.

Additionally, the land is designated as a Greenfield Area in the City's Official Plan. Policies within sections 2.4.4 and 3.2.1 of the Official Plan will be used to assess the application when a recommendation report is brought forward to a future meeting of council. The sections provide policy direction on greenfield lands as well as the general policies of the Urban Residential designation.

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

The proposed Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R3 (Third Density Residential), RD (Residential Development), and EC (Environmental Conservation) to a site-specific MU (Mixed Use) zone, EC (Environmental Conservation), (P) Public & Park, and a site-specific R3 zone. The site-specific MU zone proposes to allow a maximum height of 14 metres for both residential and non-residential buildings. The site-specific R3 zone proposes to permit a minimum lot area of 180 square metres and a minimum interior side yard of 1.5 metres for street townhouse dwellings and a minimum lot area of 327 square metres for detached dwellings. A copy of the Draft Zoning By-law Amendment can be found attached as Appendix C.

Adjacent Zoning and Land Use

The land surrounding the proposed development is predominantly zoned residential (R1 and R3) to the north, south and east, Commercial Plaza (CP) to the southeast and Environmental Conservation (EC) to the west.

Financial Implications:

There are no financial implications at this time as no decisions are being made on the applications.

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 Draft Plan of Subdivision and Zoning By-law Amendment 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 Council at a future meeting.

Appendices:

- a. Proposed Draft Plan of Subdivision
- b. Agency Comments
- c. Draft Zoning By-law Amendment

Prepared by,

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

Respectfully submitted,

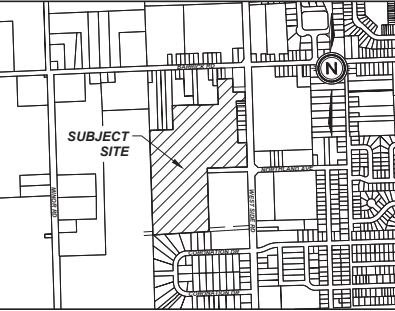
Denise Landry, MCIP, RPP
Manager of Planning Services
(905) 835-2900 x203
denise.landry@portcolborne.ca

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.

NORTHLAND ESTATES
CITY OF PORT COLBORNE

Report 2022-215
Appendix A



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 31, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF PORT COLBORNE
FOR APPROVAL.

2600261-ONTARIO INC. JUNE 24, 2022 DATE

2751131-ONTARIO INC. JULY 22, 2022 DATE

ARTHUR SEKO JULY 22, 2022 DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

ROY C. MASCOE, B.Sc., O.L.P., Ontario Land Surveyor DATE
KIRKUP-MASCOE LRE SURVEYING
(a Division of J.G. Barnes Limited)

REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- a) SEE PLAN e) SEE PLAN i) VARIOUS TEXTURES OVER BEDROCK
- b) SEE PLAN f) SEE PLAN j) SEE PLAN
- c) SEE PLAN g) SEE PLAN k) FULL SERVICE
- d) SEE PLAN h) MUNICIPAL WATER l) SEE PLAN

