

**City of Port Colborne
Council Meeting Addendum**

Date: Tuesday, August 27, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

Pages

8. Staff Reports

*8.3 Recommendation Report for Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East, 2024-153 1

*Environmental Protection Zone was incorrectly noted on the Schedule A map. The map has been updated to remove the Environmental Protection Zone.

8.6 Fire Services Committee Recommendation, 2024-162

*a. Delegation - Mike Radzikoski

19. Minutes of Boards & Committees

*19.1 Grant Allocation Committee Meeting Minutes - July 29, 2024 45

*Procedural correction was made to reflect Councillor Hoyle's conflict regarding the Wave funding.

20. By-laws

*20.2 Being a by-law to amend Zoning By-law 6575/30/18 respecting the land legally known as Part of Lots 23 and 24 Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street East and vacant land to the south 48

*Environmental Protection Zone was incorrectly noted on the Schedule A map. The map has been updated to remove the Environmental Protection Zone.

*a. Delegation - Kimberly Harrison McMillan on behalf of Design Plan Services Inc. - Applicant



PORT COLBORNE

Subject: Recommendation Report for Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East

To: Council

From: Development and Government Relations

Report Number: 2024-153

Meeting Date: August 27, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-153 be received; and

That Council approve the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2024-153.

The Council approve the Draft Plan of Subdivision and associated conditions attached as Appendix B of Planning Division Report 2024-153, and set a lapsing date of August 27, 2027.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding applications submitted by Kimberley Harrison-McMillan of Design Plan Services on behalf of the owner SG Real Estate Developments III LP for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at 563 Killaly Street East and vacant lot to the south, legally known as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne.

Background:

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Design Plan Services on August 1, 2023. The applications were deemed complete on September 13, 2023, following the posting of the required signage on the

property. The following reports/plans have been submitted to help facilitate the development of the lands: Planning Justification Report, Land Use Compatibility Study, Noise and Vibration Impact Study, Traffic Impact Study, Geotechnical Study, Functional Servicing Report, Phase 1-2 Environmental Site Assessments, and Stage 1-2 Archaeological Assessments, as well as the proposed Draft Plan of Subdivision layout and Conceptual Site Plan (Appendix D). The entirety of the reports/plans can be found on the City's website under the "Current Applications" page.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed. The full zoning provisions can be found in the Zoning By-law Amendment, attached as Appendix A.

The Draft Plan of Subdivision proposes to divide the subject lands into 11 Blocks for street townhouses, semi-detached dwellings, stacked townhouses, a stormwater management area, flood compensation zone, and an archeological area.

A Public Meeting was held on October 3, 2023, where Council received oral and written comments from members of the public, and received a presentation from the applicant and planning staff. Key issues raised at the Public Meeting have been provided under the "Public Engagement" section of this report.

Discussion:

Planning Legislation:

Planning staff reviewed these applications with consideration of several planning documents including the *Planning Act*, R.S.O, 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act, 1990:

Section 2 of the *Planning Act* (the "Act") outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of amendments to the Zoning By-law. Section 51 of the Act allows for the consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, and to:

- *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- *whether the proposed subdivision is premature or in the public interest;*
- *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- *the suitability of the land for the purposes for which it is to be subdivided;*
- *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- *the dimensions and shapes of the proposed lots;*
- *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- *conservation of natural resources and flood control;*
- *the adequacy of utilities and municipal services;*
- *the adequacy of school sites;*
- *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- *the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

- *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

Planning staff have analyzed the considerations as shown above and provide the following in response to each:

- *Effect of the development on matters of provincial interest*

Planning staff have reviewed applicable provincial plans to ensure the applications are consistent with, and conform the Provincial Policy Statement (PPS), and Growth Plan for the Greater Golden Horseshoe (Growth Plan). These provincial policy documents will be further analyzed in this report. In the opinion of Planning staff, the proposal addresses all matters of Provincial interest as outlined in Section 2 of the Act.

- *Whether the proposal is premature in the public interest*

This proposal is not premature in the public interest. The development is contiguous with the existing built-up area of the city. The proposal conforms with the City's Official Plan and will contribute additional housing units within the City's Urban Area.

- *Whether the plan conforms to the Official Plan and adjacent plans of subdivision*

The proposal conforms to the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the east, should the adjacent lands develop in the future.

- *Suitability of the land for the purposes of which it is to be subdivided*

The proposal is located within the City's Built-Up Area and Designated Greenfield Area which has been planned for residential development. The uses proposed are suitable for the land and conform to applicable Regional and City plans.

- *The number, width, location, proposed grades, elevations of highways, their adequacy, and the highways linking the highways in the proposed subdivision with the established highway system*

The subdivision will have two main accesses from the existing Bell Street and Johnston Street road allowances, together with an access to Killaly Street East, by way of a condominium road. Additionally, potential access points have been provided to adjacent lands to the east to ensure connectivity, should these lands be developed in the future. As designed, the subdivision will provide sufficient connectivity to the current streets in the area. Preliminary grading and servicing plans have been reviewed and verified at this stage, further review and approvals will be undertaken through conditions of draft plan approval.

- *Dimensions and shapes of proposed lots*

The subdivision proposes to have lot shapes and sizes that are generally in compliance with the City's Zoning By-law and will provide adequate space for future dwellings and associated accessory uses.

- *Restrictions or proposed restrictions, if any, on the land proposed to be subdivided of the buildings and structures proposed to be erected on it and restrictions, if any, on adjoining land*

Adequate conditions of Draft Plan Approval have been included in Appendix B. These conditions include requirements from the Niagara Peninsula Conservation Authority (NPCA) to ensure permits are obtained prior to construction.

- *Conservation of Natural Resources and Flood Control*

The NPCA has reviewed the proposal to ensure conformity with their policies and applicable conservation authority regulations. Applicable conditions regarding the above have been provided in the draft plan conditions. Preliminary stormwater management and servicing plans have been reviewed by Public Works with additional recommendations and design to follow as a draft plan condition.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. Appropriate draft plan conditions have been recommended with respect to the detailed design of the proposed services.

- *Adequacy of school sites*

The applications were circulated to local school boards and no comments have been received with respect to schools being inadequate for the development.

- *Area of land, if any, within the proposed subdivision that, exclusive of highway, is to be conveyed or dedicated for public purposes*

The development proposes to convey a Block of land to the City for infrastructure and trail purposes. Applicable conditions have been included in the draft plan conditions to ensure the quantity of land and/or cash-in-lieu is collected.

- *The extent to which the plan's design optimizes the available supply, efficient use and conservation of energy*

The proposal optimizes the available land and will efficiently make use of existing services in the vicinity.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area under Subsection 41(2) of the Act*

The proposed stacked townhouse blocks will be subject to site plan control in the future. The lands proposed for mixed-use residential and commercial will be subject to site plan control in the future.

Given the above, Planning staff are confident that the proposed applications have regard for the provisions of the Planning Act.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS directs growth to Settlement Areas and encourages development and land use patterns to be based on densities and a mix of land uses to efficiently use land and resources.

The applications propose to develop in a settlement area in which municipal services are currently available. Semi-detached, street townhouses, condo townhouses and stacked townhouses all contribute to an appropriate range and mix of housing types and densities. These proposed uses align with the PPS with respect to promoting efficient development.

Planning staff are of the opinion that the applications are consistent with the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out a specific policy framework for the Greater Golden Horseshoe area, focusing on sustainable growth. According to the Growth Plan, 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 applications facilitate growth within a settlement area, adjacent to the delineated built boundary. Municipal services are currently available to the site. The applications contribute to a complete community by adding more housing stock to the area to support future non-residential uses.

The Growth Plan also states that new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that supports active transportation. Active transportation is encouraged through the site's access to the Friendship Trail to the south.

Minimum density targets for Designated Greenfield Areas are established in the Growth Plan for municipalities under its purview. The density target for the Niagara Region greenfield areas is 50 people and jobs per hectare. The density target is to be applied across all of the greenfield lands in the City. The development proposes approximately

110 people and jobs per hectare in the portion of the lands within the Greenfield Area in which meets the policy.

