

**City of Port Colborne  
Public Meeting Agenda**

**Date:** Tuesday, September 5, 2023  
**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](mailto: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 Zoning By-law Amendment at 395 Elm Street – File No. D14-05-23, 2023-172

1

5. **Procedural Motions**
6. **Information Items**
7. **Adjournment**



**Subject: Public Meeting Report for Proposed Zoning By-law  
Amendment at 395 Elm Street – File No. D14-05-23**

**To: Council - Public Meeting**

**From: Development and Legislative Services Department**

Report Number: 2023-172

Meeting Date: September 5, 2023

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### **Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2023-172 be received for information.

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### **Purpose:**

The purpose of this report is to provide Council with information regarding an application for a Zoning By-law Amendment submitted by 13489116 Canada Inc. and Antech Design & Engineering for the lands legally known as Lot 29 on Plan 24, Parts 4 & 6 on Plan 59R-9034, and Concession 1, Part of Lot 29, being Part of Lot 2 on Plan 59R-2366, on the east side of Elm Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 395 Elm Street and the vacant hydro corridor to the south.

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### **Background:**

An application for a Zoning By-law Amendment was submitted on June 14, 2023. The application was originally deemed incomplete, pending the completion and submission of the required Phase One and Two Environmental Site Assessments (ESA). Following the submission of the required ESAs on August 8, 2023, the application was deemed complete. The site is proposed to be developed as an 82-unit apartment building. The following reports/plans have been submitted to help facilitate the development of the lands: Conceptual Site Plan, Planning Justification Report (PJR), Renderings and Phase One and Two ESA Reports. The site plan, PJR and renderings can be found attached as Appendices A through C and on the City's website under the "Current Applications" page.

The Zoning By-law Amendment proposes to change the zoning from Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2) to special Downtown Commercial zone to permit an 82-unit apartment building. The special Downtown Commercial zoning proposes to further amend the provisions of the zoning by-law to permit 0.95 parking spaces per unit, where 1.25 spaces per unit is typically required; permit an aisle width of 6 metre, where an aisle width of 7.5 metres is typically required; permit a landscape buffer of 1 metre, where a landscape buffer of 3 metres is typically required; and permit a minimum landscaped area of 20% of the lot area, where 25% is typically required.

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### **Internal Consultations:**

The application was circulated internally to applicable departments and agencies on August 16, 2023, and the following comments have been received as of the date of preparing this report:

#### **Fire Department**

“Port Colborne Fire has no objection to the application.”

#### **Ministry of Transportation**

“The subject property is located outside the MTO Permit Control Area and therefore, we have no comments.”

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### **Public Engagement:**

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre radius of the subject property on August 16, 2023. As of the date of preparing this report, no comments from the public have been received.

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### **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 Niagara Official Plan (2022)*, *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. The Growth Plan states that growth should be focused in “Built-up” areas.

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary” and “Delineated Built-Up Area”. Chapter 2 of the NOP 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 Official Plan (OP) designates the subject property as **Downtown Commercial**. Land uses in the Downtown Commercial designation include retail stores; professional and business offices; personal service shops; restaurants; specialty shops; residential uses; community facilities; parks; institutional uses; public open space; and on-road bicycle routes.

Residential land uses such as the use proposed are permitted in the Downtown Commercial designation. Sections 2.4.3 and 3.6 will be used to evaluate this application when a recommendation report is brought forward to Council.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject property as Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2). The Zoning By-law Amendment proposes to change the zoning from Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2) to special Downtown Commercial (DC) zone to permit an 82-unit apartment building. The following site-specific amendments to the DC zone are proposed:

Notwithstanding the provisions of sections 3 and 23 of Zoning By-law 6575/30/18, the following regulations shall apply:

- |                                 |  |
|---------------------------------|--|
| a) Minimum parking spaces       | 0.95 spaces per unit (1.25 typically required) |
| b) Minimum driveway aisle width | 6 metres (7.5 metres typically required)       |
| c) Minimum landscape buffer     | 1 metre (3 metres typically required)          |

d) Minimum landscaped area

20 percent of the lot area  
(25 percent typically  
required)

### **Adjacent Zoning and Land Use**

The lands surrounding the proposed development are zoned DC-42 (Downtown Commercial) to the north, Public and Park (P) to the west, and Second Density Residential (R2) to the south and east.

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### **Financial Implications:**

As this report is for information purposes, there are no financial implications at this time. Staff would like to note that Council has 90 days to render a decision on a Zoning By-law Amendment application before application fees are required to be refunded to the applicant. For this application, the 90-day timeframe ends on November 6, 2023. As of the date of this Public Meeting (September 5, 2023), 28 will have passed.

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### **Strategic Plan Alignment:**

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

- Welcoming, Livable, Healthy Community
  - Increased Housing Options
- 

### **Conclusion:**

Planning staff are not providing a recommendation on the proposed 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.