ISSUED FOR APPROVAL	2022-07-25	M.K.
REVISION	DATE	INIT

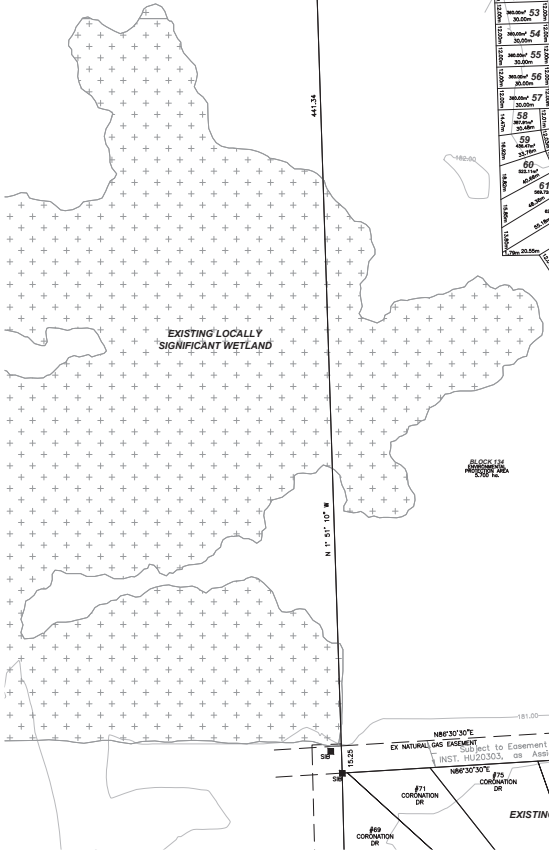


DRAFT PLAN OF
SUBDIVISION

DRAFTING	MK
DATE	MAY 13, 2022
PRINTED	JULY 25, 2022
SCALE	1:1500
DWG No.	REV
21132-DP	0

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 123 TOTAL AREA = 714.956m ²	BLOCK 128 TOTAL AREA = 1249.875m ²
UNIT A 309.956m ²	UNIT A 225.000m ²
B 180.000m ²	B 180.000m ²
C 225.000m ²	C 180.000m ²
BLOCK 124 TOTAL AREA = 810.000m ²	D 180.000m ²
UNIT A 225.000m ²	E 180.000m ²
B 180.000m ²	F 304.875m ²
C 180.000m ²	BLOCK 129 TOTAL AREA = 1170.000m ²
D 225.000m ²	UNIT A 225.000m ²
BLOCK 125 TOTAL AREA = 1170.000m ²	B 180.000m ²
UNIT A 225.000m ²	C 180.000m ²
B 180.000m ²	D 180.000m ²
C 180.000m ²	E 180.000m ²
D 180.000m ²	F 225.000m ²
E 180.000m ²	BLOCK 130 TOTAL AREA = 1170.000m ²
F 225.000m ²	UNIT A 225.000m ²
BLOCK 126 TOTAL AREA = 1170.000m ²	B 180.000m ²
UNIT A 225.000m ²	C 180.000m ²
B 180.000m ²	D 180.000m ²
C 180.000m ²	E 180.000m ²
D 180.000m ²	F 225.000m ²
E 180.000m ²	BLOCK 131 TOTAL AREA = 810.000m ²
F 225.000m ²	UNIT A 225.000m ²
BLOCK 127 TOTAL AREA = 1249.875m ²	B 180.000m ²
UNIT A 225.000m ²	C 180.000m ²
B 180.000m ²	D 180.000m ²
C 180.000m ²	E 180.000m ²
D 180.000m ²	F 317.802m ²
E 180.000m ²	BLOCK 132 TOTAL AREA = 722.802m ²
F 304.875m ²	UNIT A 317.802m ²
	B 180.000m ²
	C 225.000m ²



LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-122	122	5,014	30.11
STREET TOWN RESIDENTIAL	BLOCK 123-132	50	1,024	6.15
MIXED USE RESIDENTIAL/COMMERCIAL	BLOCK 133	50	0,686	4.12
ENVIRONMENTAL PROTECTION AREA	BLOCK 134		5,700	34.23
PARK	BLOCK 135		0,509	3.06
STORMWATER MGMT AREA	BLOCK 136		0,965	5.80
0.3m RESERVE	BLOCK 137-138		0,001	0.01
FUTURE DEVELOPMENT	BLOCK 139		0,051	0.31
ROADWAY			2,700	16.22
TOTAL		222	16,650	100.00

DEVELOPABLE AREA = 10.95 ha.
DEVELOPABLE DENSITY = 20.27 units/ha

GREENFIELD DENSITY CALCULATION

	People		Jobs		Total
	Units	Ratio	Units	Ratio	
	222 Dwellings	2.28 people per dwelling	222 Dwellings	5% "at home" employment	11.10 Jobs
			16,576.42ft ² of commercial space	1 employee per 500ft ² of commercial space	33.15 Jobs
Subtotal	506.16 people		44.25 jobs		
Total	550.41 people and jobs				
Land Area	10.95 hectares (exclusive of the Environmental Protection Area)				
Greenfield Density	50.27 people and jobs per hectare				

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 9, 2022

Region File: D.18.07.ZA-22-0067
D.11.07.SD-22-0034

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Draft Plan of Subdivision and Zoning By-law Amendment
City File: ZBA D14-06-22 & DPS D12-01-22
Applicant/Agent: Upper Canada Consultants
Owner: 2600261 Ontario Inc.
Northland Estates (south of Barrick Road and west of West Side Road)
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the above-mentioned Draft Plan of Subdivision and Zoning By-law Amendment applications for Northland Estates, located south of Barrick Road and west of West Side Road in the City of Port Colborne. Regional staff received circulation of the applications from the City on August 16, 2022, with the associated review fees received August 19, 2022.

The Draft Plan of Subdivision application proposes to subdivide the property into 122 lots for single-detached dwelling units, 10 blocks for 50 street-townhouse dwelling units, 1 block for 50 mixed-use commercial and residential units, and a single block for a park, stormwater management facility, and environmental conservation, respectively. The concurrent Zoning By-law Amendment application is to permit and regulate the proposed land uses.

As discussed in the comments below, Regional staff are unable to support the proposed Draft Plan of Subdivision and Zoning By-law Amendment as an Environmental Impact Study ("EIS") Addendum is required to confirm the proposal will not have significant negative impacts on the Region's Core Natural Heritage System (refer to the "Natural Heritage" section).