Planning staff are of the opinion that the applications conform to the policies of the Growth Plan.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) provides a policy framework for planning matters under the Region's purview. The NOP sets out growth management objectives for the Niagara Region

In alignment with NOP policy 2.3.1.1, it is encouraged that developments provide a range and mix of densities. Lot and unit sizes and housing throughout the urban area in order to meet the housing needs of people at all stages of life.

Planning staff are of the opinion that the applications conform to policies of the NOP. The Niagara Region has also reviewed the applications with consideration of applicable Provincial and Regional policy. The Region has confirmed the proposal is consistent with, and conforms with applicable Provincial and Regional policies, subject to their requested conditions.

Port Colborne Official Plan

The City of Port Colborne Official Plan (OP) is a long-term, planning document designed to secure the health, safety, convenience, and welfare of the present and future residents of Port Colborne. The OP's general planning principles as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and critical environmental areas;*
- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development decisions.*

Section 2 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the city including:

1. *Enhancing Quality of Life (2.3.1)*
2. *Developing and Economic Gateway Centre (2.3.2)*
3. *Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
4. *Enhancing Public Areas (2.3.4)*
5. *Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
6. *Taking Advantage of Underutilized lands. (2.3.6)*

In the case of this application, items one and three above predominantly apply. As referenced previously, a compact urban form, quality urban design, mix of housing typologies and land uses, efficient use of infrastructure, among others, all contribute to the enhancement of one's quality of life. Item three encourages the protection and enhancement of the City's natural, cultural and heritage resources. Significant measures, including a flood storage compensation zone have been included in the proposed plans to ensure the development will not be impacted by the nearby flood hazard. Adequate conditions ensuring NPCA matters have been addressed have been included within the Draft Plan conditions.

The City OP designates the land as "Urban Residential", "Built-Up Area" and "Designated Greenfield Area". Land uses permitted in the Urban Residential designation include residential, neighbourhood commercial, community facilities and institutional uses.

Policy 3.1.1.1 provides direction on the development of lands within the Built Boundary. All growth and development within the Built Boundary is considered to be intensification and will count toward the City's intensification target.

Policy 3.1.1.2 provides direction on how Greenfield lands should be developed as follows:

- a) *Promote compact, mixed use and transit supportive development.*
- b) *Promote higher densities and a greater mix of housing types.*
- c) *Improve connections between greenfield areas and the built-up area.*
- d) *Enhance the physical design of new neighbourhoods.*
- e) *Support the Regional greenfield density target of 50 people and jobs per gross hectare by:*
 - i) *Adopting minimum and maximum densities for residential development;*

ii) Designating portions of the Greenfield area for low, medium and high density development;

iii) Providing separate housing mix targets; and

iv) Encouraging and allowing for mixed use development in greenfield areas.

f) Support phasing greenfield development over time to ensure a balance of intensification and development.

Staff are of the opinion that the proposal supports the above-noted policies by providing a compact, efficient development that is well-connected to adjacent lands and nearby recreation areas.

Section 3.2 sets out the policies regarding Urban Residential development. The majority of the proposal falls within the Medium Density Residential policies, which provide the following policies:

b) Medium Density Residential will:

i) Be developed at a density ranging from 35 to 70 units per hectare as: Townhouses; Stacked townhouses; triplexes; and/or fourplexes.

ii) Be encouraged adjacent to arterial or collector roads; and

iii) Be subject to Site Plan Control.

The residential units will be developed at a density of roughly 41 units per hectare, which meets the density range provided. The development is adjacent to Killaly Street East, which is an arterial road. Site Plan Control will be required in accordance with the City's Site Plan Control By-law.

Policy 3.2.3.1(a) of the OP provides direction on how residential communities shall be designed as follows:

a) New residential communities shall be limited in size, have a clearly defined character and edges:

i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.

ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.

iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.

Staff find that the proposal meets the above-noted policies. The design of the subdivision is generally linear and grid-like. Future detailed design review will further build on the above.

Policies under 3.13 provide direction for parks and open space. The proposal provides a parkette within the condominium development which is intended to serve current and future residents. Additionally, the site will have sufficient access to the Friendship Trail to the south and Johnston Street Park to the west. Parkland and/or cash-in-lieu of parkland will be required as a condition of the Draft Plan approval.

Section 7 of the Official Plan provides direction with respect to archaeological resources. According to the Stage 1 & 2 Archaeological Assessment submitted with the application, the study area contains an archaeological site which has cultural heritage value and interest. This area will be protected and not developed. Proposed dwellings have been setback from this area to ensure it will remain undisturbed. This area will also be fenced, to further prevent any disturbance.

Section 8 of the Official Plan provides policies with respect to servicing and stormwater management. New developments within the Urban Area are required to be on full municipal services, including sanitary, storm and water. The developer, by way of retaining the services of a Professional Engineer, is required to ensure that adequate services exist (or are proposed) to not have an impact to neighbouring properties or the infrastructure in the area.

The proposal and accompanying engineering reports and plans have been reviewed by the City's Development Engineering review staff. The reports indicate that the proposed development will conform to Section 8 of the OP. The development will incorporate a stormwater management pond and flood storage facility along the south end of the of the subject property. Applicable Draft Plan conditions representing the detailed design requirements have been included within Appendix B.

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

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is

proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed.

The proposed provisions have been summarized in the chart below:

Table 1: Site-specific R4 zone		
Block Townhouse Provisions		
Regulation Type	Existing R4 Zone Regulation	Proposed R4-XX Zone Regulation
Minimum Interior Side Yard	3 metres	2.64 metres
Minimum Corner Side Yard	4.5 metres	2.9 metres
Maximum Height	11 metres	12 metres
		Addition of Neighbourhood Commercial uses in the first townhouse unit adjacent to Killaly Street East
Street Townhouse Provisions		
Regulation Type	Existing R4 Zone Regulation	Proposed R4-XX Zone Regulation
Minimum Lot Area	200 sq. m.	195 sq. m.
Minimum Corner Side Yard	4.5 metres	1.9 metres
Minimum Interior Side Yard	3 metres	1.4 metres
Maximum Height	11 metres	12 metres
Apartment Buildings (Stacked Townhouses)		
Regulation Type	Existing R4 Zone Regulation	Proposed R4-XX Zone Regulation
Minimum Lot Area Per Unit	125 sq. m.	85 sq. m.
Minimum Front Yard	9 metres	3.9 metres
Minimum Corner Side Yard	7.5 metres	3.3 metres
Minimum Rear Yard	6 metres	4.9 metres
Maximum Porch and Steps Encroachment	N/A	3.45 metres
Minimum Parking	1.25 spaces per unit	1 space per unit
Semi-detached Dwelling Provisions		
Minimum Lot Frontage	18 metres	16 metres

Minimum Lot Area	0.05 hectares	0.047 hectares
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Staff find that the proposed Zoning By-law Amendment is supportable as the requested site-specific amendments contribute to a more compact efficient development, as referenced previously in the above sections of this report. The requested amendments are not anticipated to lead to any negative impacts. The full proposed Zoning By-law Amendment can be found in Appendix A.

Internal Consultations:

The applications and supporting materials were circulated internally to applicable departments and agencies in September 2023. Concerns were initially raised with respect to Engineering and Niagara Peninsula Conservation Authority requirements. A number of resubmissions were required to address these concerns. The following concluded comments internal departments and agencies have been provided below.

Enbridge Gas

- No concerns with the proposed development at this time.
- Enbridge retains the right to add development conditions through the draft plan approval process.

District School Board of Niagara (DSBN)

- No concerns with the proposed development at this time.
- Students from the area will attend Dewitt Carter for JK-grade 8, and Port Colborne High School for grades 9-12.

Drainage Superintendent

The parcel is within the boundary of the Port Colborne and Wignell Municipal Drain and as such will require a drainage apportionment agreement. This will not be completed by municipal staff and it is recommended that the drainage engineer who has completed the Port Colborne and Wignell Drain Reports complete that. The cost will be completely paid by the developer requesting the reapportionment. The contact information for the Engineer can be provided at the request of the developer.