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### **Appendices:**

- a. Conceptual Site Plan
- b. Planning Justification Report
- c. Renderings

Prepared by,

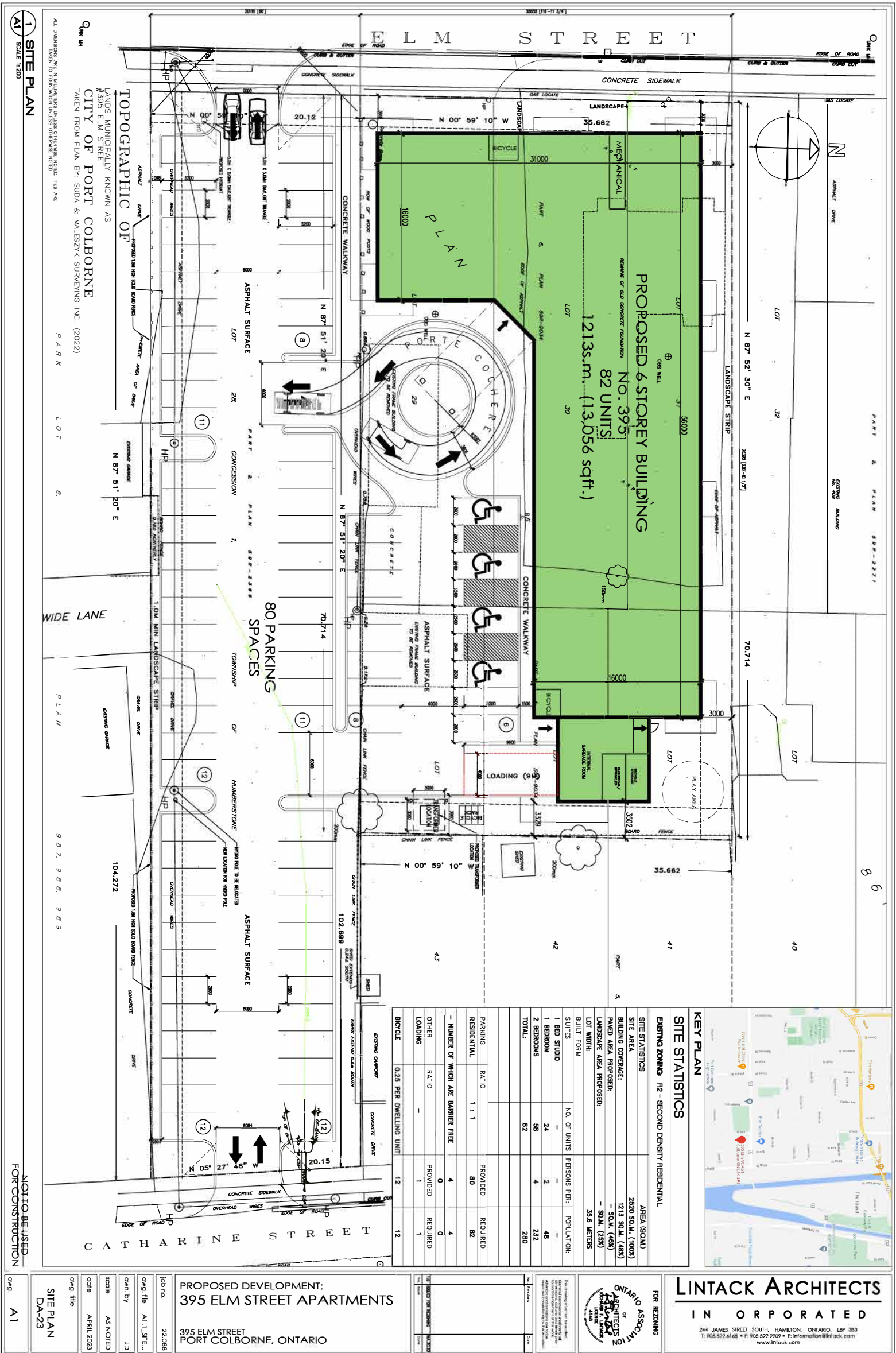
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Respectfully submitted,

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### **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.





## PLANNING JUSTIFICATION REPORT

**PROJECT NAME:**

Elm Street Apartments

**PROJECT ADDRESS:**

395 Elm Street, City of Port Colborne, Ontario

**PROJECT NO.**

223407

**DATE SUBMITTED**

June 1, 2023

ANTECH DESIGN



# Project Summary

## Project No.

223407

## Client

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## Client Contact

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## Consultant Team

Joseph Lefaive, M.Pl. P.Eng.

Candice Micucci MCIP, RPP, OALA

## Property Address

395 Elm Street

Port Colborne, Ontario

Version	Date	Description
1.0	2023.06.01	Initial Release



Signature



Signature

## Disclaimer

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## Contents

1.0	INTRODUCTION .....	2
1.1	POLICY FRAMEWORK.....	2
1.2	OUR APPROACH .....	2
2.0	LOCATION AND EXISTING CONDITIONS.....	3
3.0	DESIGN VISION, GUIDING PRINCIPALS AND OBJECTIVES.....	3
4.0	POLICY AND REGULATORY FRAMEWORK .....	4
4.1	PLANNING ACT .....	4
4.2	PROVINCIAL POLICY STATEMENT .....	4
4.3	Regional Official Plan .....	11
4.4	MUNICIPAL OFFICIAL PLAN .....	13
4.5	ZONING BY-LAW.....	18
5.0	CONCLUSION.....	22

## List of Appendices

Proposed Site Plan.....	App A
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## 1.0 INTRODUCTION

Antech Design & Engineering Group has been retained to prepare a Planning Justification Report for the development of the property located at 395 Elm Street, Port Colborne, Ontario located along Elm Street between Highway 5 (Killaly Street West) and Delhi Street. This proposal contemplates the construction of a six (6) storey 82-unit apartment building together with parking, landscaping, playground.

The proposed re-development of the existing lands represents an investment in the continued development and enhancement in the Municipality of Port Colborne. The proposed development will promote the use of existing transportation networks, local transit, and existing municipal infrastructure. In addition, the proposed development will contribute to the further investment in the municipality and create housing opportunities.

The purpose of this Justification Report is to outline the technical planning details of the proposed development and to evaluate the proposed Zoning By-Law Amendment for its consistency with the Provincial Policy Statement and conformity with the City of Port Colborne's Official Plan and the City of Port Colborne's Zoning Bylaw. The proposed Zoning for the subject property is Downtown Commercial (DC) Special; the proposed Special Zone is to include:

- Amending Section 3.1 of the Zoning By-Law from the required 1.25 spaces per unit to the proposed 0.97 spaces per unit (82 units and 80 parking spaces).
- Amending Section 3.7 of the Zoning By-law from the required ingress / egress width of 7.5 meter to the proposed 6.0 meter.
- Section 3.11.1 reduce the required 3.0 meter landscape buffer to a minimum of 1.0 meter.
- Reduce the required Landscape space from 25% of the lot area to the proposed 20%.

### 1.1 POLICY FRAMEWORK

The Subject Lands are currently designated as "Downtown Commercial" within the City of Port Colborne's Official Plan and "Residential Second Density" within the City of Port Colborne's Zoning By-law.

Accordingly, the justification report addresses the:

