



City of Port Colborne Public Meeting Agenda

Date: Tuesday, June 4, 2024
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 virtually will be accepted until 12:00 p.m. on the day of the meeting by contacting deputyclerk@portcolborne.ca . Requests to delegate in person are appreciated, but not mandatory.	
4.1	Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Mapleview Subdivision, 2024-124	1
	a. Delegation from Jim Allan, resident	19
	b. Written Delegation from Cathy Brule, resident	30
	c. Written Delegation from Ila Mater, resident	31
4.2	Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Short Term Rentals, 2024-125	32
5.	Procedural Motions	
6.	Information Items	
7.	By-laws	
7.1	By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne	61

8. Adjournment



Subject: Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Mapleview Subdivision

To: Council - Public Meeting

From: Office of the Chief Administrative Officer

Report Number: 2024-124

Meeting Date: June 4, 2024

Recommendation:

That Office of the Chief Administrative Officer – Planning Division Report 2024-124 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications submitted by NPG Planning Solutions on behalf of the owner 1000046816 Ontario Ltd. for proposed Official Plan and Zoning By-law Amendments to implement a Draft Plan of Subdivision on the lands legally known as Part of Lots 31, 32 & 33, Concession 1, and part of the road allowance between Townships of Wainfleet and Humberstone, and part of the road allowance between Lots 32 & 33.

Background:

Applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision were submitted by NPG Planning Solutions. The applications were deemed complete on May 14, 2024. The following reports/plans have been submitted to help facilitate the development of the lands:

- Conceptual Development/Site Plan
- Draft Plan of Subdivision
- Environmental Impact Study (EIS)
- Functional Servicing Report (FSR)
- Geotechnical Report
- Grading and Servicing Plans

- Landscape and Open Space Plans
- Noise and Vibration Study
- Open Space and Trail Master Plan
- Pedestrian Level Wind Study
- Phase 1 and 2 Environmental Site Assessments (ESA)
- Planning Justification Report (PJR)
- Shadow Study
- Stage 1-2 Archaeological Assessment
- Stormwater Management Report (SWM), and
- Transportation Impact Study (TIS)

All of these aforementioned plans can be found on the City's website under the "Current Applications" page.

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. 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 Niagara Official Plan (NOP) designates the subject lands as within the "Urban Area Boundary" and "Designated Greenfield Area". Policies within the NOP 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. 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'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.

Additionally, the land is located within the Designated Greenfield Area, based on Schedule A1. 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 lands within the greenfield areas as well as the general policies of the Urban Residential designation.

The application for Official Plan Amendment proposes to amend the Official Plan to facilitate the proposed Draft Plan of Subdivision with the following policy change:

1. Notwithstanding section 3.2 of the Official Plan for the City of Port Colborne, low density residential uses may be permitted to a maximum net density of 30 units per hectare, medium density residential uses may be permitted to a maximum density of 95 units per hectare, and high-density residential uses may be permitted to a maximum density of 150 units per hectare.

The Draft Official Plan Amendment can be found attached to this report as Appendix A.

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

The subject property was rezoned in 2012 to several different zones to implement the previously approved Rosemount Draft Plan of Subdivision, which lapsed in 2019. The current zones include special Neighbourhood Commercial zone (NC-27-H), special Second Density Residential zone (R2-28-H), special Third Density Residential zone (R3-29-H), and special Fourth Density Residential zone (R4-30-H). An excerpt from the Zoning Schedule can be found below, delineating the zones.

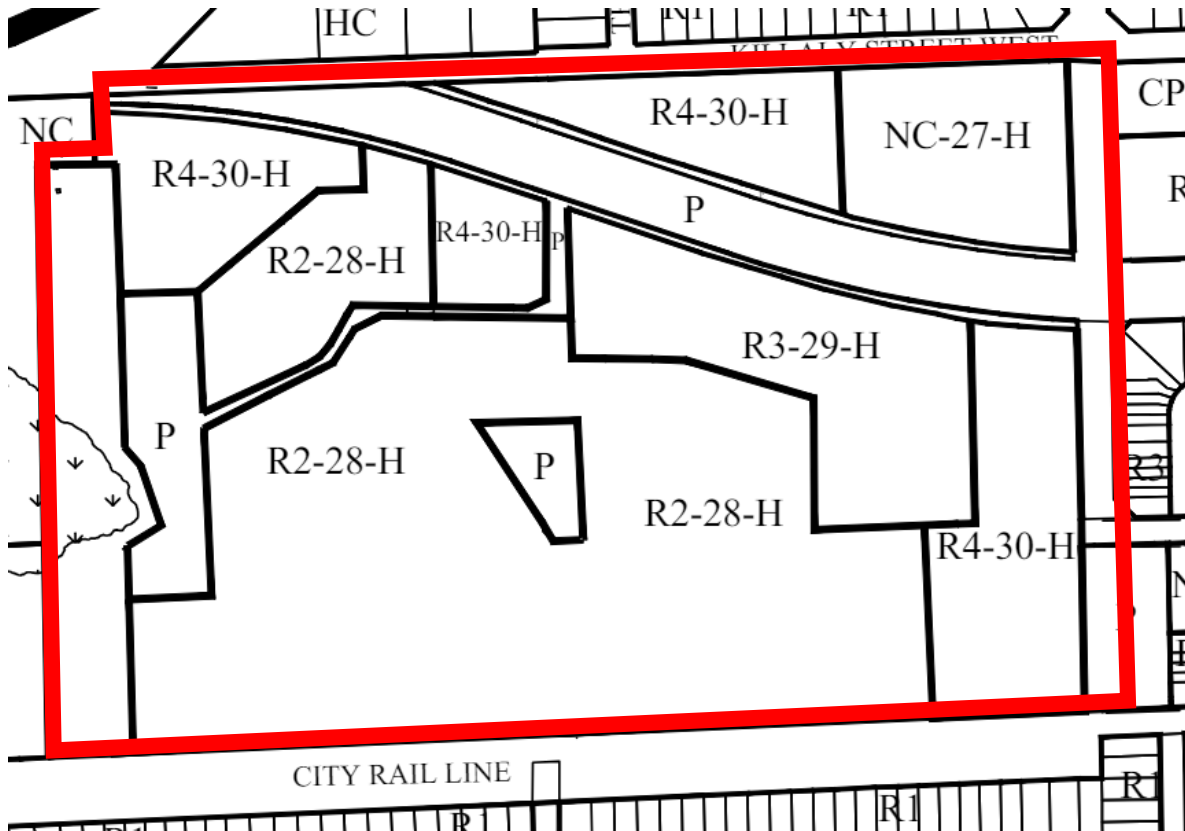


Figure 1: Excerpt from Zoning Schedule A7 showing the existing zoning (property shown in red).

The application for Zoning By-law Amendment proposes to change the zoning of the subject lands from the existing special Neighbourhood Commercial zone (NC-27-H), special Second Density Residential zone (R2-28-H), special Third Density Residential zone (R3-29-H), and special Fourth Density Residential zone (R4-30-H), to a new site-specific Fourth Density Residential (R4) zone, site-specific Mixed-Use (MU) zone, Environmental Protection (EPA) zone and Public and Park (P) zone. The Draft Zoning By-law Amendment has been attached to this report as Appendix B.

Proposed Draft Plan of Subdivision

As Council may be aware, this property was the subject of a previous Draft Plan of Subdivision in 2012, known as Rosemount Estates. Due to challenges with the former Ministry of Transportation Highway 3 tunnel diversion project, the previous ownership

group was not able to complete the required Draft Plan Conditions. The Draft Plan of Subdivision lapsed in 2019.

The new Draft Plan of Subdivision proposes 96 single-detached lots, 783 townhouse units, and 1,231 apartment units. The Draft Plan of Subdivision and Conceptual Development/Site Plan has been attached to this report as Appendix C.

Adjacent Zoning and Land Use

The lands surrounding the proposed development are predominantly zoned First Density Residential (R1) to the south, Third Density Residential (R3), and Commercial Plaza (CP) to the east, First Density Residential (R1) and Highway Commercial (HC) to the north, and Environmental Protection (EPA) to the west.

Internal Consultations:

The applications were circulated internally to applicable departments and agencies on May 14, 2024, and no comments have been received as of the date of preparing this report.

Financial Implications:

As this report is for information purposes, there are no direct financial implications at this time. However, staff would like to note that Council has 120 days to render a decision on a concurrent Official Plan and Zoning By-law Amendment application before the Zoning application fees are required to be refunded to the applicant. For this application, the 120-day timeframe ends on September 11, 2024. As of the date of this Public Meeting (June 4, 2024), 21 days will have passed.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 22 and 34 of the *Planning Act*. As of the date of preparing this report, the following public comment has been received:

Ian McEwen – 42 Maple Street

- In support of the proposed development
- The development will prevent future unwanted activity on the property such as ATVs and motor bikes
- The residential use is more appealing than commercial, industrial, or other

- Notes that neighbours will oppose because they want a green area or for the land to remain unchanged.
-

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
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan Amendment, Zoning By-law Amendment, or Draft Plan of Subdivision 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. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment
- c. Draft Plan of Subdivision and Conceptual Development/Site Plan

Prepared by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 228-8117
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Chief Planner
(905) 228-8119
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.