Niagara Region

- Recommend that an addendum to the Stage 1 and 2 Archaeological Assessment be provided to confirm the area subject to the site-specific holding provision is sufficient. Regional staff generally concur with the recommended Holding provision in this area to ensure archaeological resources are conserved.

- Recommend that a Holding provision is placed on the remainder of the lands until such a time as a Record of Site Condition (RSC) is filed with the Ministry of Environment, Conservation and Parks. It is noted that if the City wishes to proceed without a Holding provision, an appropriate condition to the Draft Plan approval has been provided.

Niagara Peninsula Conservation Authority

The NPCA has reviewed a Floodplain Hydraulic Analysis titled 563 Killaly Street East, Port Colborne and digital floodplain modelling both prepared by Exp. And dated July 24th, 2024. NPCA staff offer no objections to the conclusion of this report which states the proposed development will not negatively impact the floodplain hazard.

As such, the NPCA offers no objections in principle to this proposal subject to the following conditions (conditions have been included within the proposed Draft Plan conditions attached as Appendix B).

Development Services Supervisor (Engineering Review)

- Development Engineering is satisfied that all matters have been addressed with respect to the Draft Plan approval.
- Engineering conditions have been included within Appendix B.

Fire Department

- No concerns with the proposed development.
- Want to confirm that the Bell and Johnston Street road ends will continue into the development.

Financial Implications:

There are no immediate financial implications with this report. However, the recommendation, if approved, will result in new assessment and new water and wastewater users, in time.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 34 and 51 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on September 13, 2023. Signs have been posted on the property as well. As of the date of preparing this report, the following public comments have been received:

(Full comments attached as Appendix C)

Rick McLean – 525 Killaly Street East

- Concerns with the signs being posted by non-City employees.
- Requests information for when the developer first made intentions known to the City.
- Are the drainage notices that were recently received by the neighbourhood connected to this development?
- Have indigenous groups been contacted with respect to archaeology?
- Has the Ministry of Natural Resources been consulted with respect to an impact study?
- Concerns with respect to the existing cut/ditch being converted to a road and what will be done for homeowners that will now have a corner lot.
- Concerns with respect to traffic and risk mitigation.
- Concerns with the land's suitability for development with respect to environmental/soil quality and nearby machine shop to the south.

Adrienne Favero – 557 Killaly Street East

- Concerns with the soil quality and whether proper testing has been completed.
- Concerns with traffic and impact to housing costs and whether a study was completed for this.
- Concerns with the access to the site and whether it will be through Killaly Street.
- Concerns with the number of dwelling units and type of the units as they will attract low to mid income families, it may impact the resale of homes within the area.

Melissa and Mary Bigford – 147 Killaly Street East

- Concerned with respect to servicing of the site and capacity of the Johnston Street Pumping Station as well as aging infrastructure in the area.
- Concerned with watermain easements – are these something the City does and/or permits?
- Concerned with the maintenance, construction and access to the stormwater management area and its relation to the proposed acoustic barrier.
- Concerned with the condominium development and private roads – who will maintain them and how will traffic be accommodated through a 6m roadway?
- Concerned with the flood hazard.
- What is the height of the stacked townhouses?
- Concerned with the traffic study.
- Concerned with the disposing of on-site soils and potential air quality.

Brian Rose – 508 Bell Street (oral comments at Public Meeting)

- Concerned with stormwater management in the area with the additional houses in the area. The infrastructure is very old in the area.
- Concerned with the archaeological assessments to ensure protection of the archaeological resources.
- Concerned with the extra people and community resources and its impact on traffic.
- Concerned with the development and its impact on property values.

Staff Responses to Public Comments

Comment/Question	Response
Concern/question for why the Public Notice sign was not posted by City employees?	Subdivision Public Notice signs are posted by the developer. The sign proof is reviewed by the City prior to posting. All costs associated with the posting/printing etc. are borne by the developer.
When did the developer first make their intentions known to the City about the proposed development?	A pre-consultation meeting was held on July 28, 2022 in which the developer presented their proposal to the City.
Are the drainage notices that were recently received by the neighbourhood connected to this development?	It is Planning staff's understanding that drainage notices would have been sent to all owners within the urban boundary that are on municipal services. The notices are not directly correlated with this development.
Have Indigenous groups been contacted with respect to archaeology?	Yes. The development notices were circulated to Indigenous groups and no comments have been received.
Has the Ministry of Natural Resources been consulted with respect to an impact study?	Typically, the Ministry of Natural Resources is not an agency circulated through the development process. The Niagara Region reviews development applications on behalf of applicable provincial ministries.
Concerns with existing lots becoming corner lots and the filling of ditches in the area.	Planning staff are not aware of any existing lots becoming corner lots as per the City Zoning By-law. The proposed development will be constructed to the full

	municipal standards with sanitary, water, and stormwater systems.
Concerns with respect to traffic.	The applicant has submitted a Traffic Impact Study which has been vetted by City Engineering staff. No concerns with respect to traffic have been identified.
Concerns with respect to soil quality and noise/vibration from the nearby industries.	The applicant has submitted Phase 1 & 2 Environmental Site Assessments and Noise/Vibration study to review these concerns. Recommendations have been made to limit the impact of these industries on the development. A Record of Site Condition is required to be filed with the Ministry of the Environment, Conservation and Parks to ensure the soil is clean before construction.
Concerns with the access point to Killaly Street East.	The access from Killaly Street East will be through a condominium road, with the main municipal road accessed by way of Bell and Johnston Streets.
Concerns with the number of dwelling units and them being affordable.	The number of dwellings fit within the City's vision and density range for housing. There is an affordable housing shortage in Ontario. The City's Official Plan and/or Zoning By-law does not differentiate between the tenure of dwellings or whether they are affordable or not.
Concerned with respect to servicing of the site and capacity of the Johnston Street Pumping Station as well as aging infrastructure in the area.	Servicing has been reviewed by the City's Engineering staff to ensure their adequacy for the development. Draft Plan conditions for future detailed design have been included within the conditions attached as Appendix B.
Concerned with watermain easements – are these something the City does and/or permits?	Servicing has been reviewed by the City's Engineering staff to ensure their adequacy for the development. No further concerns have been identified. Draft Plan conditions for future detailed design have

	been included within the conditions attached as Appendix B.
Concerned with the maintenance, construction, and access to the stormwater management area and its relation to the proposed acoustic barrier.	There will be sufficient access to the stormwater management facility by way of the City-owned road allowance directly west of the development, in addition to the City-owned lands further west. This access will be further designed at the detailed design stage.
Concerned with the condominium development and private roads – who will maintain them and how will traffic be accommodated through a 6m roadway?	Maintenance of condominium roads are the responsibility of the condo owners/condo corporation. No concerns have been raised with respect to traffic and the 6m right-of-way width.
Concerned with the flood hazard.	The NPCA has reviewed the flood hazard in relation to this development at length. The NPCA is satisfied that the flood hazard will be successfully mitigated through the flood compensation zone.
What height will the stacked townhouses be?	A maximum height of 12m has been requested through the Zoning By-law Amendment.

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:

It is the opinion of Planning staff that the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are consistent with the PPS, conform to Provincial, Regional and City policies and requirements, are appropriate for the subject lands and

are compatible with the surrounding area, subject to the recommended Draft Plan conditions.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

Appendices:

- a. Zoning By-law Amendment
- b. Draft Plan of Subdivision and Conditions
- c. Public Comments

Prepared by,

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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.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the land legally known as Part of Lots 23 and 24 Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street East and vacant land to the south.