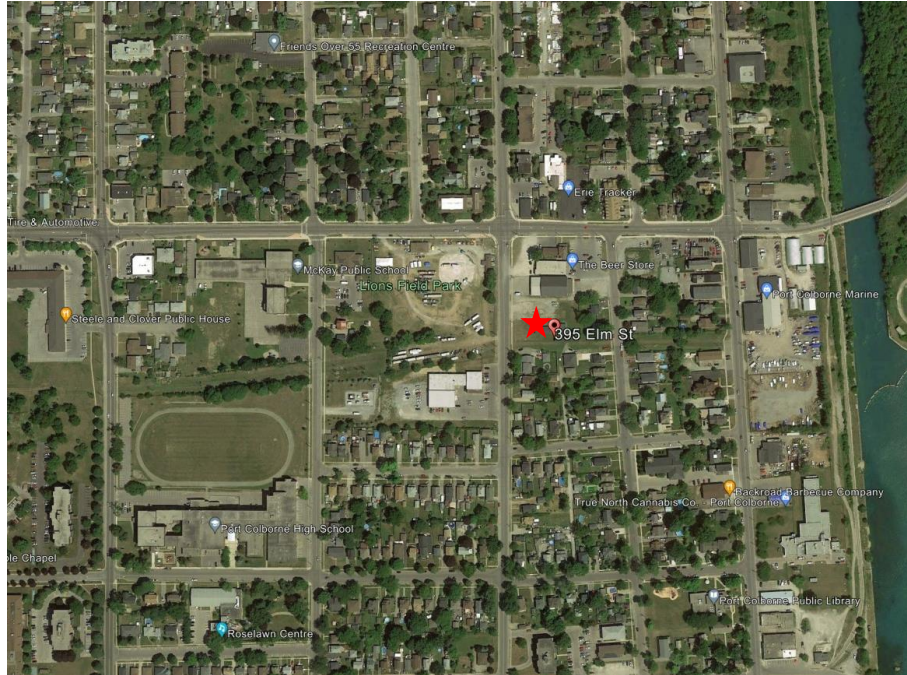
- Ontario Planning Act
- Provincial Policy Statement
- Regional Official Plan
- Municipal Official Plan
- Zoning Bylaw.

### 1.2 OUR APPROACH

In response to the vision for the subject lands to accommodate a multi-residential development, Antech Design and Engineering, on behalf of the Owner, has prepared this Planning Justification Report to illustrate how the proposed development is in accordance with the Ontario Planning Act, Provincial Policy Statement, City of Port Colborne's Official Plan and City of Port Colborne's Zoning Bylaw. Specifically, relevant policies of these documents will be evaluated.

## 2.0 LOCATION AND EXISTING CONDITIONS

The site is currently developed. The subject lands are a total of 4602 square meters in area. The lands are located with access from Elm Street and Catherine Street. Below in Figure 1, is a Google Earth location map of the property.



*Figure 1: Site Location Map*

To the north of the subject property are existing commercial developments. To the south of the subject property are predominately one and two storey single family dwellings. To the east of the lands are more single-family dwellings with commercial uses fronting on Highway 5. To the west of the subject property is parkland.

## 3.0 DESIGN VISION, GUIDING PRINCIPALS AND OBJECTIVES

The goal of the proposed development is to establish a residential project on the subject lands that allows for an efficient use of the lands. The proposed development supports the City of Port Colborne's vision for residential growth and intensification. Consideration of the following principles has been given to the design of the proposed development:

### 1. Outstanding Design Quality

Develop a high-quality architectural theme and material selection for the site that provides a revitalized development that is distinguishable.

## **2. Distinct Identity**

Establish a distinct identity and sense of place for the development, while appropriately integrating the design of the building into the existing neighbourhood.

## **3. Pedestrian Connectivity**

Provides a design the encourages pedestrian movement.

## **4. Community Safety**

Use design practices that contribute to neighbourhood safety.

## **5. Attractive Streetscape**

Provide an attractive streetscape that demonstrates continuity of design elements and provide an appealing initial aesthetic for the development.

## **6. Efficiency**

Use design practices that efficiently utilize existing municipal infrastructure and support the use of public transportation.

# **4.0 POLICY AND REGULATORY FRAMEWORK**

## **4.1 PLANNING ACT**

The Planning Act R.S.O. 1990 provides a framework for planning in the Province of Ontario. The Act serves the following purposes:

1. To promote sustainable economic development in a healthy natural environment
2. To provide a land use planning system led by provincial policy
3. To integrate matters of provincial interest in provincial and municipal planning decisions
4. To provide for planning processes that are fair by making them open, accessible, timely and efficient
5. To encourage co-operation and co-ordination among various interests; and,
6. To recognize the decision-making authority and accountability of municipal councils in planning.

Under Section 34 (10) of the Act, an amendment may be made to a Zoning-Bylaw.

The proposed application is seeking an amendment to the Zoning By-law and subsequent multi residential development.

## **4.2 PROVINCIAL POLICY STATEMENT**

The Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act establishes key provincial interests with regard to land use planning. The PPS requires that decisions affecting planning matters “shall be consistent with” policy statement issued under said Act. Part III, How to Read the Provincial Policy Statement, of the document states, “the Provincial Policy Statement is to be read in its entirety, and all relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together”

The general purpose of the PPS is to provide policy direction on matters of provincial interest related to land use planning and development in Ontario. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land and it supports the provincial goal to enhance the quality of life for all Ontarians. As the focus of the PPS is on the outcomes or end-states, the process used to achieve these outcomes is at the discretion of the development team. The following is a brief commentary on the application for proposed Site Plan with regard to the PPS.

**Table 1: PPS policy statement analysis and rationale**

<b><u>Applicable Policy Statements</u></b>	<b><u>Rationale</u></b>
<p><b><u>Section 1.1.1</u></b>  Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>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;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</li> <li>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;</li> <li>f) improving accessibility for persons with disabilities and older persons by addressing</li> </ul>	<p>The subject lands are located within the urban settlement boundary. The development of the subject lands is an efficient redevelopment of existing urban land that will sustain the financial well-being of the municipality for the long term.</p> <p>The development is proposed to contain residential uses, which do not pose an environmental or safety concern and will increase the mix of residential types available within the City of Port Colborne.</p> <p>The construction of the proposed development, complete with municipal services, will reuse the existing supply of lands ready for development within the City of Port Colborne urban boundary. The development will further support for transit, intensification of the downtown area and make efficient use of existing services and land.</p>

<p>land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate</p>	
<p><u>Section 1.1.2</u></p> <p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p> <p>Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.</p>	<p>The lands are currently designated as Downtown Commercial within the Official Plan and Residential within the Zoning By-law. The proposed Zoning is Downtown Commercial.</p> <p>The development of these lands will repurpose under utilized land to increase the housing supply through intensification and redevelopment</p>
<p><u>Section 1.1.3.1</u></p> <p>Settlement areas shall be the focus of growth and development.</p>	<p>The subject property is located within the Urban Service Boundary and is located within an area of existing residential developments.</p>
<p><u>Section 1.1.3.2</u></p> <p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p>	<p>The subject property is an efficient use of resources as the proposed development is located within an area of existing residential and commercial development. The proposed development is appropriate for the existing infrastructure and public service facilities.</p> <p>The proposed development is an efficient use of the land and of the existing infrastructure. The proposed density is transit supportive and located within close proximity to regional transit routes. Provisions to support active transportation such as secure bike parking shall be included in the development.</p>