Appendix A – Draft Official Plan Amendment

THE AMENDMENT

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

DETAILS OF THE AMENDMENT

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

1. Notwithstanding section 3.2 of the Official Plan for the City of Port Colborne, low density residential uses may be permitted to a maximum net density of 30 units per hectare, medium density residential uses may be permitted to a maximum density of 95 units per hectare, and high density residential uses may be permitted to a maximum density of 150 units per hectare.

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




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

IMPLEMENTATION AND INTERPRETATION

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

SCHEDULE A TO OFFICIAL PLAN AMENDMENT



-  Urban Residential
-  Parks and Open Space
-  Environmental Protection Area

Appendix B – Draft Zoning By-law Amendment

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

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

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

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

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule 1 from NC-27-H, R2-28-H, R4-30-H, Public and Park (P) and Environmental Protection (EP) to Special Provision Fourth Density Residential (R4-XX), Special Provision Mixed-Use (MU-XX) Zone, Environmental Protection Zone, and Public and Parks Zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

Special Provision: Fourth Density Residential (R4-XX)

Notwithstanding the provisions of Section 8, the following provisions shall apply to lands zoned R4-XX in accordance with Schedule XX

Permitted Uses
a) Dwelling, Detached
b) Dwelling Townhouse Block
c) Dwelling Townhouse Street

d) Dwelling, Back-to-Back Townhouse	
e) Dwelling, Rear Lane Townhouse	
Zone Requirements – Detached Dwelling	
a) Minimum Lot Frontage – Corner Lot	13.5 metres
b) Minimum Lot Area	300 square metres
Zone Requirements – Dwelling, Townhouse Block	
a) Minimum Lot Frontage per unit	6.0 metres
b) Minimum Lot Area	98 square metres
c) Minimum Front Yard	4.0 metres to parking area
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	2.8 metres
f) Minimum Rear Yard	4.0 metres
g) Maximum Height	14 metres
h) Common walls shall be centered on the common lot line.	
i) There is no minimum interior side yard and/or rear yard for common walls.	
j) Setback calculations shall be taken from a private road or parking area.	
Zone Requirements – Dwelling, Townhouse Street	
a) Minimum Lot Frontage per unit	6.0 metres
b) Minimum Lot Area	95 square metres
c) Minimum Front Yard	2.0 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	4.5 metres
f) Minimum Rear Yard	1.5 metres
g) Maximum Height	15 metres
h) Minimum Landscaped Area	25 %
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	
Zone Requirements – Dwelling, Back-to-Back Townhouse	

a) Minimum Lot Frontage per unit	4.5 metres
b) Minimum Lot Area	65 square metres
c) Minimum Front Yard	1.8 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	5.0 metres
f) Minimum Rear Yard	N/A
g) Maximum Height	14 metres
h) Minimum Landscaped Area	0%
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	
Zone Requirements – Dwelling, Rear Lane Townhouse	
a) Minimum Lot Frontage per unit	4.5 metres
b) Minimum Lot Area	95 square metres
c) Minimum Front Yard	2.9 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	3.7 metres
f) Minimum Rear Yard	4.0 metres
g) Maximum Height	14 metres
h) Minimum Landscaped Area	15%
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	

Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 30 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a rear yard of 1.5 metres is permitted.

Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 30 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum interior side yard of 0.9 metres is permitted.

Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 3 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum corner side yard of 0.4 metres is permitted.

Notwithstanding the provisions of Dwelling, Rear Lane Townhouse, a Rear Lane Townhouse located on Block 34 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum corner side yard of 1.5 metres is permitted.

Special Provision: MU-XX

Notwithstanding the provisions of Section 21, the following provisions shall apply to lands zoned R4-XX in accordance with Schedule XX

Zone Requirements – Mixed Use Buildings	
Minimum Front Yard	4.8 metres
Maximum Building Height	32 metres
Zone Requirements – Apartment Building	
Minimum Lot Area per Unit	98 square metres
Minimum Front Yard	4.8 metres
Maximum Building Height	32 metres

Notwithstanding the provisions of Section 3.1, 1.2 spaces/apartment unit & 1 space per 50 sqm. Commercial GFA

Notwithstanding the provisions of Section 3.10, loading spaces are permitted in a rear yard which abuts a residential zone.

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

Dwelling, Back-to-Back Townhouse: means a group of not less than four, but not more than ten single dwelling units divided vertically from each other by common side walls and common rear walls and each of which has a private independent entrance directly from a front yard.

Dwelling, Rear Lane Townhouse means a townhouse dwelling (street or block townhouse) that is not a stacked townhouse dwelling or back to back dwelling and where vehicular access to an attached garage is provided via a Driveway crossing the rear lot line that is accessed from either a street or a lane.

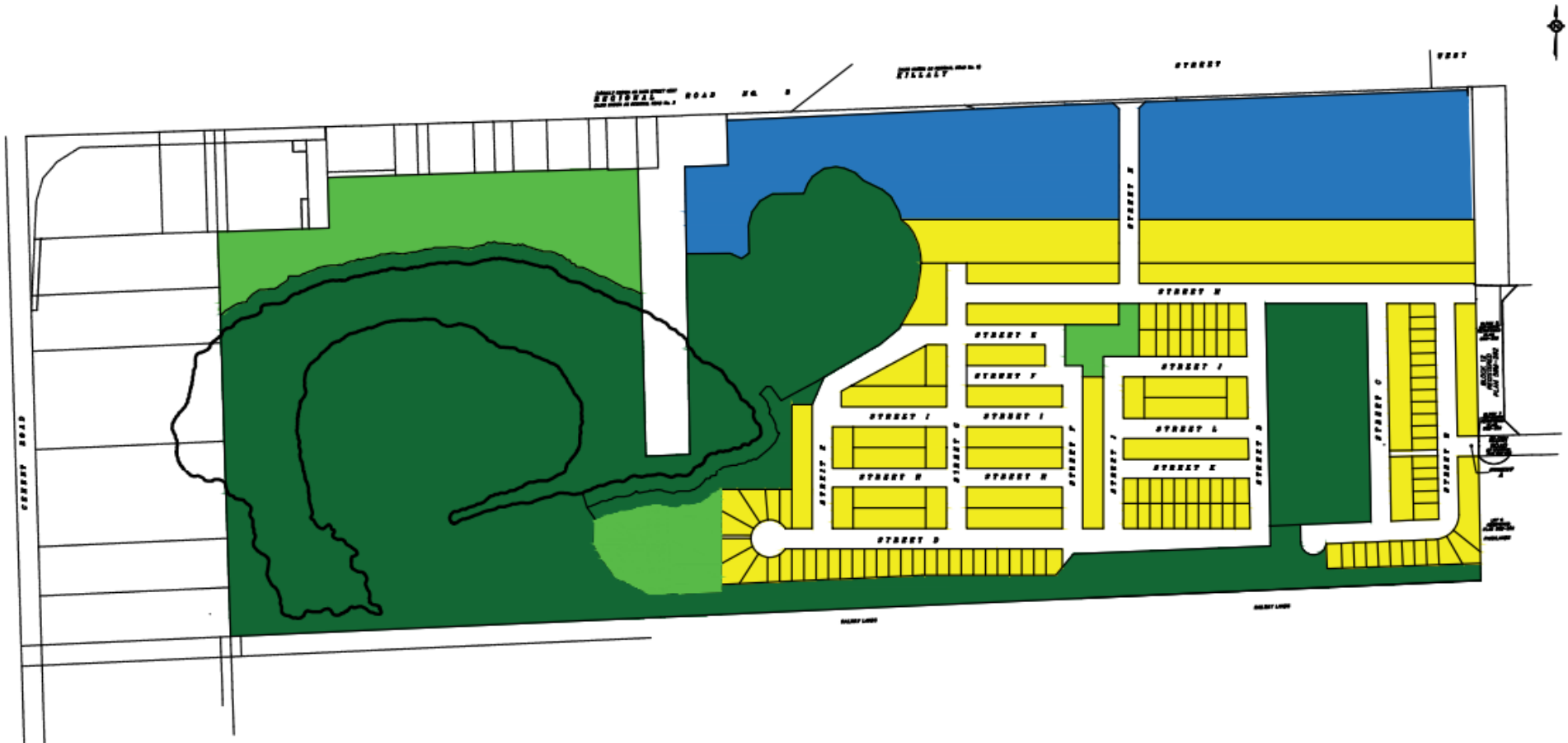
5. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of *The Planning Act, R.S.O 1990*.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with *The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