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

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

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) and First Density Residential – Conversion Holding (R1-CH) to:
 - R4-83 (Site-Specific Fourth Density Residential Zone)
 - R4-84-H (Site-Specific Fourth Density Residential Zone with Holding)
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-83 (Site-Specific Fourth Density Residential Zone)

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

Dwelling, Townhouse, Block

- | | | |
|----|--|-------------|
| a. | Minimum Interior Side Yard | 2.64 metres |
| b. | Minimum Corner Side Yard | 2.9 metres |
| c. | Maximum Height | 12 metres |
| d. | Notwithstanding the R4 zoning provisions, the first townhouse unit of the first townhouse dwelling block adjacent to Killaly Street East may be used for the following Neighbourhood Commercial Uses, provided the use meets the provisions set out in the R4-83 zone, and parking requirements in Section 3 of the Zoning By-law: <ul style="list-style-type: none">i. Convenience Store;ii. Personal Service Business; andiii. Restaurant, Take-outiv. Uses, structures and buildings accessory thereto | |

Dwelling, Townhouse, Street

- | | | |
|----|----------------------------|-------------------|
| a. | Minimum Lot Area | 195 square metres |
| b. | Minimum Corner Side Yard | 1.9 metres |
| c. | Minimum Interior Side Yard | 1.4 metres |

- d. Maximum Height 12 metres

Apartment Buildings

- a. Minimum Lot Area, per unit 85 square metres
- b. Minimum Front Yard 3.9 metres
- c. Minimum Corner Side Yard 3.3 metres
- d. Minimum Rear Yard 4.9 metres
- e. Maximum Porch and Steps Encroachment 3.45 metres
- f. Minimum Parking 1 space per unit

Dwelling, Semi-detached

- a. Minimum Lot Frontage 16 metres
- b. Minimum Lot Area 470 square metres

Definitions

For the purposes of development within the R4-38 zone, the following definitions shall prevail over the regular definitions in Section 38:

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

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

a) Front Lot Line: which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;

b) Rear Lot Line: which means the lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line; and

c) Interior Side Lot Line: which means the lot line other than a front lot line, a corner lot line or a rear lot line; or

d) Corner Side Lot Line: which means the longest line along a public road where a lot has two or more lot lines along a public road.

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

a) **Front Yard Setback:** which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.

i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common

element feature shall be deemed to be the front lot line;
or

- ii. The front lot line abutting a public street supersedes an internal front lot line.

b) **Rear Yard Setback:** which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.

- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line opposite the common element feature shall be deemed to be the rear lot line; or
- ii. Where a building has vehicle access from private road or laneway and has front entry onto a common element sidewalk, the private road or laneway devising lot line providing vehicle access shall be deemed to be the rear lot line.

c) **Corner Side Yard Setback:** which means the shortest distance between the corner side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 2.20.

- i. Where a building fronts both a public street and a private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.

R4-84-H (Site-Specific Fourth Density Residential Zone - Holding)

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

- a. The uses permitted in the Residential Fourth Density Zone (R4) shall not occur until the Holding (H) symbol on the R4-84-H zone is removed. The removal of the Holding (H) symbol is subject to the following condition:
 - i) Completion of a Stage 4 Archaeological Assessment and acknowledgement of the report by the Ministry of Tourism, Culture and Recreation.

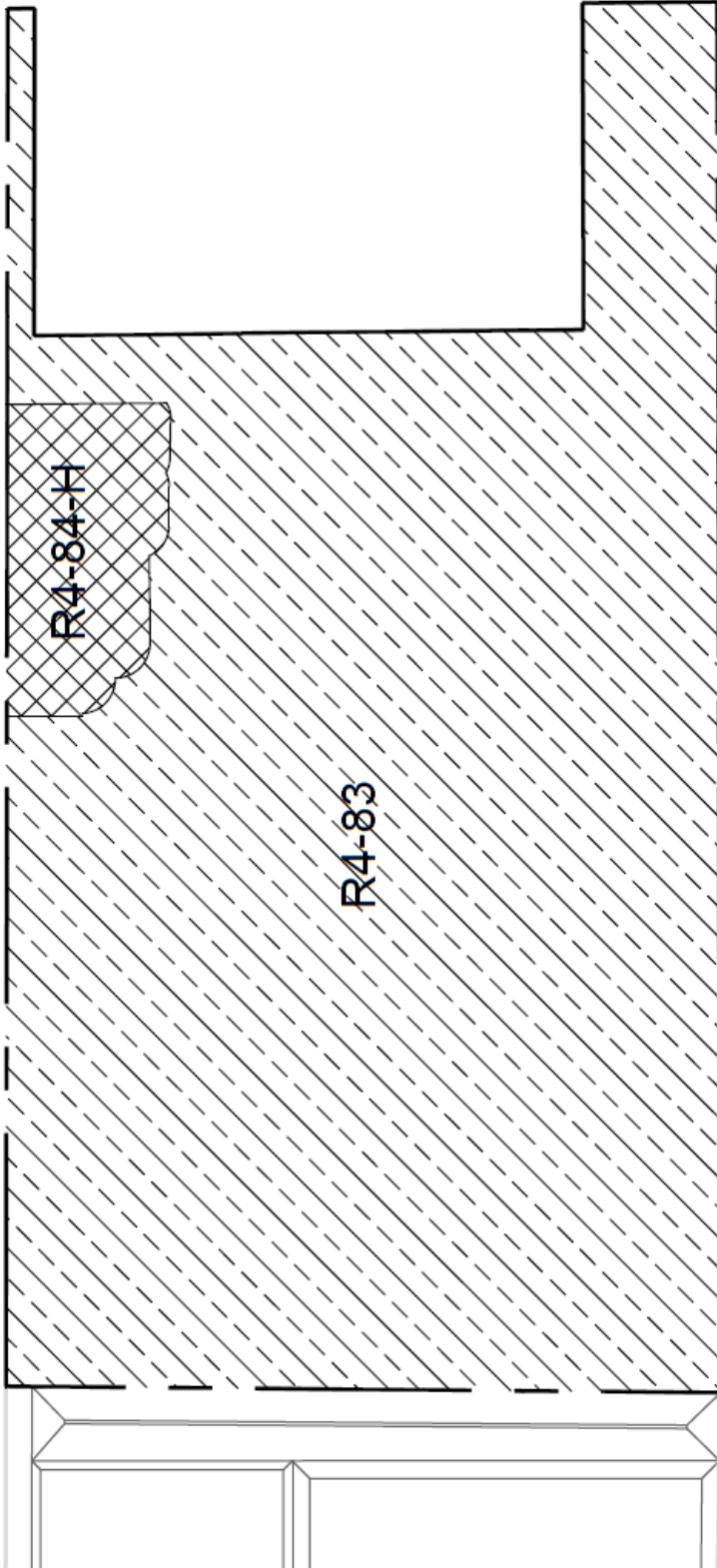
- 4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
- 5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning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

Enacted and passed this 27th day of August 2024.

William C Steele
Mayor

Carol Schofield
Acting City Clerk

KILLALY STREET EAST



SCHEDULE "A"