<p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p> <p>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.</p>	
<p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed residential development will assist the municipality in ensuring the ability to accommodate residential growth.</p>
<p><u>Section 1.6.1</u></p> <p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:</p>	<p>The proposed development is located within an existing developed area and will be developed to utilize the existing infrastructure. No municipal infrastructure upgrades are required to support the proposed development.</p>



<ul style="list-style-type: none"> <li>a) financially viable over their life cycle, which may be demonstrated through asset management planning; and</li> <li>a) available to meet current and projected needs.</li> </ul>	
<p><u>Section 1.6.6.2</u></p> <ul style="list-style-type: none"> <li>b) Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</li> </ul>	The proposed development will contain municipal sewage and water.
<p><u>Section 1.6.6.7</u></p> <p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</li> <li>b) minimize, or, where possible, prevent increases in contaminant loads;</li> <li>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces; and</li> </ul> <p>promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	The development of this proposal is designed to meet the Municipal Stormwater standards and will be confirmed during the site plan process.
<p><u>Section 1.6.7.1</u></p> <ul style="list-style-type: none"> <li>f) Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</li> </ul>	The proposed development is located on an existing municipal road.
<p><u>Section 1.7.1</u></p> <p>Long-term economic prosperity should be supported by:</p>	The proposed development promotes the long-term economic prosperity of the City of Port Colborne by creating a development that supports

<ul style="list-style-type: none"> <li>a) promoting opportunities for economic development and community investment-readiness;</li> <li>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</li> <li>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</li> <li>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</li> <li>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</li> <li>f) promoting the redevelopment of brownfield sites;</li> <li>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</li> <li>h) providing opportunities for sustainable tourism development;</li> <li>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;</li> <li>j) promoting energy conservation and providing opportunities for increased energy supply;</li> <li>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and</li> </ul> <p>encouraging efficient and coordinated communications and telecommunications infrastructure.</p>	<p>the continued growth of the City, optimizing the use of existing infrastructure and development compatible within the existing neighbourhood. The increased density will help enhance the vitality and viability of the downtown.</p>
<p><u>Section 2.1.1</u></p> <ul style="list-style-type: none"> <li>l) Natural features and areas shall be protected for the long term.</li> </ul>	<p>The subject property is located on a currently developed site and is located on lands that are not designated natural heritage features.</p>

<p><u>Section 2.2.1</u></p> <p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <ul style="list-style-type: none"> <li>a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;</li> <li>b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;</li> <li>c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</li> <li>d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;</li> <li>e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;</li> <li>f) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;</li> <li>g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;</li> <li>h) ensuring consideration of environmental lake capacity, where applicable; and ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</li> </ul>	<p>The proposed development will meet the required standards for water quality and quantity.</p>
<p><u>Section 2.4.1</u></p> <ul style="list-style-type: none"> <li>i) Minerals and petroleum resources shall be protected for long-term use</li> </ul>	<p>There are no perceived mineral and petroleum resources on these lands.</p>

<u>Section 2.5.1</u> Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.	There are no perceived mineral aggregate resources on these lands.
<u>Section 2.6.1</u> Significant built heritage resources and significant cultural heritage landscapes shall be conserved	There are no perceived built heritage resources on these lands.
<u>Section 3.1.1</u> Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and hazardous sites.	There are no perceived natural hazards in the development of these lands.

In conclusion the proposed applications for Zoning By-law Amendment and Site Plan Control and subsequent development meets the intent of the policies of the Ontario Provincial Policy Statement 2020.

#### 4.3 REGIONAL OFFICIAL PLAN

The subject property is designated as a delineated built-up area in the Regional Official Plan and is identified as an urban area.

Section 2.2.1 Managing Urban Growth indicates that

*Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) *The intensification targets in Table 2-2 and density targets outlined in this Plan*  
The proposed development is for a multi residential building which is a high-density use. The proposed development will assist with providing suitable housing opportunities to meet the regional targets. The proposed development represents 11% of the minimum intensification target of 690 units by 2051 for Port Colborne.
- b) *A compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities.*

The proposed apartment building is of compact built form, contributing to the complete community by providing purpose built rental, residential options.

- c) *A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*

The proposed development consists of an apartment building with one- and two-bedroom units.

This development contributes to a mixed type of housing within the neighbourhood.

- d) *Social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
- i. *A range of transportation options, including public transit and active transportation*
  - ii. *Affordable, locally grown food and other sources of urban agriculture*
  - iii. *Co-located public service facilities; and*
  - iv. *The public realm, including open spaces, parks, trails and other recreational facilities*

The subject property is located within an area of existing public transportation and municipal infrastructure and in close proximity to amenities including but not limited to Lions Field Park, Restaurants, Commercial Plaza, fitness centre, McKay Public School and Port Colborne High School.

- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

The proposed apartment development repurposes existing underutilized land and will not require any municipal water or wastewater upgrades.

- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19*  
The proposed development is located within an area of existing municipal transportation and will assist in supporting this existing infrastructure.

- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

The proposed development is an infill development acting as a transition between the existing commercial and single family developments.

- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*

As per above the proposed development is a natural transition development between the existing commercial and the existing single-family residential developments.

- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*

As per above the proposed development is a natural transition development between the existing commercial and single family residential developments.

- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*

*The proposed development will not have an impact on cultural heritage resources within the City of Port Colborne.*

- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*

The proposed development utilizes the existing planned infrastructure.

- l) *mitigation and adaptation to the impacts of climate change by:*
- i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
  - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

To mitigate climate change the proposed development is located within an existing area of mixed use with municipal infrastructure. Low impact development methods will be incorporated into the design to support the Stormwater management for the site.

Overall, the proposed development is located within the Urban Area and is designed in a manner to support the future growth and utilize existing municipals infrastructure while providing a transition between the existing commercial and residential developments.