**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH DAY
OF XXX, 2023**

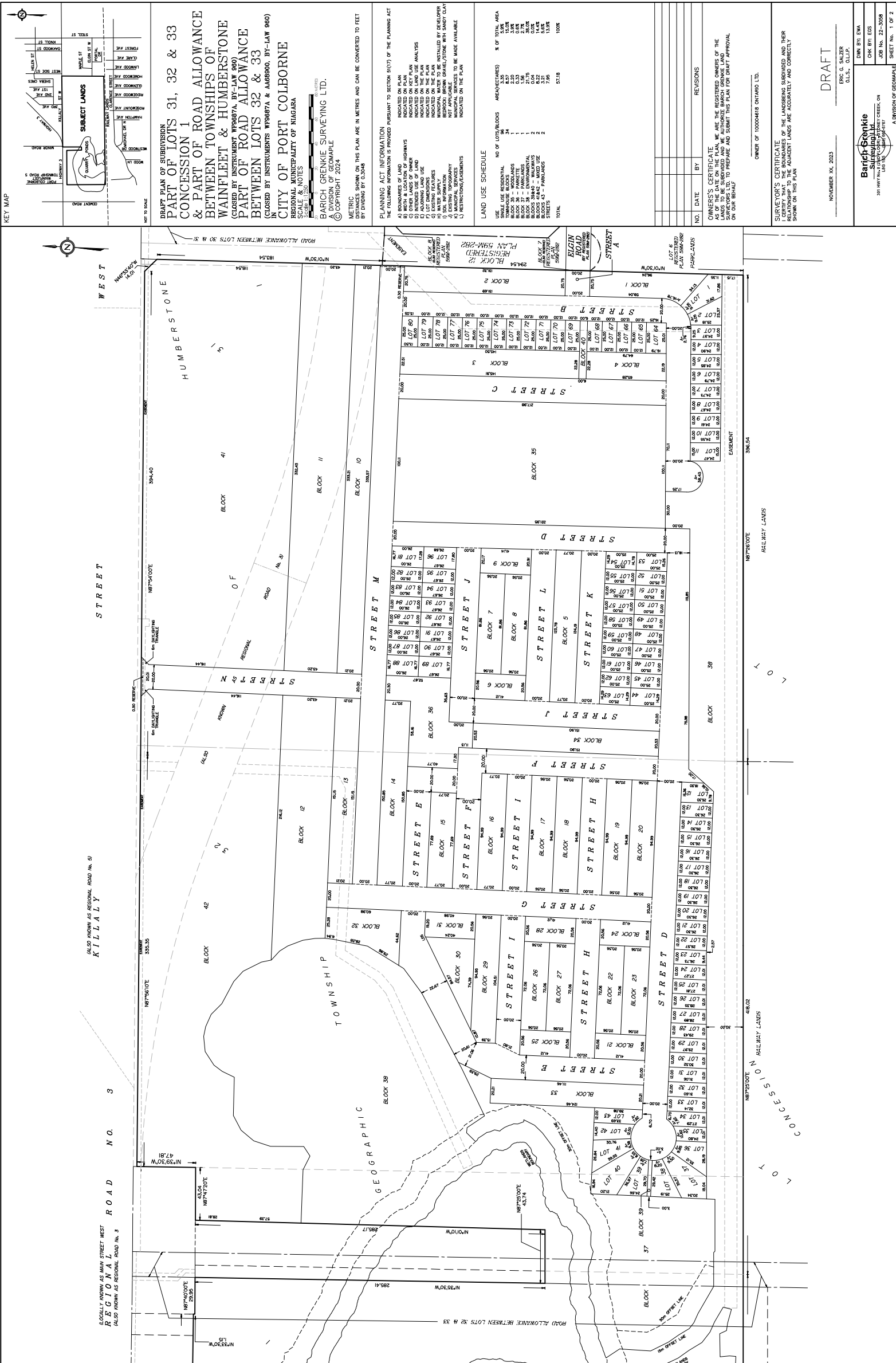
William C Steele, MAYOR

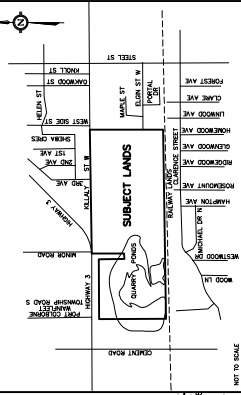
Amber LaPointe, CLERK

SCHEDULE A TO ZONING BY-LAW AMENDMENT



-  Site Specific Mixed Use (MU-XX) Zone
-  Site Specific Fourth Density Residential Zone (R4-XX) Zone
-  Public and Park Zone
-  Environmental Protection Zone





**DRAFT PLAN OF SUBDIVISION
PART OF LOTS 31, 32 & 33
CONCESSION 1
& PART OF ROAD ALLOWANCE
BETWEEN TOWNSHIPS OF
WAINFLEET & HUMBERSTONE
(CLOSED BY INSTRUMENT W#9887A, BY-LAW 980)
PART OF ROAD ALLOWANCE
BETWEEN LOTS 32 & 33
(CLOSED BY INSTRUMENTS W#9887A & A#88900, BY-LAW 980)
REGIONAL MUNICIPALITY OF NIAGARA
CITY OF PORT COLBORNE**

SCALE 1:1000
SCALE 1:2000
SCALE 1:5000
BARICH GRENKIE SURVEYING LTD.
REGISTERED PROFESSIONAL SURVEYOR
© COPYRIGHT 2024

METRIC SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLANNING ACT INFORMATION
THE FOLLOWING INFORMATION IS PROVIDED PURSUANT TO SECTION 8(1)(7) OF THE PLANNING ACT

- A) BOUNDARIES OF LAND INDICATED ON PLAN
- B) ZONING DESIGNATION INDICATED ON PLAN
- C) ZONING FEATURES INDICATED ON PLAN
- D) INTENDED USE OF LAND INDICATED ON PLAN
- E) LOT DIMENSIONS INDICATED ON PLAN
- F) SOIL INFORMATION INDICATED ON PLAN
- G) RESTRICTIONS/ENCUMBRANCES INDICATED ON PLAN

LAND USE SCHEDULE

LAND USE RESIDENTIAL	NO. OF LOTS/BLOCKS	AREA (HECTARES)	% OF TOTAL AREA
UNITS USE RESIDENTIAL	34	8.37	13.02
TOWNHOUSE RESIDENTIAL	1	0.13	0.20
INDUSTRIAL	1	0.13	0.20
COMMERCIAL	1	0.13	0.20
RECREATION	1	0.13	0.20
AGRICULTURAL	1	0.13	0.20
ENVIRONMENTAL	2	2.75	4.25
ROAD	2	0.26	0.40
WATER	2	0.26	0.40
UTILITIES	2	0.26	0.40
PARADES	2	0.26	0.40
UNDEVELOPED	2	0.26	0.40
TOTAL		57.18	100%

NO.	DATE	BY	REVISIONS

OWNER'S CERTIFICATE
I, AS THE REGISTERED OWNER OF THE LANDS TO BE SUBDIVIDED AND I AUTHORIZE BARICH GRENKIE SURVEYING LTD. TO PREPARE AND SUBMIT THIS PLAN FOR DRAFT APPROVAL ON OUR BEHALF

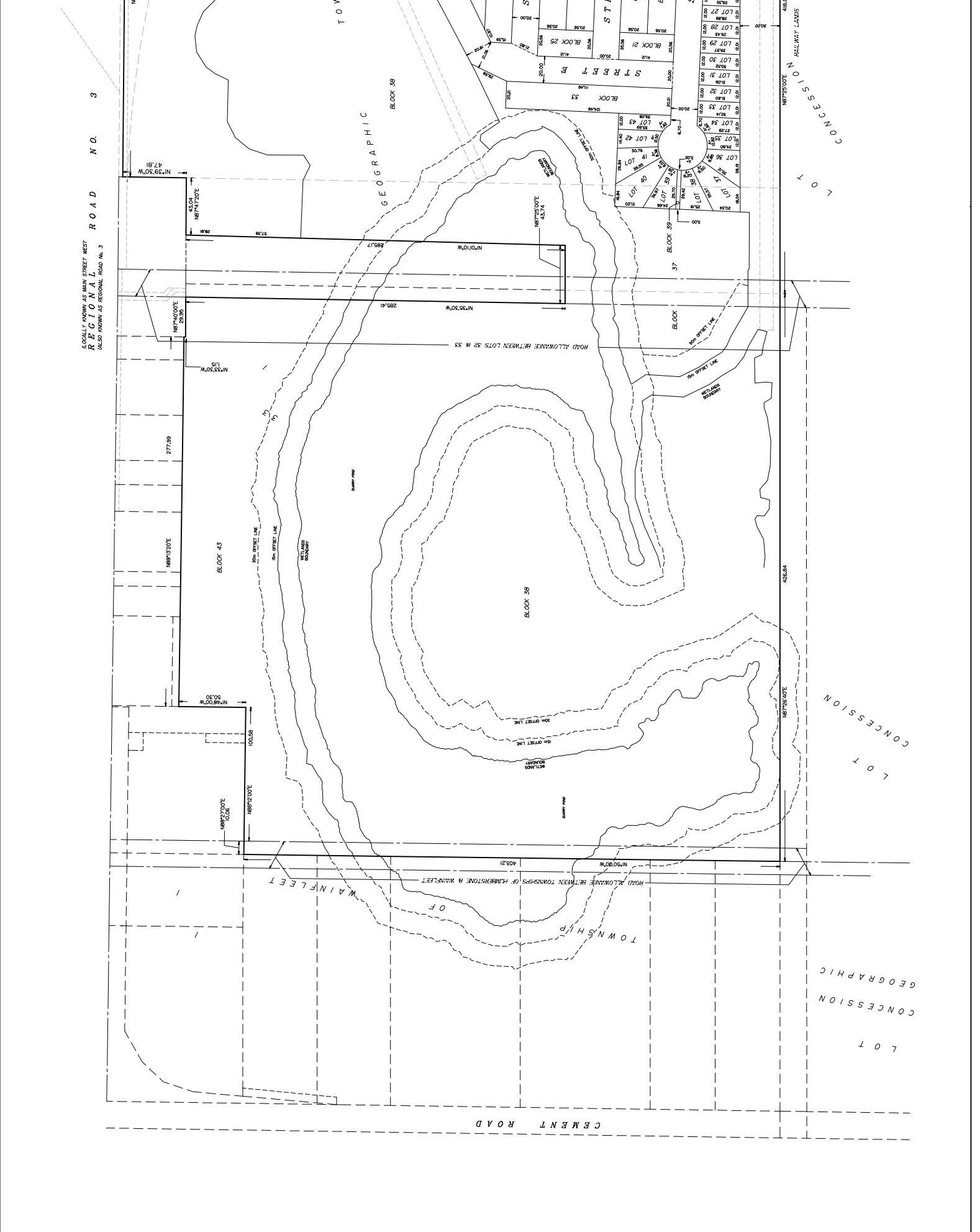
OWNER OF 10004818 ONTARIO LTD.