To By-law No. _____

Legend

 R4-83

 R4-84-H

THIS IS SCHEDULE "A" TO BY-LAW No _____

PASSED THE _____ DAY OF _____

Mayor _____

Clerk _____

City of

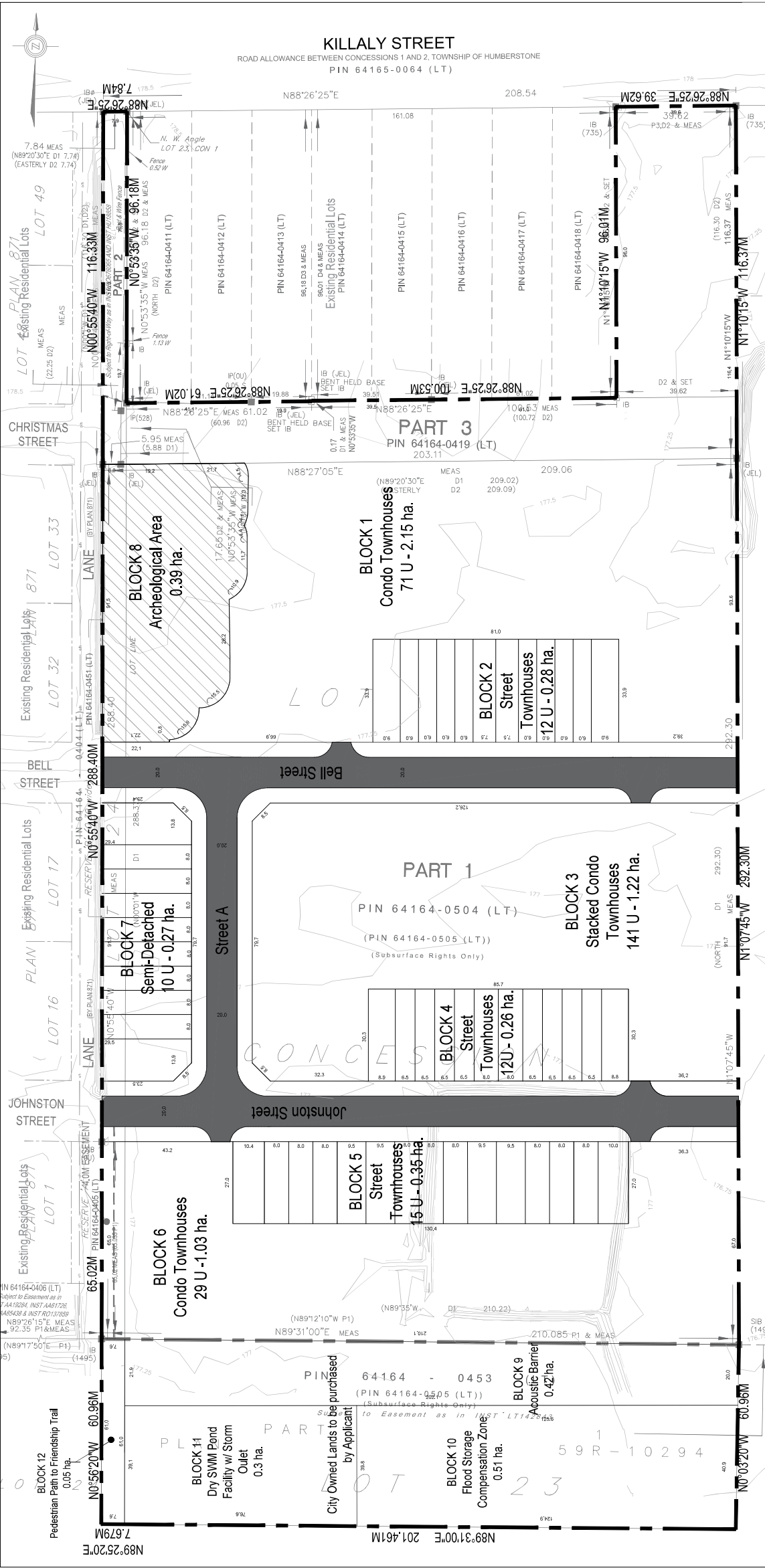
Port Colborne

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DRAFT PLAN OF PROPOSED SUBDIVISION
PART OF LOTS 23 & 24 CONCESSION 1
 (GEOGRAPHIC TOWNSHIP OF HUMBERSTONE)
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DESIGN PLAN SERVICES INC.
 Town Planning Consultants
 900 The East Mall, Suite 300
 Toronto, ON M9B 6K2
 Telephone: 416.626.5445
 www.designplan.ca

DATE PLAN
 D P S

ADDITIONAL INFORMATION REQUIRED UNDER THE PLANNING ACT

NOTES
 D. Residential
 H. Piped water to be provided
 I. Primarily clayey silt.
 K. Sanitary and storm sewers to be provided

SURVEYOR'S CERTIFICATE
 I hereby certify that the boundaries of the lands to be subdivided as shown on this plan, and their relationship to the adjacent lands are correctly and accurately shown.

OWNERS AUTHORIZATION
 We, SIG REDILLIAND CORP., representing the registered owner of the registered lands hereby authorize DESIGN PLAN SERVICES INC. to prepare a draft plan of subdivision for submission and approval.

John Cheung, Owner Signature
 Date: 06 Day, 06 Month, 2024 Year

LEGEND

- Boundary of Subdivision
- Pavement (Diagrammatic Only)
- Lot Line
- Easement Line

AREA TABLE

Street Townhouses	0.68 ha
Condo Townhouses	3.15 ha
Stacked Condo Townhouses	1.22 ha
Semi-Detached	0.27 ha
Archeological Area	0.39 ha
Acoustic Barrier	0.42 ha
Flood Storage Compensation Zone	0.51 ha
Dry SWM Pond Facility w/ Storm Outlet	0.30 ha
Pedestrian Path To Friendship Trail	0.05 ha
R.O.W	1.01 ha
TOTAL	8.24 ha

UNIT TABLE

Street Townhouses	144	39 u
Condo Townhouses	100	100 u
Stacked Condo Townhouses	141	141 u
Semi-Detached	10	10 u
TOTAL	290	

ROAD LENGTH

20 m R.O.W	510.9 m
6 m Condo Road	916.2 m
TOTAL	1427.1 m

KEY PLAN

Subject Property

Conditions of Draft Plan Approval
563 Killaly Street East & VL to the South (File No. DPS D12-02-23)

The conditions of final approval and registration of the 563 Killaly Street East & VL to the South Plan of Subdivision by SG Real Estate Developments III LP (file: D12-02-23) in the City of Port Colborne are as follows:

DRAFT PLAN

1. This approval applies to the lands known as 563 Killaly Street East & VL to the South - Draft Plan of Subdivision, legally described as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne prepared by Design Plan Services Inc. dated June 6, 2024 depicting:
 - Blocks 1 and 6 for Condo Townhouses;
 - Blocks 2, 4 and 5 for Street Townhouses;
 - Block 3 for Stacked Condo Townhouses;
 - Block 7 for Semi-Detached Dwellings;
 - Block 8 for an Archaeological Area;
 - Block 9 for an Acoustic Barrier;
 - Block 10 for a Flood Storage Compensation Zone;
 - Block 11 for a Dry Stormwater Management Pond/Facility and Outlet; and
 - Block 12 for a Pedestrian Path to Friendship Trail.
2. Conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
3. Unless stated otherwise, each condition shall apply to all phases, as applicable.

AGREEMENTS AND FINANCIAL REQUIREMENTS

4. The Developer shall provide three (3) paper copies and an electronic copy of the preregistration plan, prepared by an Ontario Land Surveyor, and a letter to the Planning Division stating how all the conditions imposed have been, or are to be fulfilled.
5. The Developer shall agree to pay to the City of Port Colborne all required processing and administration fees.
6. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Planning Division prior to the preparation of the Subdivision Agreement.

9. That the Subdivision Agreement between the Developer and the City of Port Colborne be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
10. That the Developer shall pay the applicable City of Port Colborne, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
11. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Port Colborne concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlights, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
12. That the subdivision, if phased, will be to the satisfaction of the Chief Planner or designate and the Director of Public Works.
13. That the Developer shall dedicate Block 11 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as a stormwater management facility (retention pond).
14. That the Developer shall dedicate Block 12 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as a pedestrian path to the Friendship Trail.
15. That the Developer shall provide street tree plantings in the boulevards abutting street townhouses and semi-detached dwellings or a suitable alternative on both sides of all roads at the rate of one tree per dwelling lot frontage, or at 15 metre intervals elsewhere, to the satisfaction of the Chief Planner.
16. That the Developer agrees that Blocks 1, 3 and 6 will require site plan control and/or additional draft plan of subdivision/condominium application(s), and that all ingress and egress will be via public or private laneways.
17. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Director of Public Works, Chief Planner, and any other applicable authority.
18. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the Planning Act R.S.O. 1990, c. P.13 but no extension can be granted once the approval has lapsed. If the Developer wishes

to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for City Council's consideration, prior to the lapsing date.

19. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the Planning Act R.S.O. 1990, c. P.13.

20. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D12-02-23 and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

21. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes to the appropriate authorities and utilities.

22. The Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

23. The Developer shall agree that in the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

ZONING

24. That prior to final approval, the Zoning By-law Amendment application (File No. ZBA D14-06-23), which reflects the layout of the draft plan of subdivision, has come into effect in accordance with the provisions of Section 34 and 35.1 (1) of the Planning Act R.S.O. 1990, c. P.13.