Section 2.2.2 Strategic Intensification and Higher Densities indicates that *"within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following growth areas..."*

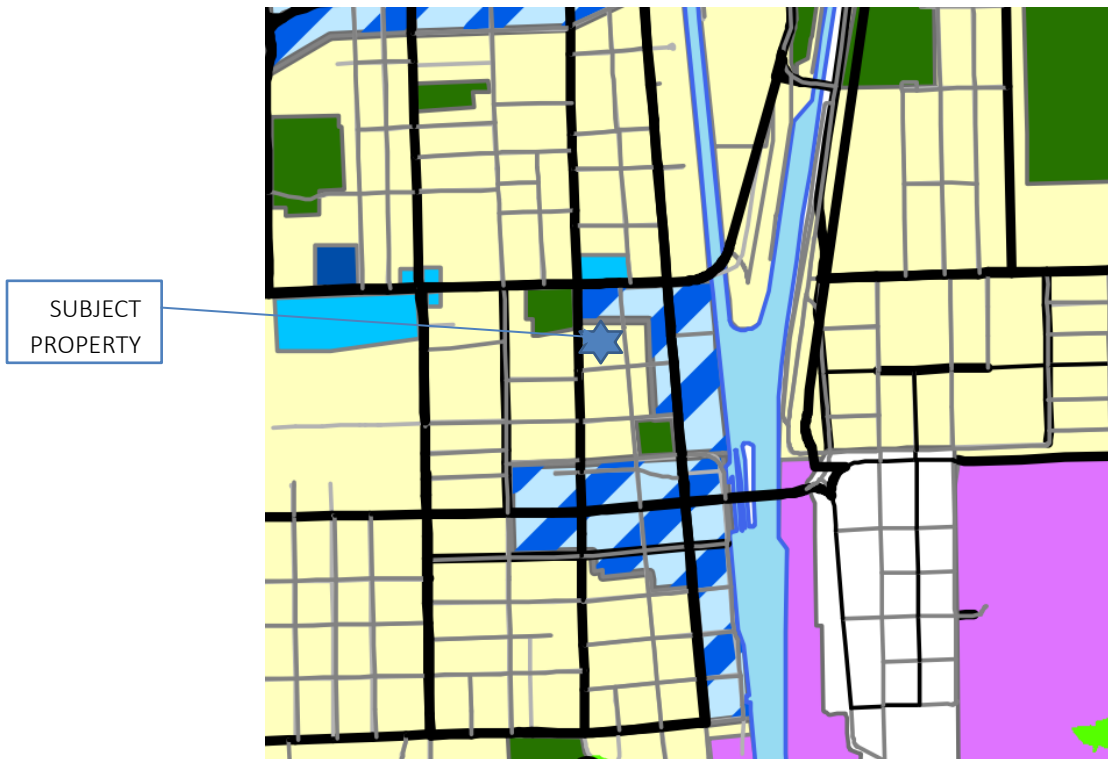
The proposed high density residential development is the intensification of a current built up area and will assist the municipality in meeting the intensification targets.

Section 2.3 of the Regional Official Plan pertains to housing policies. In general, these policies require the provision of an adequate supply of housing, a diverse housing stock, increase in the supply of affordable housing, and design that mitigates climate change.

The proposed development is a high-density infill use within an existing built-up area containing the required municipal infrastructure. Employment, housing and recreational needs can all be met within walking distance.

#### **4.4 MUNICIPAL OFFICIAL PLAN**

The subject property is designated Downtown Commercial (Blue on Blue Stripes) within the Local Official Plan Schedule A: City-Wide Land Use. An excerpt of Schedule A is included as Figure 2 below. The existing Official Plan designation permits the proposed development, and no amendment is required.



*Figure 2: Official Plan Schedule A: City Wide Land Use*

Below is a chart summarizing the designations of the subject lands within the Official Plan Schedules.

*Table 2: Municipal OP Land Designations from Schedules A to H*

Official Plan Schedule	Designation
Schedule A: City-Wide Land Use	Downtown Commercial Within the Municipal Boundary
Schedule A1: Greenfields	Built Boundary
Schedule A2: Hamlets - Bethel	Not Applicable
Schedule A3: Hamlets- Gasline	Not Applicable
Schedule A4: Hamlets – Sherkston	Not Applicable
Schedule B: Natural Heritage	No Natural Heritage Features
Schedule B1: Environmental Protection Area	No Environmental Protection Area
Schedule B2: Environmental Conservation Area	No Environmental Conservation Area
Schedule B3: Vulnerable Aquifer Area	High Vulnerable Aquifer
Schedule C: Mineral Aggregate and Petroleum Resources	Petroleum Resource Areas
Schedule D: Transportation	Elm Street is an Arterial Road
Schedule E: Sherkston Shores Secondary Plan	Not Applicable
Schedule F: East Waterfront Secondary Plan	Not Applicable
Schedule G: Westwood Park Secondary Plan	Not Applicable
Schedule H: Source Water Protection	IPZ - 2

Section 2.1, Vision Statement, that part of the vision for Port Colborne will “provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and desires;”. The approval of the proposed development will assist Port Colborne with providing more residential opportunities, specifically an increase in purpose based rental.

Section 2.2, Growth Management Strategy continues to support infill and intensification within the Downtown Commercial designation as well as the Urban Residential and Hamlet designations. Further support for compact and transit supportive development within the built boundary and on designated greenfield lands. The proposed development is designed to support the Growth Management Strategy by repurposing the existing underutilized lot with multi residential development.

Section 2.3.1, Enhancing Quality of Life promotes a compact urban form, a balanced mix of housing types and land uses, efficient and cost-effective infrastructure and transportation, and good urban design for neighbourhoods and businesses. The proposed multi-residential development will support these needs.

Section 2.4.2, Strategic Planning Policies, Housing indicates that the City will promote the development of an appropriate mix of housing types, densities, and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations. New housing development should:

- i) Be located in the urban area to make use of existing infrastructure and facilities;
- ii) Be accessible to medical facilities, shopping and any future public transportation system;
- iii) Be close to or be developed with on-site parks and open space;
- iv) Incorporate design features for an aging population;
- v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;
- vi) Provide for a range of smaller lots and homes suitable to smaller households; and
- vii) Be close to or be developed with social and recreational facilities.”

The proposed multi-residential development will support the needs of the Community of Port Colborne by providing 82 purpose built, one- and two-bedroom rental units. The proposed development is located within the urban area and the Downtown Commercial area where shopping and public transportation are available. Across the street from the proposed development is the Niagara Region Parks Service with grass and sports field area. The proposed building design will incorporate design features for an aging population.

Section 3.6 of the Official Plan contains policies related to the Downtown Commercial designation. In general, “The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes.” The proposed multi residential use is permitted.