A pre-consultation meeting was held with the Owner, Agent, and staff from the City and Region on May 27, 2021. The following preliminary comments are provided to assist the owner/agent in revising the submission materials in order to confirm consistency and conformity with Provincial and Regional policies.

Provincial and Regional Policies

The subject lands are located within a 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and within the 'Designated Greenfield Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated 'Urban Greenfield Area' in the *Regional Official Plan* ("ROP").

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The Growth Plan contains policies that encourage the development of Designated Greenfield Areas into complete communities, with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities that meet the projected needs of current and future residents. The ROP permits a full range of residential and commercial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies promote higher density development in Urban Areas and support growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The Growth Plan and ROP directs that designated Greenfield Areas are to be planned to achieve a minimum density target of 50 people and jobs per hectare across all Greenfield Areas.

Staff has reviewed the submitted *Planning Justification Report*, prepared by Upper Canada Consultants (dated July 2022), which identifies that the proposal will yield a density of approximately 50.27 people and jobs per hectare (based on 222 units, a total developable area of 10.95 hectares, 2.28 persons per household as provided for in Table 4-1 of the ROP, and assuming 5% of the residential units would generate "at home" employment). This meets the minimum density target of 50 residents and jobs per hectare, and will contribute to meeting the overall density target for Greenfield Areas across the City of Port Colborne. Regional staff acknowledges that local compatibility considerations and interface with neighbouring land uses is a local planning matter to be addressed by City planning staff and Council.

Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS") consisting of the Onondaga Escarpment Locally Significant Wetland ("LSW") Complex and Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") is required in support of any development/site alteration to demonstrate that there will be no significant negative impact on the features

or their ecological or hydrological function. Staff has reviewed the *Environmental Impact Study*, prepared by Beacon Environmental Limited (dated July 2022), that was circulated with the application and offer the following comments.

The natural heritage features on the subject property were previously assessed by Groundwater Ecological Management Services ("GEMS"). GEMS confirmed the presence of both LSW and Significant Woodland and prepared a Constraints Summary Report, dated December 16, 2020. Prior to preparation of the Report, Regional Environmental Planning Staff staked the extent of the Significant Woodland boundary, in collaboration with environmental staff from GEMS, in August 2019. The extent of wetland was staked by the Niagara Peninsula Conservation Authority (NPCA) in collaboration with GEMS staff in August 2019 as well. Within the Constraints Summary Report, GEMS proposed a new Significant Woodland Boundary which differed significantly from the boundary approved by Regional staff. As such, within Regional e-mail correspondence with the planning consultant (Michael Sullivan, LandPro Planning Solutions) retained by the property owner, dated March 29, 2021, staff identified that any changes proposed to the originally approved Significant Woodland boundary required Regional approval, which would necessitate visiting the property again. The same e-mail correspondence also included direction to complete updated field surveys and identified additional items that would need to be addressed in the final EIS Report (attached).

Within the July 2022 EIS prepared by Beacon Environmental Limited, the presence of LSW and Significant Woodland are confirmed present on-site, however, Beacon refutes the agency approved boundaries of both features. Consistent with comments provided in the above-noted e-mail correspondence between the Region and the consultant retained by the property owner, staff are unable to move forward until Regional staff approve the new woodland boundary and NPCA staff approve the new wetland boundary. Further, staff note that not all of the field surveys were updated as outlined in previous correspondence, and as such updated amphibian, breeding bird, snake and turtle studies may be required. Staff are available to work with Beacon to determine an appropriate scope of work to address current deficiencies. The EIS also indicates that the findings of the monitoring with respect to endangered bats will be provided as an addendum to the EIS when completed. The results of updated field surveys and feature boundary revisions may have implications for the final approved extent of developable area on the subject lands.

Staff also reviewed the *Water Balance Study*, prepared by Terra-Dynamics Consulting Inc. (dated June 3, 2022) in support of the development and note that the water balance assessment appears to be based on a 30 m buffer from the mapped extent of LSW on the site. As the EIS has recommended a 15 m LSW buffer, the Water Balance Study should be updated to align with the buffer recommendations contained in the EIS.

At this time, Environmental Planning staff cannot recommend conditions of approval as additional information is requested to confirm that the proposal will not have significant

negative impacts to the CNHS. An EIS Addendum is requested to address the concerns summarized above.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to the LSW and requirements under their Regulations.

Regional Environmental Planning staff look forward to working with the applicant and are available to meet to further discuss the above comments, if desired. Contact information for Regional Environmental Planning staff is included in the Conclusion.