25. The Developer shall submit to the Planning Division three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

26. That the Chief Planner be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

27. That the Developer agrees that all streets within the subdivision be conveyed to the City of Port Colborne as public highways.
28. That the Developer agrees that the proposed streets be named to the satisfaction of the City of Port Colborne in accordance with the City's Road Naming Policy.
29. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Director of Public Works for review and approval.
30. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding, in accordance with the City of Port Colborne Standards, or subsequent standards.
31. That the Developer agrees to provide street lighting to the satisfaction of the Director of Public Works.
32. That the Developer agrees to provide a detailed streetscape plan in accordance with the City of Port Colborne Standards, or subsequent standards, to the satisfaction of the Chief Planner and the Director of Public Works illustrating street trees, on-street parking and driveway entrances.
33. That the Developer agrees to install sidewalk and grade and sod boulevards in accordance with the requirements of the City of Port Colborne Standards, or subsequent standards. All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15th and April 15th at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.

MUNICIPAL SERVICES

34. That a Functional Servicing Study report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and that adequate fire flows are provided to the development, be submitted to the City of Port Colborne for review and to the satisfaction of the Director of Public Works and Fire Chief.

35. That the Developer will provide the City of Port Colborne with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.
36. That the Developer submit to the City of Port Colborne for review and approval, a Geotechnical Study, prepared by a qualified engineer, that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs, to the satisfaction of the Director of Public Works.
37. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Director of Public Works.
38. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.
39. At the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the City of Port Colborne and the Regional Municipality of Niagara.
40. That all sub-grade building foundation's drainage be directed to a sump pump(s) in each house discharging via storm laterals to the municipal storm sewer system. Foundation drains are prohibited from connecting to the sanitary sewer system.
41. Roof water drainage from any structure or building shall discharge onto splash pads (concrete or other suitable material) to grass surfaces via downspouts. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

STORMWATER MANAGEMENT, GRADING, SEDIMENT AND EROSION CONTROL

42. That the subdivision agreement contains provisions whereby the Developer agrees to implement the approved Stormwater Management Plan required in accordance with Condition 44.
43. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site to be submitted to the City of Port Colborne, Regional Municipality of Niagara Development Services

Division, and the Niagara Peninsula Conservation Authority for review and approval.

44. That prior to approval of the final plan or any on-site grading, the Developer submit to the City of Port Colborne for review and approval, two copies of a detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the City of Port Colborne's Lot Grading and Drainage Policy, and the City of Port Colborne's Stormwater Management Facility Standards:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
 - b) Detailed sediment and erosion control plans.
45. That detailed sedimentation and erosion control plans be prepared for review and approval by the Niagara Peninsula Conservation Authority and Niagara Region as detailed in their respective conditions.
46. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Region of Niagara for review and approval.
47. That prior to approval of the final plan, the Developer submit to the City of Port Colborne a detailed Stormwater Management Plan for the development completed by a qualified engineer and prepared in accordance with the "MOEE Stormwater Management Practices, Planning and Design Manual (June 1994)".

FENCING

48. That the Developer shall provide 1.5 m high black chain-link fencing where adjacent to the archaeological area in Block 8, unless otherwise stated by the City of Port Colborne or Niagara Region. This fencing should be indicated on all future Plans.
49. That the Developer shall provide 1.5 m high black chain-link fencing along the boundary of Block 11 (SWM pond), together with any required life-saving devices to the satisfaction of the City.

PUBLIC PARKLAND

50. The Developer shall convey land in the amount of 5% of the land included in the draft plan to the City of Port Colborne for park purposes as permitted in Section 51.1 of the Planning Act R.S.O. 1990, c. P.13. Alternatively, the City may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the Planning Act R.S.O. 1990, c. P.13.

UTILITIES

51. The Developer shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
52. The Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the City of Port Colborne. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the City, streetlights and streetlight electrical supply system will be added to the City's inventory.

CANADA POST

53. The Developer shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that:
- i) the home/business mail delivery will be from a designated Central Mail Box;
 - ii) the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
54. The Developer agrees to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development;
- i) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - ii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - iii) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)

55. That the Developer provide detailed grading, construction sediment, and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.

56. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed alterations to the floodplain as per the approved Hydraulic Analysis (prepared by exp. And dated July 24, 2024) prior to the commencement of any site alterations on site. As part of the Permit review process, the NPCA will require:

- a. Detailed cross sections/calculations of the proposed fill and revisions to the regulatory floodplain limits
- b. All digital floodplain modelling
- c. Any other details as determined by the NPCA to further the review of the work permit application.

57. The revised location of the floodplain hazard on these lands shall be placed in a Hazard zone category or similar to ensure protection to the floodplain lands which precludes further development activities or site alterations to those areas.

58. That conditions 55-57 are incorporated into the Subdivision Agreement between the Developer and the City of Port Colborne, to the satisfaction of the Niagara Peninsula Conservation Authority. The City shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES

59. That following completion of the Modified Generic Risk Assessment and any further remediation work, if required, a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' Environmental Site Registry in accordance with Environmental Protection Act and associated regulations as amended. Copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Parks' written acknowledgement of the filing of the RSC, together with a certification from a Qualified Professional (QP) that the development lands meet the applicable standard(s) of the intended land uses shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.

60. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment reports titled Stage 1 & 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated August 8, 2021) and Stage 1 & 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated November 8, 2022), respectively. If the Ministry requires further archaeological work to be completed prior to acknowledging these report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition.

- That the Applicant/Owner submit a site-specific Stage 3 archaeological assessment for site AfGT-329 (and any required subsequent archaeological assessments), as required by the licensed archaeologist or Ministry, to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from the MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. The licensed archaeologist must engage with the appropriate First Nations and Indigenous community of closest cultural affiliation for the recommended site-specific Stage 3 Archaeological Assessment (and any subsequent recommended Stage 4 assessment), in accordance with the Standards and Guidelines for Consulting Archaeologists and NOP policies 7.11.1.5. It should be noted that subsequent Stage 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found on the site through preservation or resource removal and documentation. If the licensed archaeologist or the Ministry recommends/requires further Stage 4 Archaeological Assessments, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MCM through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

61. That the following warning clause is included within the Subdivision Agreement to protect for any potential archaeological resources that may be encountered during construction activities.

- “Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
- In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must

be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

62. The Owner agrees to implement the recommendations of the Noise and Vibration Impact Study, prepared by RWDI (dated July 26, 2023), as well as any other recommendations that may occur as a result of further acoustical review by a Qualified Professional at the time of that detailed design for the development is available.

63. That future Agreements of Offers of Purchase and Sale or Lease or Rental include the following warning clauses:

All Dwelling Units

- *"Purchasers/tenants are advised that due to the proximity of the adjacent industrial/commercial land-uses, noise from the industrial/commercial land-uses may at times be audible."*

Phase One Block Townhouse Units along Killaly Street East

- *"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."*

64. That the Owner provides a written acknowledgement to Niagara Region Growth Strategy and Economic Development Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

65. That the Owner provides a written undertaking to Niagara Region Growth Strategy and Economic Development Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.

66. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development to the Region to confirm capacity in the Regional

Infrastructure and obtain approval through the City's Consolidated Linear ECA and Drinking water licence for the new municipal infrastructure.

67. That the Subdivision Agreement between the Owner and the City contain a condition that the Owner agrees to comply with the requirements of Niagara Region's Corporate Waste Collection Policy and enters into an Indemnity Agreement with Niagara Region for the purpose of entering the subject property to provide waste collection services.

68. That the Subdivision Agreement between the Owner and the City contain a provision whereby the Owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:

Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).

69. In order to be eligible for internal Regional curbside collection a Plan must be submitted showing the appropriate number of waste collection pads, labelled with the required unit numbers and pad dimensions along with turning templates for the trucks.

70. That the following clause be included in the Subdivision Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:

Purchasers/Tenants of townhouse units which require the use of collection pads, are advised that in order to accommodate Regional Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.