### “3.6.1 General Policies

- a) Any new or expanding development in the Downtown Commercial area is subject to Site Plan Control except for low density residential uses as described in Policy 3.2.1 (a), including new and expanding commercial uses.
- b) The municipality may take cash-in-lieu of parking to provide for the consolidation and/or reorganization of off-street parking facilities.
- c) Retail uses, personal service shops and restaurants are encouraged to locate on the first floor of commercial buildings.
- d) Professional offices and new residential uses are encouraged to locate on the upper floors of commercial buildings.
- e) New apartment buildings shall be developed so that they are appropriately integrated into the downtown area.
- f) New Commercial uses grouped in a planned development are encouraged while extensive strip development without interconnecting access is discouraged.
- g) Adequate off-street parking facilities, including consideration for bicycles shall be required in well-organized, landscaped and well illuminated parking areas or structures.
- h) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.
- i) New and expanding Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the development, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed development.
- j) New and expanding 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.
- k) The development of any single commercial use greater than 1,000 square metres will not be approved unless a Market Study, prepared by a qualified professional, that identifies the need for the development, and confirms that there will be no negative impacts to existing commercial activities in the downtown.
- l) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly”

The proposed multi residential development meets the requirements of the above Official Plan policies and will be subject to site plan control to ensure conformity.

### “3.6.3 Design Guidelines for the Downtown Commercial Area

#### 3.6.3.1 General Appearance and Signage

- a) Development will be consistent with the placement and character of the surrounding built form.
- b) The maximum height of buildings shall be six (6) storeys.
- c) Proportions of alterations and new buildings should complement the proportions of the surrounding heritage buildings.
- d) Buildings with commercial uses at grade should maximize the amount of glazing and entries to create visual interest and to animate the sidewalk. T

- e) Large building blocks should have facades that appear to be a collection of smaller buildings in keeping with the narrow proportions of the heritage built form.
- f) Buildings should generally maintain the established building line for the front yard setback.
- g) All buildings shall front on and be oriented to the street.
- h) Corner buildings are visually prominent, and the side elevations should be given equal design treatment as the main street facade, and the building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements.
- i) Buildings at the terminus of streets shall, where appropriate, employ building elements and details that reinforce the landmark position of the building.
- j) Canopies and awnings are encouraged as a means of weather protection for pedestrians.
- k) Where possible, community facilities and institutional uses should be located adjacent to public open spaces or at the termination of primary streets or view corridors to emphasize civic presence.
- l) Buffering shall be provided between commercial establishments and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of trees and shrubs shall be subject to the approvals of the Director of Planning and Development.
- m) Commercial signs should be of high quality, complementary to the historic character of the Downtown and not backlit.
- n) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.”

In the design of the proposed building the above policies will be taken into consideration and applied where applicable.

#### “3.6.3.2 Parking, Access and Loading Areas

- a) Where vehicular access is required from the front to the rear of the property, reduced standards for driveway widths shall be encouraged.
- b) Where pedestrian access is required from the front to the rear of the property, a minimum 3.0 metre walkway and outdoor lighting shall be provided.
- c) Service and loading areas should be oriented to the rear of the building.
- d) All parking areas shall be placed at the rear of buildings and accessed from side streets as to maintain a continuous building edge and a pedestrian-friendly street environment.
- e) Where parking areas are adjacent to side streets, a landscape buffer such as hedge or tree planting should be placed between the sidewalk and parking area.
- f) Larger parking areas are encouraged to incorporate landscape edge treatments along public streets and landscaping medians to break up larger areas of asphalt and should be designed as follows:
  - i. Screening should be provided between parking areas and adjacent residential properties.
  - ii. Buffers should be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
  - iii. Landscape islands shall be placed at the ends of all parking aisles

- iv. Parking aisles with a length of more than 15 stalls should be broken up with landscape islands.
- v. All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.
- vi. Large parking areas shall be broken up with linear 'pedestrian only' sidewalks planted with a consistent row of trees.
- vii. Parking for bicycles shall be included, which shall be consistent with professionally recognized guidelines."

The proposed development meets the overall intent of the above policies of the Official Plan by providing parking, landscaping, pedestrian movements, etc. Please see Appenedix A that includes the proposed site plan.

#### "3.6.3.3 Residential Housing

- a) Townhouses and multiple-unit housing without at-grade commercial uses should:
  - i. Have frontage on a local road;
  - ii. Be aligned parallel to the street from which the principal entrance shall be visible and accessible; and
  - iii. Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements."

The proposed multi residential development is not proposed to have commercial at grade. The proposed development has frontage on Elm Street and is aligned to the street. The overall massing and form have considered the surrounding areas and the building is designed to improve the streetscape. In summary the proposed development meets the policies of the Official Plan and will be designed, where possible to meet the design criteria as laid out within the Official Plan.

## 4.5 ZONING BY-LAW

The subject property is currently designated Second Density Residential (R2-CH and R2) as per Schedule "A7" to By-law No 6575/30/18. The proposed Zoning is Downtown Commercial (DC) Special. The proposed Special Zone is for:

- Section 3.1 of the Zoning By-Law amend the parking from the required 1.25 spaces per unit to the proposed 0.95 spaces per unit.
- Section 3.7 of the Zoning By-law to amend the required ingress / egress from the required 7.5 meter to the proposed 6.0 meter.
- Section 3.11.1 reduce the required 3.0 meter landscape buffer to a minimum of 1.0 meter.
- Reduce the required Landscape space from 25% of the lot area to the proposed 20%.

Below, Figure 3 is an excerpt from the City of Port Colborne Zoning By-law.