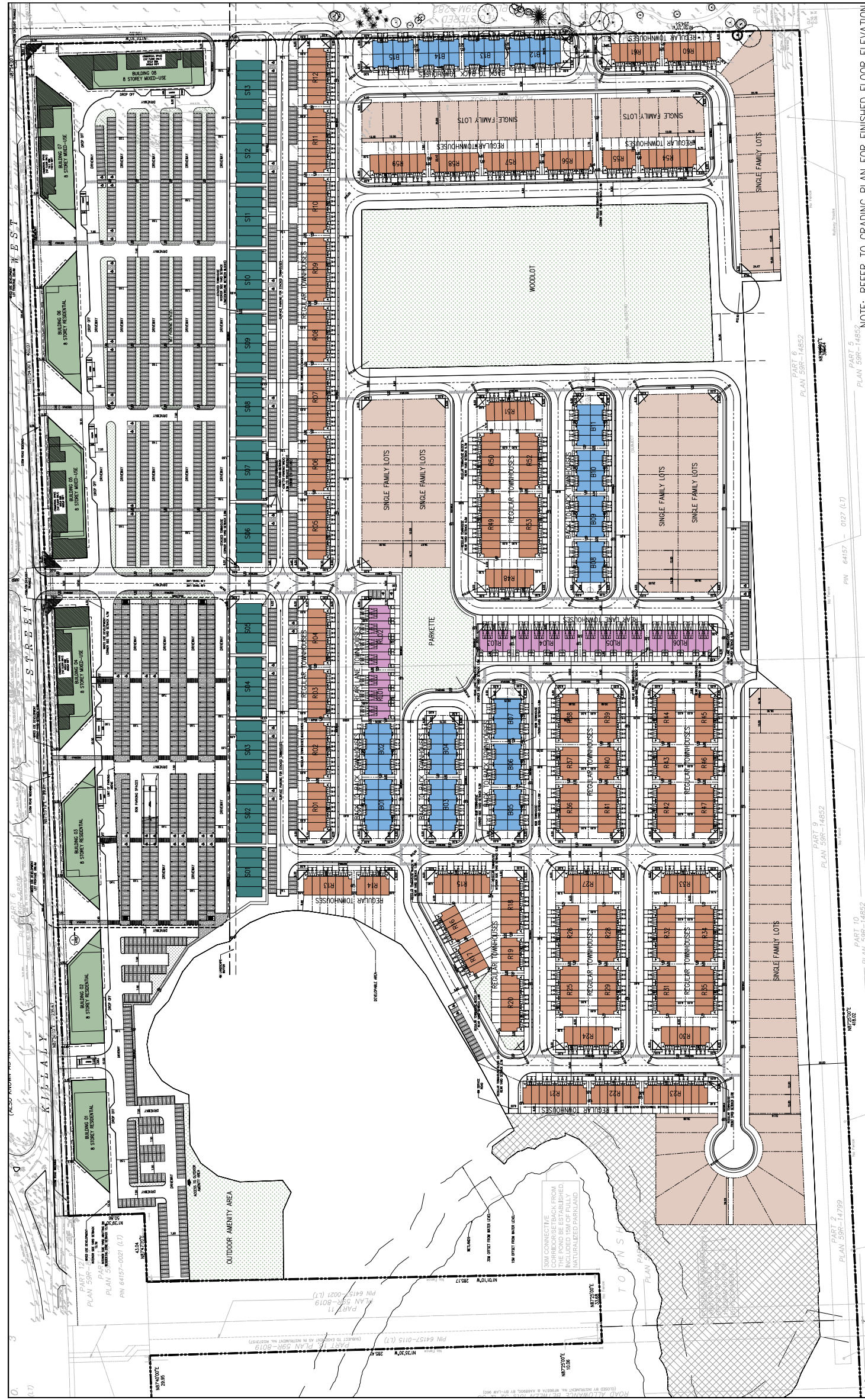
SURVEYOR'S CERTIFICATE
I CERTIFY THAT THE BOUNDARIES OF THE LANDS BEING SUBDIVIDED AND THEIR ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN

NOVEMBER XX, 2023
ERIC G. SALKER
O.L.S., O.L.P.

Barich Grenkie
SURVEYING LTD.
301 HWY 104, UNIT 10, NIAGARA FALLS, ONT. L2A 6T6
A DIVISION OF GEOMATICA

DWN BY: E.W.
CHK BY: E.S.
JOB NO.: 22-2058
SHEET NO.: 2 OF 2

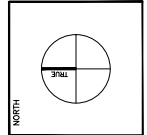




1-416-224-9595
F: 416-224-9594
CONTRACTOR: ARCHITECTS
C:\PROJECTS\2024\22129

DRAWING TITLE	
SITE PLAN	
Scale:	1:1000
Drawn by:	JA
Checked by:	RE
Project No.:	22129
Drawing No.:	A101

KILLALY STREET W
(PART OF LOTS 31,32,33 CONCESSION 1 &
TOWNSHIPS OF VAINFLEET &
ALLOWANCE BETWEEN LOTS 32 & 33)
PORT COLBORNE, ON



LEGEND
MIXED USE RESIDENTIAL BUILDING
COMMERCIAL SPACE
STACKED TOWNHOUSES
BACK TO BACK TOWNHOUSES
REGULAR TOWNHOUSES
SINGLE FAMILY HOUSES
REAR LANE TOWNHOUSES

ALL DIMENSIONS AND LOCATIONS ARE THE PROPERTY OF ICON ARCHITECTS. THIS PLAN IS THE PROPERTY OF ICON ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ICON ARCHITECTS. ALL DIMENSIONS AND LOCATIONS MUST BE VERIFIED IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THIS PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT AND THE CLIENT'S AGREEMENT. DO NOT SCALE DRAWING.

NOTE: REFER TO GRADING PLAN FOR FINISHED FLOOR ELEVATION

Mapleview Subdivision

Meeting June 4, 2024

Jim Allan

Development

Not against development.

Must fit into the community.

Is there a negative impact on the existing communities?

Should not connect to Local Streets.

West Side Road Extension

This road allowance should not be opened behind Maple Street.

If there is a connection from Maplevue subdivision to Elgin Street this will already add a significant amount



Elgin Street Connection to Mapleview Subdivison

What are the other options?

More road connections will ease the traffic.

Connection to Clarence Street?