Land Use Compatibility

The PPS states that sensitive land uses (including residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. A Noise Study was requested by Regional staff at the pre-consultation meeting to assess land use compatibility given the proximity of the subject lands to nearby commercial uses and Highway 58.

Regional staff has reviewed the *Environmental Noise Feasibility Study*, prepared by Valcoustics Canada Ltd. (dated July 20, 2022) submitted in support of the proposed development. The Noise Study was completed in order to assess on-site sound levels in accordance to the Ministry of the Environment, Conservation, and Parks ("MECP") NPC-300 Guidelines. A summary of the Noise Study, including the findings and recommended mitigation measures applicable to each identified noise source is provided for consideration below.

Transportation Noise Sources

The subject lands are within close proximity to West Side Road (Highway 58), which generates road traffic. The Noise Study found that nearby transportation noise sources will exceed MECP NPC-300 thresholds and recommends that the following construction standards and site elements be used in order to achieve indoor and outdoor sound levels for the proposed development that meet NPC-300 Guidelines:

- Exterior wall construction with a Sound Transmission Class ("STC") rating of 54 and exterior windows with a STC rating of up to 28 are required to meet the indoor noise criteria for the dwellings on Lots 1 to 3;
- STC 37 exterior walls and exterior windows with a STC rating of up to 32 are required at the residential dwelling units in the mixed-use building;
- Exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code (OBC) will be sufficient at all remaining dwellings;

- Dwellings on Lots 1 to 3 and the mixed-use building require mandatory air conditioning to allow windows to remain closed for noise control purposes;
- Dwellings on Lots 7 to 25 and 75, 77 to 86 and in Blocks 127 and 128 require the provision for adding air conditioning; and
- A 1.8 m high sound barrier is required for the dwellings on Lots 20 to 25.

In addition, warning clauses are recommended to be registered on title and included in Offers of Purchase and Sale and Lease/Rental agreements in order to advise future occupants of potential noise exceedances.

Stationary Noise Sources

The Noise Study assessed nearby existing commercial and institutional facilities, including Christian Life Assembly Church (484 Barrick Road) and the Port Colborne Mall (287 West Side Road). The only stationary noise source associated to the Church is the rooftop mechanical equipment, and given the distance separation (with a roadway and existing residential uses), no significant noise impact is expected. The stationary noise sources of significance is the Port Colborne Mall, specifically the rooftop mechanical equipment at the main building, truck movements on-site, vehicle repair activities at the Canadian Tire service area, forklift movements at the Canadian Tire, and the air pump at the Canadian Tire gas bar.

The Noise Study determined that noise generated from the Port Colborne Mall exceeds sound level limits that can feasibly meet NPC-300 Class 2 (an area with acoustical environment that has qualities representative of both Class 1 (urban area) and Class 3 (rural area)) receptor based standards for Lots 75, Lots 77-85, and Block 133 (mixed-use building).

In order to meet the Class 2 sound level limits, the Noise Study identifies that a sound barrier of up to 3.0 m in height along the west property line of the mall and a sound barrier of up to 6.5 m in height to screen the dwellings and mixed-use building on the north side of Northland Avenue would be required. The Noise Study acknowledges that constructing a sound barrier is not possible since the driveway access to both the Port Colborne Mall and the dwellings along Northland Avenue needs to be maintained. The Noise Study considers an alternative option to sound barriers, which includes at-source mitigation; however, the excess noise is primarily due to forklift movements at the Canadian Tire Garden Centre, as well as delivery truck activity (Lot 75). To meet the sound level limits, the forklifts would need to have their operations significantly restricted, which is not considered feasible for the business.

Class 4 Designation

The Noise Study recommends that portions of the development (Lot 75, Lots 77-85, and Block 133) be designated by the City as a Class 4 area to provide increased sound thresholds for stationary source noise impacts. The Noise Study outlines that the Class 4 area is necessary given that mitigation to meet the Class 2 area above is not feasible. The Study indicates there are no predicted excesses over the Class 4 guideline limits. The City (as the approval authority for these applications) is the decision maker as to whether or not to apply the Class 4 area designation in this instance.

With a Class 4 area, a warning clause is required to be registered on title to inform future occupants of the noise in accordance with MECP NPC-300.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of 2 registered archaeological sites within 300 metres (m) of the property and location along a historic transportation route (West Side Road).

A *Stage 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (dated June 14, 2022) was submitted with the applications. The Stage 2 Archaeological Assessment identifies that at Stage 1 Background Study, prepared by Archaeological Assessments Ltd. was completed on June 14, 2011, which identified the potential for the recovery of pre-contact Aboriginal, post-contact Aboriginal, and Euro-Canadian material culture and recommended a Stage 2 assessment be completed.