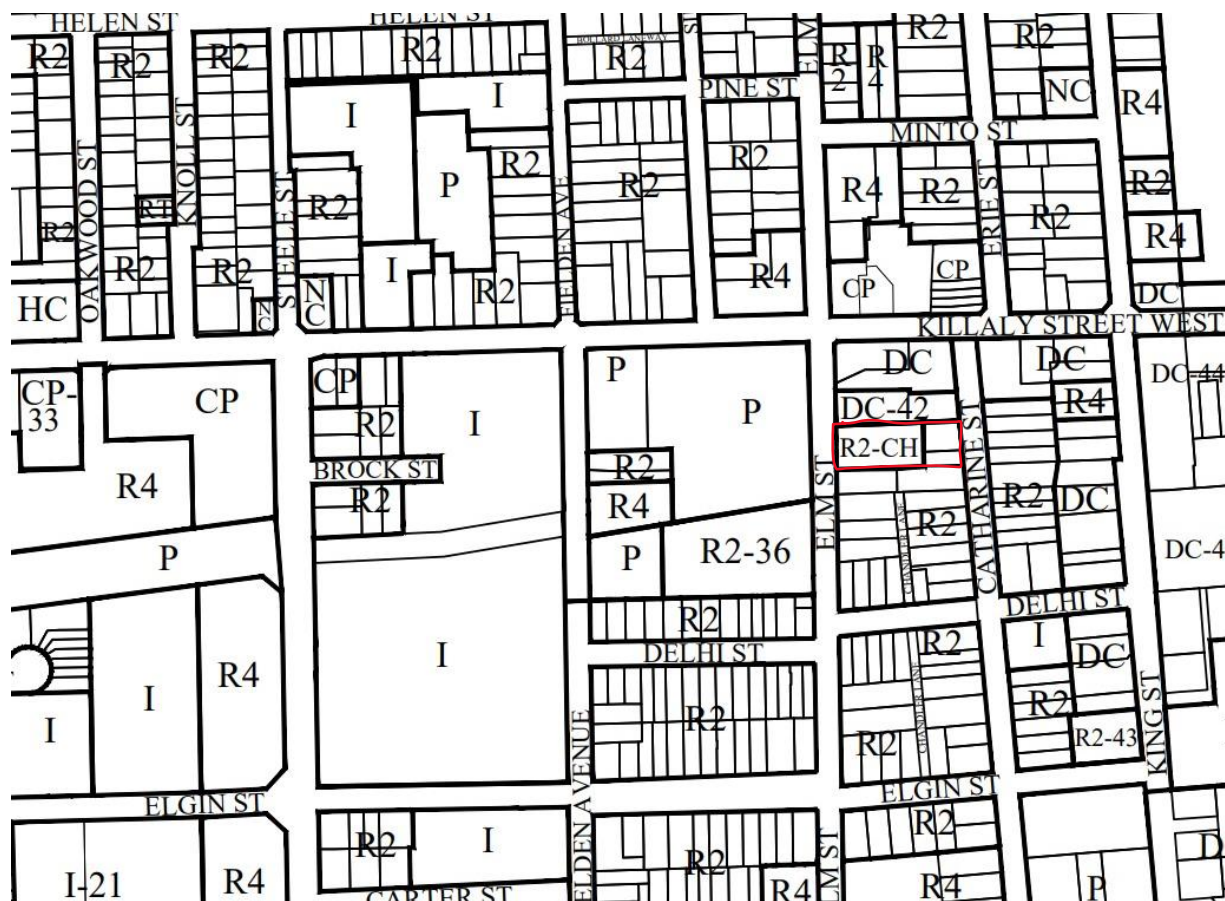


Figure 3: City of Port Colborne Zoning By-law Schedule "A7"

The permitted uses for the existing and proposed zones are indicated in the chart below. The proposed Zoning is Downtown Commercial which permits an Apartment Use.

Table 3: Permitted uses for the proposed and existing zones

Permitted Uses	Proposed DC	Existing R2
Dwelling, Detached		X
Dwelling, Duplex		X
Dwelling, Semi-Detached		X
Uses, structures and buildings accessory thereto		X
Animal Care establishment	X	
Apartment Building	X	
Apartment Building Public	X	
Brew Pub	X	
Day Care	X	
Drive Thru Facility	X	
Dwelling, Accessory	X	
Existing Motor Vehicle Gas Station	X	

Existing Motor Vehicle Repair Garage	X	
Food Vehicle	X	
Hotel	X	
Medical Clinic	X	
Office	X	
Personal Service Business	X	
Place of Assembly / Banquet Hall	X	
Place of Worship	X	
Private Club	X	
Public Use	X	
Recreation Facility	X	
Restaurant, Fast Food	X	
Restaurant, Full Service	X	
Restaurant, Take-Out	X	
Retail Store	X	
Service Commercial	X	
Social Service Facility	X	
Studio	X	
Veterinary Clinic	X	
Uses, Structures and Buildings Accessory Thereto	X	

The permitted setbacks and lot requirements for the existing, proposed and proposed site specific special zone are included in the chart below.

**Table 4: Zoning requirements for the existing and proposed zone including special site-specific provisions for the proposed development.**

	Proposed DC- Special	DC Apartment	Residential 2 Density – Detached Dwelling
Minimum Lot Frontage	No Minimum	No Minimum	12.0 m
Minimum Lot Frontage Corner Lot	Not Applicable		15.0m
Minimum Lot Frontage where used for Residential Purposes	18.0 meters min.	18.0 meters	
Minimum Lot Area	No Minimum	No Minimum	0.04 hectares
Minimum Front Yard Setback	No Min. 3.0m	No Minimum	6.5m
Minimum Interior Side Yard	No Min. 3.0m	No Minimum	1.0m
Minimum Side Yard Abutting a Residential Zone	No Min. 21.7m	No Minimum	
Minimum Corner Side Yard	No Minimum	No Minimum	3.5m
Minimum Rear Yard	No Min. 3.3m	No Minimum	6.0m
Maximum Lot Coverage			50%
Maximum Building Height	6 storeys Less than 26.0 m	26.0 meters	11.0 meters
Maximum Gross Floor Area	100% of lot area	100% of lot area	

23.4 b Buildings containing residential dwelling units will be subject to the residential parking provisions of Section 3 of the By-law	<b>0.95 spaces</b>	1.25 spaces	1.25 spaces
Minimum Lot Area per Unit	No Minimum	No Minimum	
Minimum Landscaped Area	<b>20%</b>	25%	25%
Minimum Floor Area for a Unit	50 square meters	50 square meters	
Parking Stall dimensions	2.6m X 5.2m	2.6m X 5.2m	2.6m X 5.2m
Parking Stall obstructed on Two Sides	3.5m X 5.2m	3.5m X 5.2m	3.5m X 5.2m
Parking Stall obstructed on One Side	3.0m X 5.2m	3.0m X 5.2m	3.0m X 5.2m
Accessible Parking Space	3.7m X 5.2m	3.7m X 5.2m	3.7m X 5.2m
Two accessible parking spaces side by side	2.6m common space between accessible spaces	2.6m common space between accessible spaces	2.6m common space between accessible spaces
No. of Accessible Parking Spaces	4 spaces	4 spaces	

Section 3.1 of the Zoning By-law deals with Parking. As per section 3.1.1 of the Zoning By-law an Apartment is required to have 1.25 spaces per unit. Part of the proposed Zoning is to amend the Zoning to permit 0.95 parking space per unit.

There are several reasons to support this request for a reduction in the required parking ratio:

1. Access to Public Transportation: Niagara Region Transit (NRT OnDemand) is available for residences of Port Colborne. NRT OnDemand is a on-demand rideshare service that has replaced the fixed route service. This service was created for smaller communities to have more equitable access to transit. The proposed reduction in parking supports NRT on demand.
2. Bicycle Parking: there will be ample bicycle parking spaces for the residents both secured parking within the building and additional bicycle racks outside of the building. Some residents may choose to bike to work to nearby amenities or for leisure activities, which will further reduce the need for parking spaces.
3. Given the site constraints, providing fewer parking spaces will allow the developer to create more affordable housing units that are desired in the community. The reduction in parking spaces to 0.95 spaces per unit minimizes the burden on the developer.
4. Limited parking will assist in promoting alternative modes of transportation.
5. Parking spaces are assigned to new tenants so that the parking spaces do not become over subscribed. More desirable parking spaces are assigned higher rents. 3% of the units (2 units) will not have access to on-site parking.