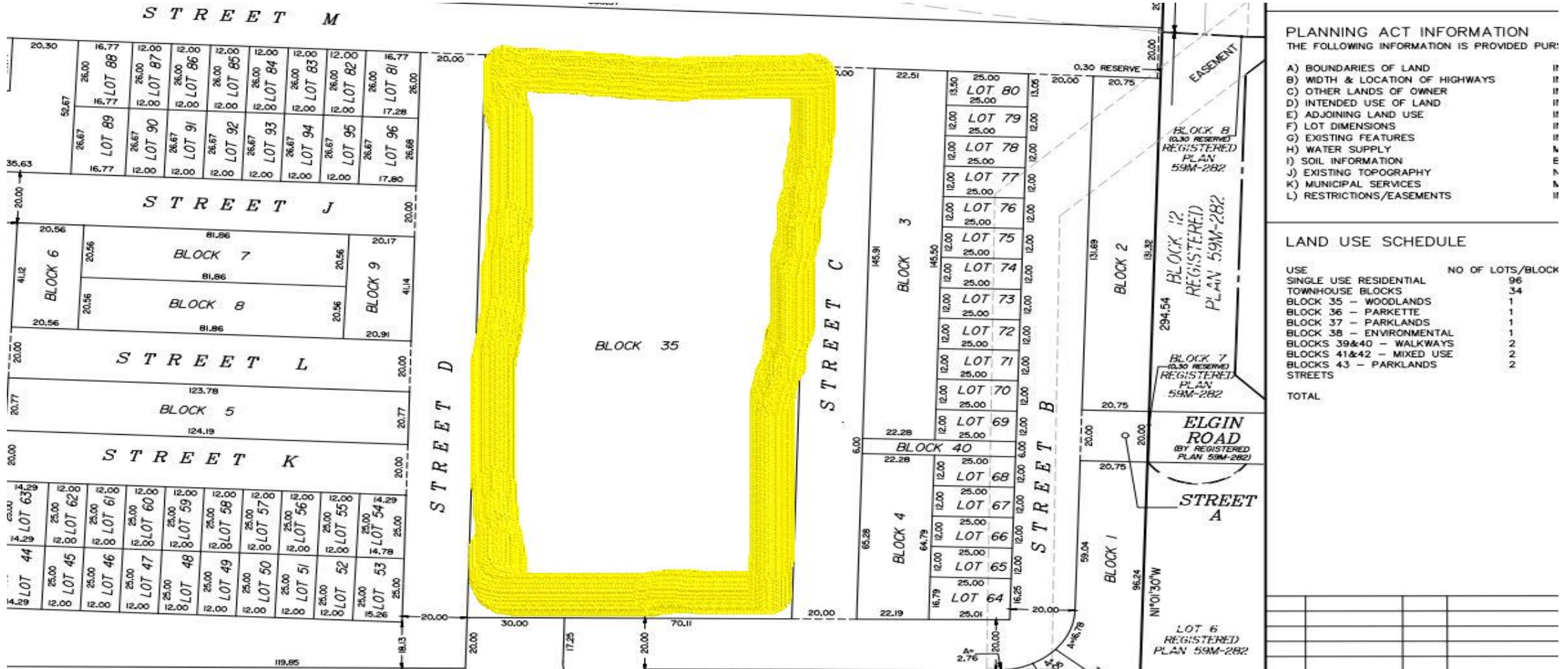
Traffic Counts?

Removal of Rock

Plan for rock removal?

Existing Home Inspections?

What is the Woodlands?



BLOCK 35 - WOODLANDS

1

2.20

3.9%

Back to Back
Townhouses
Facing Maple
Street
Backyards.

There should
not be a road
there.



Back to Back Townhouses

Fourth Story
Terrace
Looking into
backyards.

DRAWING TITLE
**PLANS, SECTION & ELEVATIONS
(BACK TO BACK TOWNHOUSES B12)**

Scale:
As Noted

Date:
APR. 05, 2024

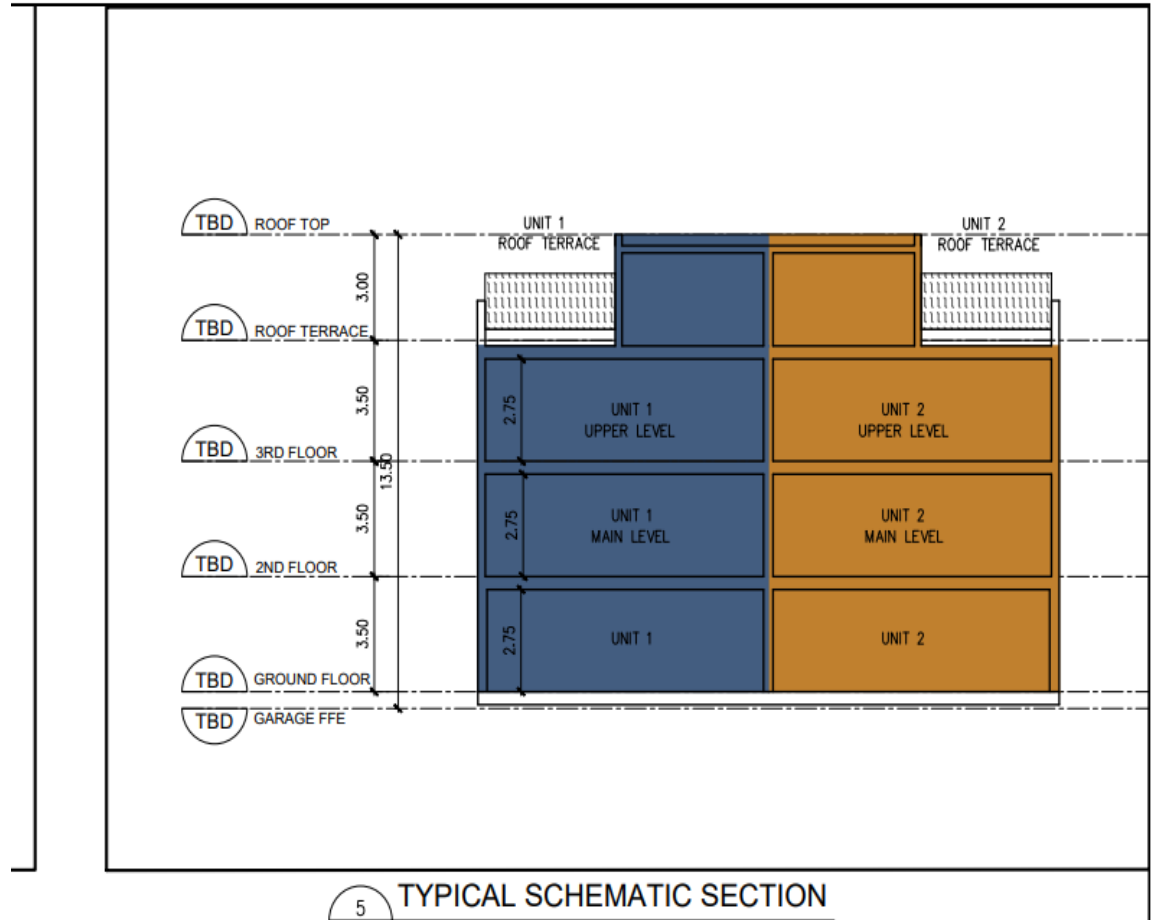
Project No.
22129

Drawn by:
YA

Checked by:
RE

Drawing No.
A286

813 - 4789 YONGE ST. TORONTO
M2N 0G3 ICONARCHITECTS.CA
T:416-224-0505 F:416-224-0504



Green Space

Buffer
between
existing
and new.





Thanks for your time



May 30 2024

To: Port Colborne City Council

Re: Proposed Maplevew Subdivision Development.

The following is a list of concerns and possible considerations.

- Shortening the West Side Rd extension to cross over Killaly W and then turn into the development neighborhood will considerably reduce the development traffic and well as other traffic not actually needing to drive straight through to Elgin just to get to Steele St. Protecting the existing slower moving established senior community.
- Create an exit onto Rosemount Ave that will redirect some traffic out of the new development that will have downtown and Lakeshore as their destination. Rosemount and Clarence currently have a three-way stop sign and will impact 2 property side yard as opposed to a 4000 populated community already using Elgin.
- The new development appears to have insufficient parks and playgrounds for the number of people and children that will fill that high density proposal and should create more.
- The new units that directly impact the west facing backyards of Maple St should blend in with the existing community better and not be 3 storey units with a 4th storey terraces which will completely impose on those pre-existing townhomes.
- Explore splitting the area marked "woodlands" and placing part of it to backing onto the existing Maple St backyards and move the proposed Stacked/Back-to-Back townhouse row that exists on the proposed plan to the newly freed-up space in the proposed subdivision.
- A pre and post inspections of the surrounding existing townhouses for basement and exterior brick walls, windows and doors sealing poorly or for any other negative impact that may come from the removal of bedrock needed to lay infrastructure and foundation work.

Thank you to our Council and City for working on our behalf to maintain our City Mission Statement of "A small town Experience".

Cathy Burde

Re: Proposed Mapleview Subdivision Development.

To Port Colborne City Council,

I am a senior and I currently own a house on Maple St.

I currently experience the traffic on Elgin Street and would like to make mention of the existing senior community and the special needs of this demographic. As you know we have many long time Port Colborne people that currently need a slower traffic community. There are many seniors that are using walkers, wheelchairs and walking on their own steam but with slow movement. They also have reduced vision and hearing and slow cognitive processing which comes to us all in our senior years.

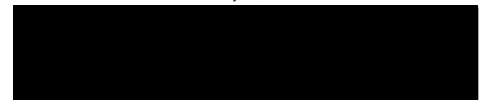
This demographic really needs to be considered when doing a traffic study for Elgin Street being proposed as a major through street for this new development that will have upwards of 5,000 vehicles. The residents of Elgin, Maple and Portal heavily use the streets and Mapleview park to exercise and visit with their families. They need to be protected.

This intersection at Elgin and Steele is already a hazard to exit and enter most days.

Thank you for taking an interest in our concerns and acting on our behave.

Ila Mater

Ila Mater



Port Colborne.



Subject: Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Short Term Rentals

To: Council - Public Meeting

From: Office of the Chief Administrative Officer

Report Number: 2024-125

Meeting Date: June 4, 2024

Recommendation:

That Office of the Chief Administrative Officer – Planning Division Report 2024-125 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding an Official Plan Amendment and Zoning By-law Amendment related to Short Term Rental (STR) Accommodations in the City of Port Colborne and to address feedback received from Council at their meeting of April 9, 2024.