The Stage 2 assessment was conducted on May 18, 2022 involving test pit surveys at 5 m internals of the subject lands and resulted in no identification and documentation of archaeological resources. The Stage 2 assessment recommended no further archaeological assessment of the Study Area. Regional staff require acknowledgement from the MHSTCI regarding the Stage 2 assessment.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommends the inclusion of a standard warning clause, relating to deeply buried archaeological materials that may be encountered during grading and construction activities in the subdivision agreement.

Technical Comments

General Site Servicing

Regional staff note that servicing works will be under the jurisdiction of the City of Port Colborne and will require the construction of new water, sanitary, and stormwater infrastructure to service the proposed development. As a condition of Draft Plan Approval, the applicant is required to obtain the necessary Environmental Compliance Approval Certificates for the new municipal infrastructure from the MECP. Niagara Region will also require the future submission of a written undertaking and acknowledgement, as well as a clause in the future subdivision agreement, to acknowledge that servicing allocation for the subdivision will not be assigned until the plan has been registered.

Regional Sewage Pumping Station

The proposed development is within the Steele Street Sewage Pumping Station (“SPS”) sewershed. This sewershed experiences significant Inflow/Infiltration and may have limited capacity. The Region will require a sanitary servicing report which outlines the timing/phasing of construction and the expected dry and wet weather sewage flows for the proposed development. Functional servicing report should review and provide comment on the Steel Street SPS with regard to the additional flow. The 2021 Master Servicing Plan information can be found using the following link:

<https://www.niagararegion.ca/projects/www-master-servicing-plan/default.aspx>

A detailed breakdown of the anticipated dry and wet weather flows/phasing and timing will be required to determine if there are any capacity constraints at the SPS. The flow of 255 L/c/day is to be used for these calculations.

Stormwater Management

Regional staff reviewed the Stormwater Management (“SWM”) Plan included in the submitted *Functional Servicing Report*, prepared by Upper Canada Consultants (dated July 2022). The plan proposes water quality and quantity control be met through lot grading, roof leaders to ground, grassed swale at rear yard and a wet pond, and a new channel, i.e. an extension of the municipal drain through petition of drainage work, for an unimpeded discharge of the development stormwater across the adjacent private lands. The SWM strategy, in principle, is satisfactory to Regional staff. The following comments are offered in an effort to assist City staff with review of the future City storm infrastructure:

- a) Add a scenario of 24-hour storm in the model analysis to ensure the pond is sufficient sized;
- b) Add the pond forebay length in Table 8 to compare with the requirements;

- c) Clarify the required erosion control, i.e. 25mm storm runoff be captured and released over a period of 24 hours, is met;
- d) Consideration be given to measures to mitigate thermal impact due to 1 meter permanent pool and prevent from water leakage through rock crack, if necessary; and
- e) Stress test of climate change in channel design may be considered at the discretion of City.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met:

Single-detached and Townhomes:

- Recycling: Unlimited Blue/Grey Boxes, Collected Weekly;
- Organics: Unlimited Green Bins, Collected Weekly; and,
- Garbage: 2 Garbage Bags/Cans, Collected Bi-Weekly.

The Draft Plan of Subdivision was reviewed for potential Regional curbside waste collection services to be provided throughout the entirety of the proposed development. Regional staff acknowledge that the single-detached lots and townhomes proposed along the future municipal streets will be eligible for Regional curbside waste collection services. Please note that if the development is to be phased, in order to facilitate Regional curbside waste collection services, the owner will be required to submit a revised draft plan showing a temporary turn-around/cul-de-sac with a minimum curb radius of 12.8 metres for all dead-end streets.

Regional staff note that waste collection services for the mixed-use condominium block will be the responsibility of the owner through a private waste collection contractor as it would not be eligible for on-site Regional waste collection.

Regional staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy and complete the Application for Commencement of Collection. The required forms and policy can be found at the following link: www.niagararegion.ca/waste

Conclusion

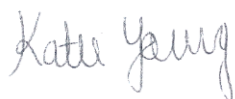
At this time, Regional Planning and Development Services staff do not consider the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications to be consistent with the PPS, or conform to the Growth Plan and ROP as an EIS Addendum

is required to confirm the proposal will not have significant negative impacts on the Region's Core Natural Heritage System. The requested EIS Addendum will impact the Draft Plan and updated studies (Planning Justification Report, Noise Study, Servicing Reports, Stormwater Management Plan) will be required to support a revised proposal.

Should you have any questions, please contact the undersigned or Diana Morreale, Director of Development Approvals at Diana.Morreale@niagararegion.ca.