Clearance of Conditions

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

Subdivision Agreement

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

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

CITY OF PORT COLBORNE FIRE DEPARTMENT

71. Fire break lot(s) shall be outlined on the final plan as necessary.
72. During construction streets shall be left clear in conformance with the requirements of the Ontario Building Code (i.e. minimum 6 m width and a minimum 12 m centreline turning radius). Streets are to be hard surfaced (first layer of asphalt) prior to construction above ground to ensure that they will accept the weight of fire fighting vehicles and provide emergency access at all times and under all weather conditions.
73. Access for fire department vehicles shall be maintained to new buildings, construction trailers and material storage areas at all times during construction.
74. Fire hydrants are to be in place, operational and secured prior to construction above ground. The water supply for fire fighting purposes must be kept accessible and operational at all times.
75. A detailed site plan, noting all services / hydrant locations shall be submitted for review and comment.
76. Construction waste material is not to accumulate on site in quantity or locations so as to create a fire hazard.
77. Open burning is not permitted.
78. When hot work is being utilized portable fire extinguishers shall be on site and accessible.
79. The owner agrees that conditions 71-78 will be included as conditions within the future Subdivision Agreement.

Clearance of Conditions

FINAL APPROVAL

Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the City.

CLEARANCE OF CONDITIONS Prior to granting final plan approval, the Planning Division requires written notice from applicable City Departments and the following agencies indicating that their respective conditions have been satisfied:

- Bell Canada – Condition 22
- Enbridge Gas – Condition 23
- Canada Post – Conditions 53-54
- NPCA – Conditions 55-58
- Niagara Region Planning & Development Services – Conditions 59-70
- City of Port Colborne
 - Public Works – Conditions 12, 27-47
 - Unless otherwise specified, all other conditions shall be to the satisfaction of the Planning Division.
 - Fire Department – Conditions 71-79

David Schulz, Senior Planner, City of Port Colborne, david.schulz@portcolborne.ca

Regarding Proposed Subdivision, 563 Killaly east, lots 23&24 Concession 1

We, the homeowners around this development, are requesting more information on this matter and intend to appeal. We also have questions and some strong concerns, and we request a response from you at your earliest convenience.

On Friday, August 26th, a black truck pulled up in front of my home at 525 Killaly street east and began erecting a City of Port Colborne sign regarding the proposed development. I asked the workers, who were dressed in street clothes, who they were. They informed me that they worked for the developers of this project.

Question #1- Is it standard practice for the City of Port Colborne to erect notifications using non-unionized non-City employees?

The optics of this are obviously atrocious, especially after the Ford government was caught in bed with developers of the Greenbelt.

Question #2 – What is the exact date that the developers made their intentions known to the City?

Please do not disregard our letter as having conspiracy theories. You have done a poor job of communicating intent to consider development in this area. We would like to corroborate the dates of contact with the developers along with the notices you sent out in our water bills advising us that we should consider purchasing sewer line insurance. If indeed you knew that there would be this amount of development in this area with old infrastructure, then you also know legally that you would be expected to correct any water main issues from the street to the connection at the house. There would also need to be an avenue to seek recompense for damage to our existing older homes as major development occurred both across the street and in behind our properties.

Question #3 – Are the notices we have been receiving regarding drainage and the quarry connected to all this development?

Block 6 is listed as an archeological area. I spoke with the archeologist the previous 2 summers as they combed the land and they confirmed that it is a site of my Ancestors. You have a duty to consult with the appropriate Indigenous Peoples when such things are discovered.

Question #4 - Have you contacted Six Nations of the Grand River and the Mississaugas of the Credit? And what will be done with the site on which my relations camped?

Development does not just impact humans. That field back there regularly host a healthy herd of deer, wild turkeys, at least 2 distinct packs of coyotes and many plants and trees.

Question #5 – Has there been any consultation with the Ministry of Natural Resources regarding an impact study? Has there been any consultation with the Ministry of the Environment?

There is a drainage ditch beside my house and a significant “cut” of land beside it, enough for one vehicle to travel down. The cut is well used by school children and dog walkers. We are concerned that there are plans to cover this ditch and create a road from Killaly east beside my home down to Johnson street. There are a number of reasons this is a concern for us.

First of all, the salt and sand needed to keep roads passable in the winter would end up in the Johnson street pump house which does not have filtration capabilities for these things which would lead to environmental violations. Secondly, you would be creating 8 corner lots that were not previously corner lots. We all purchase these properties for the semi-rural privacy and feel. There would have to be compensation for that obviously. And third, the increase in traffic from 1,000 homes across from us and 206 dwellings behind us needs to be accounted for. Currently, Killaly east is dangerous to the school children due to high speed traffic to and from Gasline and the confusing intersection at Elizabeth and Killaly. Another 1,200 vehicles will make a significant impact.

Question #6 – Will the cut be turned into a road? If so, has there been an environmental assessment? Is there a plan to compensate home owners for creating corner lots?

Question #7 – What is the risk mitigation plan for the increase in traffic?

When I bought this property 8 years ago, I had to sign documents acknowledging that although Inco attempted to clean up the soil of nickel here, it still could be an issue. And the land across the road was tested and came back much worse than the south side of Killaly east.

Question #8 – How did all this land suddenly become suitable for development?

JTL Integrated Machine and Port Colborne Forge are felt all the way to my property. I understand things were different on Johnson street years ago so the homeowners there have had to live with the incredible decibel levels. We observed companies monitoring the decibel levels last summer and they were quite shocked at how loud the drop forge is. Again, how is this land suitable for development?

Question #9 – Will there be changes to the operating hours of JTL Integrated Machine and the Drop Forge or other considerations with those companies?

As you can see Mr. Shulz, your sign has prompted many questions and concerns and the notice of this plan to the citizens who live here was poorly planned if not outright disrespectful. You will notice that our steering committee have been CC'd on this

correspondence as we intend to act as a community group. Therefore I request that you Reply to All when you send the information and answers to our questions.

Chi Miigwetch;

Rick McLean mcleanrick@hotmail.com 905-932-3416

Christine Arsenault Carsenault26@gmail.com

Pierre Renaud frenchyee@gmail.com

Greg Scott scottgscotr@gmail.com

David Schulz

From: atfaver052@gmail.com
Sent: September 18, 2023 10:49 AM
To: David Schulz
Subject: housing expansion 563 Killaly St E part of lot 23 and 24

You don't often get email from atfaver052@gmail.com. [Learn why this is important](#)

Good morning, David!

In reference to this housing proposal, I have several concerns.

- I though the soil was contaminated due to INCO, has the proper soiling testing been completed.
- Was there a study to determine impact to this area, i.e. traffic, housing cost of existing homes, etc.
- The number of units being built (286) which will impact the population – density in the area. I live at the end of Bell street in exceed of 60 years and one reasons many homeowners have purchase or built homes in this area was due to the dead-end Street and the quietness of this area. Will the main throughway to this subdivision be via Killaly Street.
- I am not opposed to the new subdivision, just the number of units,(type of units) the traffic potential and as all the units will be townhomes, it will attract low to mid income families. Also, it may impact the resale of homes within this area.

Regards

Adrienne
416-806-7658

David Schulz

From: Saima Tufail
Sent: October 5, 2023 9:00 AM
To: David Schulz
Subject: FW: Killaly Street East Subdivision Public Meeting Held October 3, 2023

Good morning David,

Please see the email below.

Thank you,
Saima



Saima Tufail
Interim City Clerk
City of Port Colborne



www.portcolborne.ca

66 Charlotte Street
Port Colborne, ON L3K 3C8
Phone 905-835-2900 x106
Email Saima.Tufail@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Doreen Bennett <doreen.bennett2000@gmail.com>
Sent: Thursday, October 5, 2023 8:57 AM
To: City Clerk <cityclerk@portcolborne.ca>
Cc: Saima Tufail <Saima.Tufail@portcolborne.ca>
Subject: Killaly Street East Subdivision Public Meeting Held October 3, 2023

You don't often get email from doreen.bennett2000@gmail.com. [Learn why this is important](#)

Good Morning

As a home owner on 214 Johnston Street can you please add my e-mail address to the list to people requesting a copy of the answers to the questions that were presented to council on Tuesday, October 3, 2023. Please acknowledge receipt of this email

e-mail: doreen.bennett2000@gmail.com

Thank you

Doreen Bennett

Melissa Bigford on behalf of Mary Bigford
147 Killaly St. E
Port Colborne, Ont.
L3K 1N7

October 3rd, 2023

To: Mayor and Members of Council,

The proposed Draft Plan of Subdivision and Zoning By-law Amendment D12-02-23 & D14-06-23 should not be approved. After reading through the reports we have significant questions and concerns that need to be addressed on the impact these changes will have the surrounding neighborhood.