Background:

On April 9, 2024, Council received an Options Report for Short Term Rental Accommodations 2024-25 (Appendix A) and passed the following motion:

1. That Development and Legislative Services Department – Planning Division Report 2024-25 be received for information; and
2. That Council approve the regulation of short term rental accommodations via the Combined Licencing and Official Plan/Zoning By-law Amendment outlined in Option 3; and
3. That the Acting City Clerk be directed to schedule a Statutory Public Meeting to review the proposed Official Plan Amendment and Zoning By-law Amendment.

Report 2024-25 provided some background on the Public Engagement process to-date which has included an on-line survey that consisted of a series of focused questions to gather feedback on STRs from residents.

Report 2024-25 outlined that currently, the City's Official Plan does not contain policies or definitions for STR accommodations and it was recommended that the City consider the inclusion of policies in the Official Plan which would enable and guide the establishment of a zoning framework and licensing regime. These changes to the Official Plan regarding STRs would require an Official Plan Amendment.

Report 2024-25 explained that any regulation of STRs through the City's Zoning By-law would require a municipally initiated Zoning by-law Amendment to:

- establish a definition of an STR;
- add an STR as a permitted use in specific zones;
- create zone standards which could include items such as minimum parking requirements, minimum lot sizes, minimum amenity areas, or minimum building setback requirements; and,
- recognize that an STR has to be a secondary use to a residential use.

Report 2024-25 also explained that Sherkston Shores is unique as it is a permitted commercial use in the City's Zoning By-law and is not a residential area experiencing the introduction of a prohibited commercial use, as is the case with STRs. The rental of Park Model trailers as an STR should be captured by a future STR Licensing By-law in order to provide the City with the opportunity to regulate and collect fees from these STRs in a manner that is consistent with the rest of the City.

Report 2024-25 also outlined the approach to Short Term Licensing By-laws in Fort Erie and Wainfleet.

Council has requested that Staff consider:

1. revising the proposed Zoning By-law Amendment to permit STRs in accessory buildings or structures; and
2. to give consideration as to whether STRs should be permitted in legal non-conforming dwellings;

Discussion:

There is no provincial direction regarding STR accommodations, as they are considered a local matter. All applicable policy documents permit municipalities to implement regulations to regulate STRs if they see fit.

The draft Zoning By-law Amendment attached to this report reflects the changes that staff deem appropriate to enact the changes requested by Council. Any regulations that are more appropriately addressed through a future Licensing By-law are also provided.

Comments received from the public on the draft Official Plan Amendment and the revised draft Zoning By-law Amendment will be considered by staff and brought back to Council for their consideration at a future meeting.

1. Short Term Rental Accommodations in Accessory Buildings or Structures

Table 1: Proposed Text Changes in Zoning By-law Amendment

Existing Draft Text
“A Short-Term Rental Accommodation shall not be permitted in an accessory building or structure.”

As noted above, Council had requested that staff consider revising the proposed Zoning By-law to permit STRs in accessory buildings or structures.

Staff has considered the implications of this request including public health and safety, noise and neighbourhood disruption, parking issues, strain on infrastructure, community cohesion, and enforcement challenges.

Staff are of the opinion that STRs that are proposed in accessory buildings or structures should not be permitted as-of-right and should be subject to a zoning by-law amendment approval process with an opportunity for public input.

Staff are also of the opinion that the implications of permitting STRs in accessory buildings or structures may be alleviated by allowing one STR as-of-right in either a legal interior accessory dwelling unit or a legal detached accessory dwelling unit. Staff recommend that there be a condition in a future licensing by-law which requires that a detached accessory dwelling unit may only be used as a STR Accommodation when the owner of the property is in residence within the principal dwelling on the same lot.

Proposed Text for Zoning By-law Amendment
“A Short-Term Rental Accommodation may be permitted in a legal interior accessory dwelling unit in accordance with the provisions of Section 2.9.1. and 2.9.1.1.”
“A Short-Term Rental Accommodation may be permitted in a legal detached accessory dwelling unit in accordance with the provisions of Section 2.9.1.2.”
“A maximum of one Short-Term Rental Accommodation is permitted per lot.”

Proposed Text to be Incorporated into Future Licensing By-law
“A detached accessory dwelling unit may only be used as a short term rental accommodation when the owner of the property is in residence within the principal dwelling on the same lot.”

2. Short Term Rental Accommodations in Legal Non-Conforming Dwellings

The City of Port Colborne Official Plan defines a legal non-conforming use as “a legal use of a parcel of land, building or structure that was established before the date the Zoning by-law was approved by Council but which does not conform to the permitted land use designation, the policies of this Plan and/or the regulations of the Zoning By-law”.

Section 11.2.3. a) Committee of Adjustment of the Official Plan states that “legal non-conforming uses, buildings or structures through[out] the City should eventually cease, so that the land affected shall revert to a use, building or structure that conforms to the intent of the Plan and the Zoning By-law...”.

There are many areas within the Municipality where Short Term Rental Accommodations are proposed to be permitted as-of-right including within thirteen Zone categories as outlined in the proposed draft Zoning By-law Amendment.

Although there are legal non-conforming single detached dwellings in some areas within the Municipality, allowing short term rental accommodations as-of-right would perpetuate a residential use in an area where the Official Plan policies contemplate that they eventually cease to exist. Accordingly, it is staff’s opinion that an application for a zoning by-law amendment should be required in order to evaluate requests by a landowner wishing to use their legal non-conforming dwelling for purposes of a short term rental accommodation on a case-by-case basis.

Internal Consultations:

The Notice of Public Meeting along with the draft official plan amendment and draft zoning by-law amendment were circulated internally to applicable departments and agencies on May 15, 2024, and no comments have been received as of the date of preparing this report.

This report was prepared in consultation with Jamie Robinson, Lee Bull, and Graham Richards of MHBC Planning.

Financial Implications:

There are no direct financial implications with this report.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 22 and 34 of the Planning Act. As of the date of preparing this report, no comments from the public have been received.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

Following the public meeting, the following next steps are anticipated:

1. Staff to review and consider any comments received from the public, circulated agencies and Council;
 2. Staff to conduct any additional research required as a result of comments that are provided;
 3. Staff to prepare a recommendation report to return to Council at a future meeting date;
 4. Council meeting to consider staff recommendation report, adoption of OPA and enactment of ZBA;
 5. Notice of Decision to be issued, appeal period of 20 days following issuance of Notice;
 6. Licensing By-law to be Drafted.
-

Appendices:

- a. Options Report for Short Term Rental Accommodations – Report 2024-25
- b. Draft Official Plan Amendment
- c. Draft Zoning By-law Amendment

Reviewed by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
905-228-8117
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Chief Planner

905-228-8119
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.



Subject: Options Report for Short-Term Rental Accommodations

To: Council

From: Development and Legislative Services Department

Report Number: 2024-25

Meeting Date: April 9, 2024

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2024-25 be received for information; and

That Council approve the regulation of short-term rental accommodations via the Combined Licencing and Official Plan/Zoning By-law Amendment outlined in Option 3; and

That the Acting City Clerk be directed to schedule a Statutory Public Meeting to review the proposed Official Plan Amendment and Zoning By-law Amendment.

Purpose:

The purpose of this report is to briefly outline the background related to short-term rental (STR) accommodations and provide a recommendation on potential land use planning and licencing options.

Background:

The concept of STRs have been present in most municipalities for a long period, particularly for cottage owners renting or loaning seasonal residences to friends, family, and acquaintances for leisure purposes. Only recently have residents began using internet-based sharing platforms, such as Airbnb and VRBO, to rent whole dwellings or dwelling units to users. The increased accessibility to STRs has resulted in an increased demand for rental properties and has led to more complaints (e.g., noise, parking issues, zoning compliance, litter, property standards, fire violations) from surrounding residents.

Currently, there are no specific policies related to STRs within the City of Port Colborne Official Plan and no provisions in the City's Zoning By-law. Council, at their meeting of October 11, 2022, directed staff to prepare a STR Registration By-law and associated report to be presented to Council at a future date.

As part of the preparation of the STR policies proposed in this report, Planning staff worked with Communications staff to create and publish an online survey to gather feedback on STRs from residents. The survey was open from November 9, 2023, to January 1, 2024, and received 55 responses. The results of the online survey are included in Appendix A of this report. A summary of the online survey results is provided in the Public Engagement portion of this report.

Discussion:

Across Ontario, many municipalities have determined that STRs are a residential use. While STRs were previously only used on an occasional and/or infrequent basis, many are now rented frequently and are a full part of the sharing economy.

In many instances, buildings have been built or developed for full-time use as STRs with no long-term residential component. These STRs are not occupied on a permanent basis or temporary basis by the owner and, as a result, have changed the nature and character of STRs in Port Colborne and the rest of Ontario.

Official Plan

The City of Port Colborne Official Plan sets out the land use policy directions for long-term growth and development in the municipality. Official Plans provide the policy framework for how land may be used and the establishment of Zoning By-laws to set local regulations and standards. All land use planning decisions in Port Colborne must conform to the Official Plan. Currently, the City's Official Plan does not contain policies or definitions for STR accommodations.

As part of the STR review, Planning staff recommend that the City consider the inclusion of policies in the Official Plan which enable and guide the establishment of a zoning framework and licencing regime. Planning staff further recommend that these enabling policies identify the geographic areas where STRs would be permitted, and include direction on what parameters are necessary in the Zoning By-law or Licencing By-law to support the regulation of STRs.