For questions related to the Natural Heritage comments, please contact Adam Boudens, Senior Environmental Planner at Adam.Boudens@niagararegion.ca or Cara Lampman, Manager of Environmental Planning at Cara.Lampman@niagararegion.ca

Kind regards,



Katie Young
Development Planner

CC: Aimee Alderman, MCIP, RPP, Senior Development Planner
Diana Morreale, MCIP, RPP, Director of Development Approvals
Adam Boudens, Senior Environmental Planner
Cara Lampman, Manager of Environmental Planning
Susan Dunsmore, P.Eng, Manager of Development Engineering
Maggie Ding, P.Eng, Stormwater Management Engineer

From: [Boudens, Adam](#)
To: [Mike Sullivan](#); [Lampman, Cara](#)
Cc: [Karlewicz, Lori](#); [Tristan Knight](#); [Fricke, Britney](#); [Jessica Abrahamse](#)
Subject: RE: Northlands Ave Subdivision - Port Colborne
Date: Monday, March 29, 2021 12:11:00 PM

Hi Mike,

Regional Environmental Planning staff have reviewed the Constraints Summary Report, prepared by Groundwater Environmental Management Services (GEMS) (revised date December 16, 2020) that was completed for the Northlands Development in the City of Port Colborne. Based on our review of the Report and discussions from the meeting that took place on January 29th, 2021, staff provide the following comments for your consideration:

- The majority of field surveys were completed in 2013, which is beyond the standard shelf life of 5 years typical of environmental field work. As such, staff request that the following surveys be updated:
 - Amphibians;
 - Bats;
 - Botanical Inventories;
 - Breeding Birds;
 - Reptiles; and,
 - Turtles.

Should your environmental consultant be of the opinion that one or more of these surveys should not be included within the Environmental Impact Study (EIS) scope; Regional staff may entertain a reduced scope if sufficient information is provided. To ensure that the scope of work is agreed upon by all parties/agencies, staff request that a revised Terms of Reference (TOR) be prepared for Regional review and approval.

- A water balance will be required to demonstrate no hydrologic impacts to the wetlands on the subject lands. The final EIS should describe the pre- and post-development surface water drainage patterns and assess impacts to the wetlands.
- Section 3.1 of the Constraints Summary Report indicates that Regional Staff participated in staking the boundary of the wetland. Staff note that Regional staff did not participate in the wetland staking exercise and as such request that this be reflected in all future Reports/Studies.
- Any changes proposed to the Significant Woodland boundary that was staked by Regional staff on August 7, 2019 requires Regional approval. Please contact a

member of the Environmental Planning team to coordinate a site visit if changes are proposed.

- The future Tree Saving Plan (TSP) required for this application should identify all trees that are 10 cm diameter at breast height (DBH) or larger. The Constraints Summary Report indicates that only trees above 20 cm DBH were tagged to date.
- The Constraints Summary Report indicates that the woodland proposed to be removed measures approximately 4.17 ha. Staff note that the final Environmental Impact Study (EIS) will need to clearly demonstrate how the test of no negative impact will be achieved. As such, staff encourage the applicant to explore all opportunities to preserve vegetation on the subject lands to the extent possible.

Please do not hesitate to contact me if you have any questions or require additional information.

Kind regards,

Adam

Adam Boudens

Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region

1815 Sir Isaac Brock Way, P.O. Box 1042

Thorold, ON L2V 4T7

Phone: **905-980-6000 ext. 3770** Toll-free: 1-800-263-7215

Adam.Boudens@niagararegion.ca

From: Mike Sullivan

Sent: Wednesday, March 24, 2021 1:49 PM

To: Boudens, Adam ; Lampman, Cara

Cc: Karlewicz, Lori ; Tristan Knight

Subject: Northlands Ave Subdivision - Port Colborne

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Earlier this week we received NPCA comments on the ECA for this development. Would you please advise when we will receive comments from the Region on same.

Thank you,

Mike

Michael Sullivan, RPP, MCIP, EP

President | Principal Planner

Ministry of Transportation Comments

David Schulz

From: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Sent: August 18, 2022 10:03 AM
To: David Schulz
Cc: Deluca, Peter (MTO); Nunes, Paul (MTO); Aurini, Shawn (MTO); MacLean, Alex (MTO)
Subject: RE: Port Colborne - DPS D12-01-22 & ZBA D14-06-22 - Circulation - Northland Estates

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

Morning David,

Thank you for bringing this site to our attention. The following is the ministry's comments on the subject applications.

General Comments

We have no objection in principle with the proposed applications.

Subject lands are located within the ministry's permit control limits (extends up to 800m from MTO property); hence, MTO permits will be required (e.g. grading/servicing, building and land use, etc..). Please be aware that ministry permits will need to be secured prior to the commencement of any on-site works.