Section 3.3 deals with Accessible Parking Spaces. The number of required accessible parking spaces is 4 for parking 76 to 100 spaces. The proposed site plan meets the requirements of this section of the Zoning By-law.

Section 3.7 Ingress and Egress Standards states that:

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

The proposed site plan has driveways and access aisles for two-way traffic with a proposed width of 6.0 meter. The proposed 6.0 meter is sufficient to meet the required fire access route and is sufficient to allow two-way traffic withing the parking area of the development.

Section 3.10 Loading Spaces of the Zoning By-law deals with the requirements of loading spaces. The proposed loading space is 3.5 meter by 9.0 meter minimum with a clearance of 4.0 meter and meets the requirements of this section of the Zoning By-law.

Section 3.11.1 Landscape Buffer Provisions requires a 3.0 meter buffer around the property abutting a public street and residential zone. We request that the proposed buffer be reduced to a minimum of 1.0 meters minimum. To prevent lighting impacts on the abutting property a board-on-board fence is proposed.

Section 3.13, Bicycle Parking Spaces, the proposed development is designed to meet the requires of having 6 spaces plus 1 space for every additional dwelling unit above 20 units. The minimum bicycle parking for the proposed development of 82 units is 12 spaces. These spaces are provided throughout the site and include internal secure spaces within the proposed building.

The proposed zoning and subsequent development, well varying some zoning requirements, is generally consistent with the intent to implement the policies of the Official Plan and to provide a safe, well-designed development that reflects the needs of the community.

## 5.0 CONCLUSION

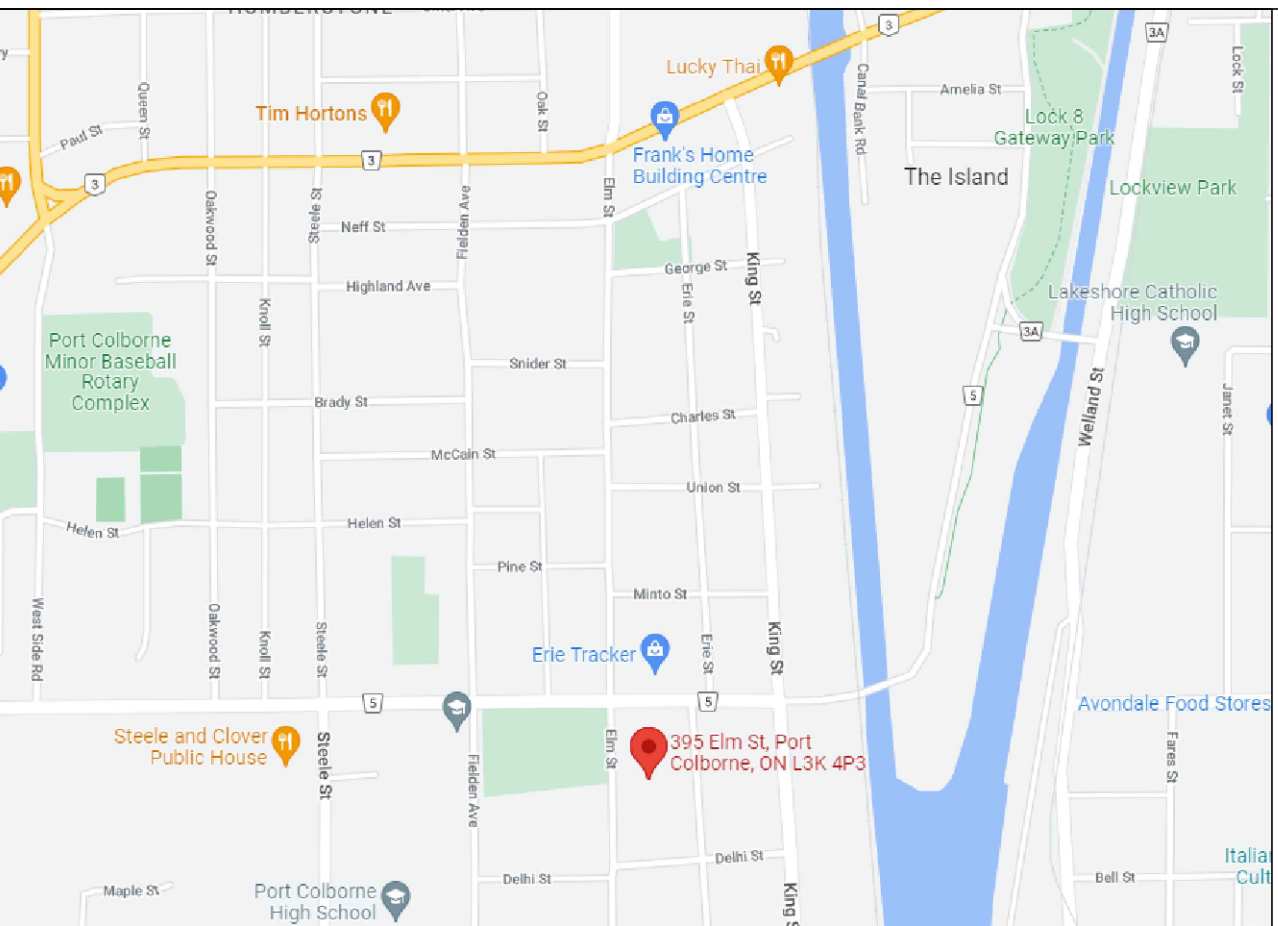
The application for Zoning By-law Amendment and subsequent development as described in this report has been fully reviewed from a land use planning perspective. It is our professional opinion that approval of the application should be granted for the following reasons:

- The approval of the application is consistent with the policies of the Planning Act.
- The approval of the application is consistent with the Provincial Policy Statement
- The approval of the application maintains the intent of the policies of the Regional Official Plan

- The approval of the application maintains the intent of the policies of the City of Port Colborne Official Plan
- The proposed application is in general compliance with the City of Port Colborne Zoning By-law with the proposed special provisions.
- The approval of the application represents good planning.



# APPENDIX A: PROPOSED SITE PLAN



dwg. A1

~~NOT TO BE USED~~  
FOR CONSTRUCTION