Any changes to the Official Plan regarding STRs would require an Official Plan Amendment (OPA).

Zoning By-law

While the Official Plan sets out general policies for land use, the City's Zoning By-law puts the plan into effect and provides for its day-to-day administration. The City's Zoning By-law establishes various forms of dwelling units as permitted uses within Residential Zones but does not establish STRs as a permitted use.

Any regulation of STRs through the City's Zoning By-law will require the Zoning By-law to be amended by a municipally initiated Zoning By-law Amendment (ZBA). The ZBA would:

- establish a definition of an STR;
- add an STR as a permitted use in specific zones;
- create zone standards which could include items such as minimum parking requirements, minimum lot sizes, minimum amenity areas, or minimum building setback requirements;
- restrict STRs from being permitted in an accessory building or structure; and
- recognize that an STR must be a secondary use to a residential use.

The requirement for the STR to be a secondary use is to ensure that dwelling units are not being purchased and exclusively rented out, as this has the potential to change the planned function of residential communities by eroding the residential character of the area. Planning staff note that there could be existing STRs already located in Port Colborne that may not meet all the proposed Zoning By-law provisions. Any STR in operation prior to the passing of a future Zoning By-law Amendment would be considered legal non-conforming, with respect to the zoning provisions.

Licencing By-law

The introduction of STRs in a residential area can have land use planning impacts related to the character of the area, noise, garbage, and frequency of use. While many of these matters fall under the purview of land use planning, they are often more appropriately regulated through By-laws enacted under the *Municipal Act*. To address compatibility concerns associated with STRs, a Licencing By-law should be enacted under the *Municipal Act* as per the previous direction provided by Council.

In consultation with Clerk's and By-law Enforcement staff, Planning staff recommend that the Licencing By-law include provisions that manage STRs by including items such as:

- limitations on the length of stay (minimum or maximum periods);
- limitations on number of rental days per year;
- licencing fees;
- proof of ownership;
- declaration from owner that property is primarily used for residential purposes (not required for Sherkston Shores);
- cap on the number of licences issued;
- maximum number of total guests;

- maximum number of guests per bedroom;
- requirement for a floor plan drawing and site plan;
- requirements for septic, building, fire, wood stove, and HVAC inspections;
- requirement for rental information to be displayed and code of conduct to be displayed;
- requirement for insurance;
- requirement for a guest registry;
- requirement for emergency service contact information to be displayed; and,
- requirement for Municipal Accommodation Tax (MAT)

Planning staff recognize that the above considerations may vary between different geographic areas of the City.

MHBC Planning has been retained to help prepare the proposed Licencing By-law. Should Council approve of proceeding with Option 3, the Licencing By-law will be brought to Council for approval after the OPA and ZBA.

Sherkston Shores Resort

An additional item identified by survey respondents was the relationship between STRs and the Sherkston Shores Resort located at 490 Empire Road. Sherkston Shores is a seasonal campground available to users that includes recreational vehicle sites, tent camping sites, and vacation rental units. Respondents indicated their concerns with the current usage rates, the associated impacts, and that Sherkston Shores Resort should be considered an STR.

Sherkston Shores is unique as it is a permitted commercial use in the City's Zoning By-law and is not a residential area experiencing the introduction of a prohibited commercial use, as is the case with STRs.

While the issue of commercial use and zoning in the Sherkston Shores Resort is appropriately considered in the current City Zoning By-law, the rental of dwellings (park model trailers) as an STR, which are owned on an individual basis, should be captured by a future STR Licencing By-law to provide the City with the opportunity to regulate these STRs in a manner that is consistent with the rest of the City.

Planning staff recognize that a different licencing category may be needed for STRs in the Sherkston Shores Resort, as the Resort will be responsible for some of the administration of good neighbour considerations that are otherwise captured by the City's other By-laws outside of the Sherkston Shores Resort.

Approach in Surrounding Municipalities

The following table summarizes some of the key elements of the Short-Term Licencing By-laws in Fort Erie and Wainfleet:

Licence Provision	Fort Erie	Wainfleet
Occupancy Maximum	1 bdrm – 4 people 2 bdrm – 6 people 3 bdrm – 8 people Max bedrooms – 3 Max Occupancy – 8 people	1 bdrm – 2 people 2 bdrm – 4 people 3 bdrm – 6 people Max bedrooms - 3
Annual fire and building inspection	Yes	No – but at discretion
Guest visiting time	Prior to 11pm	N/A
Guest registry required	Yes	Yes
Demerit point system for enforcement	Yes	Yes
Maximum number of STRs	250	N/A
Fees	1 & 2 bdrm \$750 3 bdrm \$1,250	\$1,000
Stay Period	N/A	1 stay per 7-day period

Options:

Council has a range of options for regulating and managing STRs, which are as follows:

Option 1: Status Quo (or “Do Nothing”)

Under the status quo, STRs would continue in all zones without further regulation. No Licencing By-law would be enacted, and the City would continue to manage and respond to complaints under its existing By-laws. While this Option would eliminate the financial costs of establishing and enforcing a licencing program, it would not respond to the concerns of residents or address the impacts of STRs on neighbourhoods.

Pros:

- Does not require financial expenditure for establishing and enforcing a prohibition and/or licencing program through By-law Services and the Clerk’s Division.

Cons:

- Would not address the negative impacts associated with STRs, such as noise.
- Does not respond to feedback from residents.
- Would not address servicing issues (e.g., sewage service capacity) for STRs.

Option 2: Regulation through Licencing By-law

Option 2 would involve Clerk’s Division staff preparing an STR Licencing By-law under the *Municipal Act*. A Licencing By-law would capture all STRs and address a range of matters typical for a licencing program including the intensity of use (e.g., number of STRs

on a property), fee categories, application requirements (i.e., insurance), penalties, fines, and suspension/revocation of licences. Option 2 would not include amendments to the City's Official Plan and Zoning By-law.

Pros:

- Would generate additional revenue to manage STRs.
- Would create a streamlined enforcement regime through ticketing, suspension and/or revocation of licences.
- Would ensure that capacity matters (e.g., sewer services) are addressed through the application process.
- Would permit the creation and posting of a listing of licenced STRs in the City.

Cons:

- Would require additional staff resources to administer the program.
- Would not regulate which zones or Official Plan designations STRs would be permitted within.

Option 3: Combined Official Plan Amendment, Zoning By-law Amendment and Licencing By-law

This option would involve updating the City's Official Plan and Zoning By-law to regulate STRs as a permitted use in certain Designations and Zones, thereby allowing for the creation of regulations and standards for STRs, which could include minimum lot sizes and minimum parking requirements.

A Licencing By-law would also be prepared in accordance with Option 2.

Pros:

- Would create the strongest enforcement regime by linking the Licencing By-law to land use planning regulations.
- Could limit the number of STRs and restrict them to certain locations.
- Would generate additional revenue to manage STRs through the licencing program.
- Would create a streamlined enforcement regime through ticketing, suspension, and/or revocation of licences.
- Would ensure that capacity matters (e.g., sewer services) are addressed through the application process.
- Would permit the creation and posting of a listing of licenced STRs in the City.

Cons:

- Would require additional staff resources to administer the program.

Recommended Option

Based on staff's review and analysis and the pros and cons of each approach, Planning staff recommend that "Option 3: Combined Official Plan Amendment, Zoning By-law Amendment and Licencing By-law" be approved, as Option 3 would provide the best mechanisms for regulating and managing STRs.

The proposed OPA policies will achieve the following:

- Recognize that the rental of dwelling units has previously occurred;
- Recognize that dedicated STR accommodations are a more recent phenomenon that needs to be effectively managed to protect the planned function of residential areas;
- Include policies requiring the City to enact an amending Zoning By-law and new Licencing By-law to regulate STR accommodations; and
- Require regulations to:
 - Define STR accommodations;
 - Establish regulations to ensure the planned function of residential areas is maintained;
 - Establish regulations to ensure the character of residential areas is maintained; and
 - Establish regulations to minimize the negative impacts of STR accommodations.

The proposed OPA is included in **Appendix B**.

The proposed ZBA contains provisions that:

- Includes a definition of STR accommodations:
 - The definition includes the duration the dwelling is used as a STR accommodation;
 - The definition separates dwellings that are rented for longer periods from those that are rented for 28 days or less. A rental of 28 consecutive days or less is considered STR accommodation; and
 - Various types of commercial accommodations are not considered STR accommodations.
- Permit STR accommodations in zones that permit residential dwellings;

- Establish a minimum parking requirement of 1 parking space per bedroom for STR accommodation; and
- Restrict STR accommodations from being located in an accessory building.

The proposed ZBA is included in **Appendix C**.

Internal Consultations:

This STR project has been undertaken with the assistance of MHBC Planning. Input on the proposed options have been discussed throughout the process with City staff including the Planning, Clerks, Finance, Tourism, By-law, and Fire Departments.

Financial Implications:

Depending on the Options indicated in this report, there will be varying levels of financial implications with respect to STRs. Additional staff resources will be required to implement a licencing/enforcement regime, though the fees collected through a future licencing regime can help cover the costs of the additional resources required for enforcement.