All above and below ground structures (including but not limited to, frontage roads, fire routes, stormwater management facilities [ponds/drainage channels], sidewalks, retaining walls and servicing/utilities) must be setback a minimum of 14.0m from all future ministry property limits (See "Subdivision Comments" for new ministry property limits/setback requirements). Please ensure that the ministry's setback requirements are stipulated in the zoning by-law.

Noise attenuation features (e.g. earth berms) must be contained within the subject lands and setback a minimum of 0.3m from all ministry property limits.

Encroachment onto the highway right-of-way will not be permitted.

Ministry does not permit any lighting trespass onto our right-of-way.

Direct access to ministry lands will not be permitted. All access to the subject site will be via the internal municipal road system.

MTO Conditions of Approval

Please include the following Conditions:

1. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.
2. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, survey and internal road construction plans.
3. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts on Highway 58 and identify any related highway improvements.

General Notes

1. Stormwater Management Reports must adhere to accepted ministry policies/standards and must be signed and stamped by the Drainage Engineer.
2. Traffic Impact Studies must adhere to accepted Ministry practices/standards and must encompass the full build-out of the entire development (e.g. all phases if any).
3. Any identified highway improvements will require the owner to enter into a legal agreement with Ministry of Transportation whereby the owner agrees to assume financial responsibility for all necessary associated highway improvements.

The following will be required under the **Notes to Approval:**

1. Clearance of Conditions

The contact for all Ministry conditions of approval, including the submission and approval of all required reports, plans and agreements, etc. is:

Mr. Ted Lagakos
Senior Project Manager
Highway Corridor Management Section – Central Operations
Ministry of Transportation
7th Floor, Building D, 159 Sir William Hearst Downsview,
ON, M3M 0B7
Phone No: (416) 268-3932
Email: ted.lagakos@ontario.ca

All ministry submissions should be provided in electronic form.

Please make the applicant aware that the Ministry does not clear individual conditions. The ministry issues a single "Clearance Letter" once all plan conditions have been addressed to our satisfaction.

Ministry draft plan comments may need to be updated/revised if the applicant delays securing ministry clearances and/or ministry priorities change.

2. MTO Permits

Ministry Building and Land Use permits will be required for individual building lots within 395 m from the centre point of Northland Ave/Highway 58 and Barrick Road/Highway 58 and 45 m from all ministry property limits.

Ministry permits are required prior to any on site grading being undertaken.

Sign permits are required for signing within 400m of the Highway 58.

Permit inquiries can be directed to Mr. Peter Deluca, Corridor Management Officer, at (647) 248-8548 or peter.deluca@ontario.ca

Information regarding the ministry's application process, forms and the policy (see specifically Highway Access Management Guidelines and Storm Water Management resources) can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

I trust that this is satisfactory. We would appreciate receiving a copy of the City's decisions on these applications. Note that review of any technical submissions will not commence until the ministry receives confirmation that the above MTO draft plan conditions/requirements and notes have been accepted by the City.

Please do not hesitate to contact me if you have any questions.

Take care,

Ted Lagakos
Senior Project Manager (Niagara/Hamilton)
Highway Corridor Management Section - Central Operations

Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor
Toronto, ON M3M 0B7

Phone: 416-268-3932

E-Mail: ted.lagakos@ontario.ca

Web: www.mto.gov.on.ca/english/engineering/management/corridor

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 Part of Lot 31, Concession 2, Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara.

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 “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from:

Residential Third Density (R3) Zone	to	Mixed Use (MU-XX) Site-Specific Zone
Residential Development (RD) Zone	to	Mixed Use (MU-XX) Site-Specific Zone
Residential Development (RD) Zone	to	Environmental Conservation (EC) Zone
Residential Development (RD) Zone	to	Public and Park (P) Zone
Residential Development (RD) Zone	to	Residential Third Density (R3-XX) Site-Specific Zone
Environmental Conservation (EC) Zone	to	Residential Third Density (R3-XX) Site-Specific Zone

- 3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

MU-XX

Notwithstanding the provisions of the Mixed-Use Zone, the following regulation shall apply to Mixed Use (Residential and Non-residential) Buildings:

- a. Maximum Height 14 meters

R3-XX

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

- a. Minimum Lot Area 180 square meters
- b. Minimum Interior Side Yard 1.5 meters