Implementing a licencing regime will enable the City to expand the Municipal Accommodation Tax (MAT) to apply to STRs. The MAT has been introduced in municipalities across the Niagara Region and province as a mechanism to help fund tourism, tourism promotion, and other related activities.

Public Engagement:

Planning and Communications staff launched an online survey that consisted of a series of focused questions to gather feedback on STRs from residents. The survey was open from November 9, 2023, to January 1, 2024, and received 55 responses. The results of the online survey are included as **Appendix A** and the following is a summary of the input received:

- A majority (67%) of respondents indicated that STRs should be regulated by the City.
- Only 5% of respondents currently own a STR, but 25% of respondents indicated that they would consider owning a STR.
- 47% of respondents indicated that there were issues and challenges caused by STRs in their neighbourhood such as increased noise, traffic, and too many guests at the STR.

- Some respondents expressed support for STRs and the benefits they provide to the community including benefits to local businesses, increased tourism, and additional income for property owners.
-

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

Based on a review and analysis of the available options, Planning staff recommend that Option 3: Combined Official Plan Amendment, Zoning By-law Amendment and Licencing By-law be implemented. Option 3 addresses the need for appropriate policies, regulations, and licencing to mitigate and manage the impacts of STRs and respond to concerns from residents. Should Council approve Option 3, Planning staff will proceed with the City-initiated OPA and ZBA to implement the proposed changes, with the the Licencing By-law expected to follow early this summer.

Appendices:

- a. Survey Results
- b. Draft Official Plan Amendment
- c. Draft Zoning By-law Amendment

This report was prepared in consultation with Jamie Robinson, Lee Bull, and Graham Richards of MHBC Planning.

Reviewed by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
905-228-8117
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Chief Planner
905-228-8119
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.

Official Plan Amendment No. ___

City of Port Colborne

**Amendment No. __ to the
Official Plan of the
City of Port Colborne**

The attached explanatory text constituting Amendment Number __ to the Official Plan for the City of Port Colborne, was prepared and adopted by the Council of the Corporation of the City of Colborne, by By-law Number 2024-XX in accordance with the provisions of Sections 17, 21 and 22 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended.

WILLIAM C. STEELE, MAYOR

CAROL SCHOFIELD, ACTING CITY CLERK

The Corporation of the City of Port Colborne

By-Law No. 2024-XX

**A By-law to Adopt
An Amendment to the Official Plan of the
City of Port Colborne OPA No. __**

Whereas The Corporation of the City of Port Colborne is empowered to Amend its Official Plan as required;

And Whereas Sections 17, 21, and 22 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

And Whereas the policies of the Official Plan of the City of Port Colborne are approved and in force and effect at this time;

And Whereas Council has considered the appropriateness of amending the Official Plan in regard to all lands within the City of Port Colborne in the Regional Municipality of Niagara;

And Whereas the Council of the Corporation of the City of Port Colborne deems it necessary and desirable to adopt an amendment to the Official Plan of the City of Port Colborne;

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

1. Amendment No. __ to the City of Port Colborne Official Plan attached to and forming part of this By-law, is hereby adopted;
2. That the attached explanatory text which constitutes Amendment No. __ to the Official Plan, is hereby adopted.
3. This By-law shall come into force and take effect as of the date of final passing thereof.

By-law read a first, second and third time, and passed this __ day of _____, 2024.

The Corporation of the City of Port Colborne

WILLIAM C. STEELE, MAYOR

CAROL SCHOFIELD, ACTING CITY CLERK

DRAFT

Certification

Certified that the above is a true copy of By-law No. 2024-XX as enacted and passed by the Council of the Corporation of the City of Port Colborne on the ___ day of _____, 2024.

Carol Schofield, Acting City Clerk

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the City of Port Colborne consists of two parts:

PART 1 – THE PREAMBLE

Consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART 2 – THE AMENDMENT

Consisting of the following text constitutes Amendment No. ___ to the Official Plan of the City of Port Colborne.

Official Plan Amendment No. __

Introduction

Part 1 - The Preamble

- 1.1 Purpose
- 1.2 Location

Part 2 - The Amendment

- 2.1 Preamble
- 2.2 Details of the Amendment
- 2.3 Implementation
- 2.4 Interpretation

Part 1 – The Preamble

1.1 Purpose

The purpose of the proposed amendment to the City of Port Colborne Official Plan is to amend the text of the Official Plan to create a new policy regulating Short-Term Rental Accommodations.

1.2 Location

The amendment applies to all lands within the City of Port Colborne within the Regional Municipality of Niagara.

Part 2 – The Amendment

2.1 Preamble

All of this part of the document entitled “Part 2 – The Amendment” consisting of the attached text that constitutes Amendment No. ___ to the Official Plan of the City of Port Colborne.

2.2 Details of the Amendment

The Official Plan of the City of Port Colborne is amended as follows:

Section 3.16 Supplementary Land Use Policies is amended by adding Section

3.16. _ Short-Term Rental Accommodations as follows:

3.16. _ Short-Term Rental Accommodations

3.16. _1 The City recognizes that dwellings have been rented for years for various timeframes.

3.16. _2 The recent phenomenon of dwellings being used as dedicated short-term accommodation has precipitated the need for management and regulation of short-term rental accommodations to protect the planned function of residential areas.

3.16. _3 The City shall enact both Zoning By-law regulations and a Licencing By-law to regulate short-term rental accommodations which together shall:

- a) Establish a definition of short-term rental accommodations;
- b) Permit short-term rental accommodations within zones that permit a dwelling;
- c) Establish regulations to ensure the planned function of residential areas is maintained;
- d) Establish regulations to ensure the character of residential areas and residential uses are maintained; and
- e) Establish regulations to minimize the potential negative impacts of short-term rental accommodations.

2.3 Implementation

The policies of the Official Plan of the City of Port Colborne regarding the implementation of that Plan shall also apply to this Amendment. In all other respects, the City of Port Colborne Official Plan shall apply.

2.4 Interpretation

The Official Plan of the City of Port Colborne as amended from time to time, shall apply in regard to this Amendment.



THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 2024-XX

Being a By-law under the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, to amend By-law No. 6575/30/18, the Zoning By-Law of the City of Port Colborne.

WHEREAS the Council of the City of Port Colborne deems it advisable to amend By-law No. 6575/30/18 with respect to the lands described in this By-Law; and

WHEREAS Council has conducted a public meeting as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, as amended, and has determined that no further notice is required in accordance with Section 34(17); and

WHEREAS the matters herein are in conformity with the policies and designations contained in the Official Plans of the Regional Municipality of Niagara and the City of Port Colborne as are currently in force and effect; and

NOW THEREFORE the Council of the Corporation of the City of Port Colborne hereby enacts as follows:

1. **THAT** Section 38 Definitions be amended by adding the following definition in alphabetical order:

SHORT-TERM RENTAL ACCOMMODATION

Means the secondary use of a residential dwelling that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement for twenty-eight (28) consecutive calendar days or fewer with no on-site management throughout all or part of the year. Short-term rental accommodation uses shall not mean a hotel, bed and breakfast, boarding or lodging house, or similar commercial accommodation use.

For the purposes of this definition, a secondary use shall mean secondary in terms of time the dwelling is used as a short-term rental accommodation.

2. **THAT** Section 2 General Provisions be amended by adding the following new section after Section 2.26:

2.27 SHORT-TERM RENTAL ACCOMMODATION

2.27.1 A Short-Term Rental Accommodation shall only be permitted in the following zones:

- a) First Density Residential;
- b) Second Density Residential;
- c) Third Density Residential;
- d) Fourth Density Residential;
- e) Residential Townhouse;
- f) Rural Residential;
- g) Lakeshore Residential;
- h) Hamlet Residential;
- i) Residential Development;
- j) Hamlet Development;
- k) Rural;
- l) Agricultural Residential; and,
- m) Vacation Residential.

2.27.2 The minimum parking requirement for a Short-Term Rental Accommodation shall be 1 parking space per bedroom.

2.27.3 A Short-Term Rental Accommodation shall not be permitted in an accessory building or structure.

2.27.4 A Short-Term Rental Accommodation may be permitted in a legal interior accessory dwelling unit in accordance with the provisions of Section 2.9.1. and 2.9.1.1.

2.27.5 A Short-Term Rental Accommodation may be permitted in a legal detached accessory dwelling unit in accordance with the provisions of Section 2.9.1.2.

2.27.6 A maximum of one Short-Term Rental Accommodation is permitted per lot.

3. **THAT** this By-Law shall become effective on the date it is passed by the Council of the Corporation of the City of Port Colborne, subject to the applicable provisions of the *Planning Act*, R.S.O. 1990, as amended.
4. **THAT** the Clerk is hereby authorized and directed to proceed with the giving of Notice under Section 34(18) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first, second, and third time and finally passed this XX day of XXX, 2024.

William C. Steele, Mayor

Carol Schofield, Acting City Clerk

DRAFT

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Statutory Public Meeting of June 4, 2024

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Statutory Public Meeting of June 4, 2024, upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.
4. That the Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 4th day of June, 2024.

William C. Steele
Mayor

Carol Schofield
Acting City Clerk