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

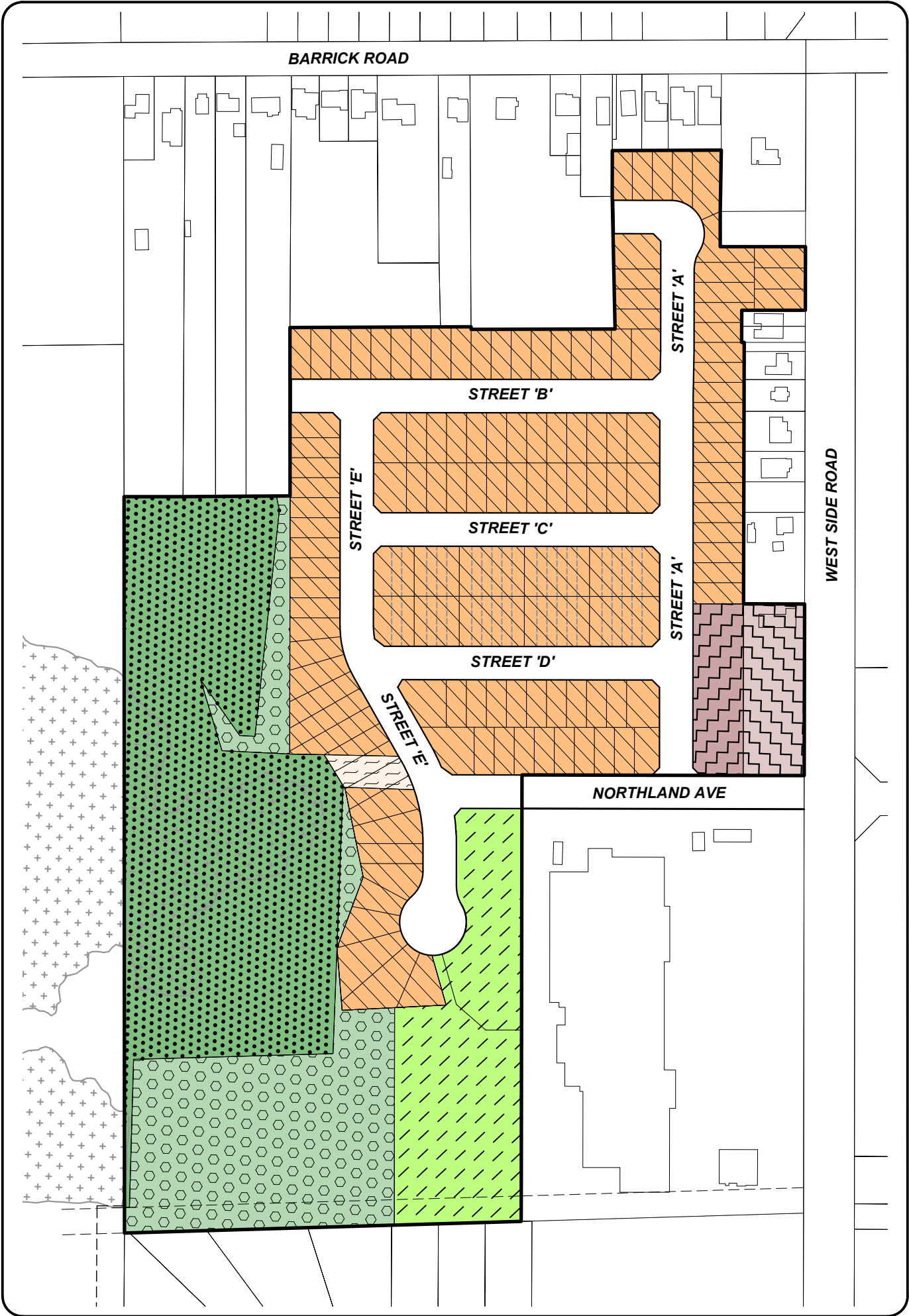
a. Minimum Lot Area 327 square meters

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.
5. 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



SCHEDULE 'A'
To By-law No.

**City of
Port Colborne**

- Legend**
- R3 - THIRD DENSITY RESIDENTIAL ZONE
FROM RD - RESIDENTIAL DEVELOPMENT ZONE
 - R3 - THIRD DENSITY RESIDENTIAL ZONE
FROM EC - ENVIRONMENTAL CONSERVATION ZONE
 - MU - MIXED USE ZONE
FROM RD - RESIDENTIAL DEVELOPMENT ZONE
 - MU - MIXED USE ZONE
FROM R3 - THIRD DENSITY RESIDENTIAL ZONE
 - EC - ENVIRONMENTAL CONSERVATION ZONE
 - EC - ENVIRONMENTAL CONSERVATION ZONE
FROM RD - RESIDENTIAL DEVELOPMENT ZONE
 - P - PUBLIC + PARK ZONE
FROM RD - RESIDENTIAL DEVELOPMENT ZONE

THIS IS SCHEDULE 'A' TO BY-LAW NO _____
PASSED THE _____ DAY OF _____

Mayor _____

Clerk _____