How are the servicing requirements water, sewer, storm sewer of the surrounding neighbourhood being protected?

What is the current available capacity of the Johnson Street Stormwater Pumping Station (SPS)?

What exact portion of capacity of the existing Johnson Street SPS will be used for this proposed development? What measures will be put in place to ensure only this portion of the Johnson Street SPS is utilized that is if the required capacity is available?

What is the current capacity of the Johnson Street sanitary sewer? Is there adequate capacity to allow for this development to use 29% of the sanitary sewer without affecting the surrounding neighbourhood? Also, if this development alone requires 29% of the existing municipal sanitary system, how will the sanitary system accommodate the Future Elite Group Development to the North of another 2000 homes?

Are watermain municipal easements something the city does and or permits? Who is liable for costs/repairs of watermain breaks over the easement?

Why are city owned lands being used to accommodate this development? Why is the developer not putting the acoustic barrier/berm, stormwater management and flood facility on their property? Is the city (taxpayers) liable for the stormwater management and flood storage facility? What costs are associated with the construction of these facilities to the city? Who maintains these facilities? If the city maintains them what are the costs to the taxpayer to maintain this facility in the future? How will the stormwater facilities be accessed as it is located along the condominium section of the development separated by an acoustic barrier and not accessible through public roads?

With low groundwater levels the use of sump pumps is required in each basement, how will the sump pump discharge to splash and grade be captured, flooding prevented if directed towards the rear of each lot?

How will groundwater, potential flooding be directed to the flood storage facility if an acoustic berm/barrier aligns the facility?

How will the different block and stacked townhouses rules under a condominium development on private roads interact with those fronting onto public roads in the subdivision? How will maintenance be ensured on these roads? ? How will the movement of traffic be accommodated on only a 6m roadway?

With part of the development being under condominium ownership to what standard will the pavement structure of these roads be will it be to the city's standards or the condominiums? If the condominium ownership goes bankrupt who is responsible for the maintenance of the roads, infrastructure and properties? Is it the city and ultimately taxpayers who become liable?

Another major concern is the realignment of the floodline, when will developers and consultants realize you cannot just realign a floodlines!!

Is the park/parkette large enough to suit the proposed size of the development?

What is the proposed height of the stacked townhouses?

How was it determined that the large future residential development to the North should not be included in the traffic study? This potential development and the current development before council will have significant impacts on traffic along Killaly St and the surrounding neighbourhood and should not just be considered background traffic in the 2028 future horizon year in the traffic study!!

What measures will be put in place to ensure the proper removal and disposal of the contaminated soil, including measures to protect the abutting neighbours specifically to dust and air pollution?

Why does the city have a set of established by-laws that are put in place to protect abutting landowners if they can be amended or reduced at will to suit developers? Why the different set of rules? The city has experienced many major storm events over the past couple of years, and this development will significantly increase demand on the storm and sanitary sewer system. Many of the surrounding neighborhood's insurance policies have changed the designation as being on a flood plain and have had reductions in coverage due to these changes? At least 14 homes on Janet St. were flooded in a major storm event from back-up of the city storm and sanitary sewers and no explanation of cause was provided. How do we prevent this from happening to the abutting properties of this development considering the aged infrastructure that will be accessed and used by this development?

In conclusion, the Zoning By-Law amendments, special provisions and reductions in minimum setbacks should not be approved!! There are numerous issues and concerns regarding the development of this property as mentioned above. The sheer size and nature of this development with all the reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height required to make it fit on the property do not work and our not in the best interest of the city and the surrounding neighbourhood!

Thank you,
Melissa Bigford & Mary Bigford



PORT COLBORNE

MEETING OF THE GRANT ALLOCATION COMMITTEE Monday, July 29, 2024; second allocation of 2024

Minutes of the Grant Allocation Committee held Monday, July 29 in Committee Room 3, City Hall

The following committee members and staff were present:

Committee members	Bea Kenny, chair Brenda Haymes Monique Aquilina Bill Steele Tim Hoyle
Recording secretary	Gail Todd

CHAIR CALL TO ORDER: 4:10pm

APPROVAL OF THE AGENDA

Moved by B. Haymes
Seconded by T. Hoyle

APPROVAL OF THE MINUTES OF THE FEB. 24, 2024 MEETING

Moved by T. Hoyle
Seconded by B. Steele

DECLARATIONS OF CONFLICT OF INTEREST

T. Hoyle recused himself from any discussion, debate, decision and vote regarding the application from The Wave, as he serves on its board.

NEW BUSINESS

None.

APPLICATIONS REVIEW

Members reviewed applications received by deadline June 30 from not-for-profit organizations. They discussed the merits of each application and allocated funding whether 100 per cent of the funding request or a portion thereof. An average was calculated of each member’s decision to determine the total allocation.

Moved by T. Hoyle
Seconded by B. Haymes
That funding requests of \$22,100
for the second and final allocation of 2024 as follows:

Big Brothers Big Sisters	\$4000
Community Living Port Colborne Wainfleet	\$3000
Habitat for Humanity	\$2500
Port Cares Reach Out Centre	\$5000
Port Colborne and District Conservation Club	\$2600
Port Colborne Operatic Society	\$2000
Royal Canadian Legion Branch 56	\$3000

CARRIED.

Moved by M. Aquilina
Seconded by B. Haymes
That the funding request of \$2000 for The Wave be approved

Wave Girls Hockey Association	\$2000.
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CARRIED.

(T. Hoyle abstained)

Total funds for second allocation \$24,100.

OTHER BUSINESS

None.

CORRESPONDENCE

Thank you letters received from Birchway Niagara executive director Amanda Braet, Mothers Against Drunk Driving, Niagara Nutrition Partners, and Lake House [Oak Centre] staff and volunteers.

ADJOURNMENT 5pm

Moved by T. Hoyle
Seconded by B. Steele

NEXT MEETING February 2025

CHAIR

SECRETARY

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the land legally known as Part of Lots 23 and 24 Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street East and vacant land to the south.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) and First Density Residential – Conversion Holding (R1-CH) to:
 - R4-83 (Site-Specific Fourth Density Residential Zone)
 - R4-84-H (Site-Specific Fourth Density Residential Zone with Holding)
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-83 (Site-Specific Fourth Density Residential Zone)

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

Dwelling, Townhouse, Block

- | | | |
|----|--|-------------|
| a. | Minimum Interior Side Yard | 2.64 metres |
| b. | Minimum Corner Side Yard | 2.9 metres |
| c. | Maximum Height | 12 metres |
| d. | Notwithstanding the R4 zoning provisions, the first townhouse unit of the first townhouse dwelling block adjacent to Killaly Street East may be used for the following Neighbourhood Commercial Uses, provided the use meets the provisions set out in the R4-83 zone, and parking requirements in Section 3 of the Zoning By-law: <ul style="list-style-type: none">i. Convenience Store;ii. Personal Service Business; andiii. Restaurant, Take-outiv. Uses, structures and buildings accessory thereto | |

Dwelling, Townhouse, Street

- | | | |
|----|----------------------------|-------------------|
| a. | Minimum Lot Area | 195 square metres |
| b. | Minimum Corner Side Yard | 1.9 metres |
| c. | Minimum Interior Side Yard | 1.4 metres |

- d. Maximum Height 12 metres

Apartment Buildings

- a. Minimum Lot Area, per unit 85 square metres
- b. Minimum Front Yard 3.9 metres
- c. Minimum Corner Side Yard 3.3 metres
- d. Minimum Rear Yard 4.9 metres
- e. Maximum Porch and Steps Encroachment 3.45 metres
- f. Minimum Parking 1 space per unit

Dwelling, Semi-detached

- a. Minimum Lot Frontage 16 metres
- b. Minimum Lot Area 470 square metres

Definitions

For the purposes of development within the R4-38 zone, the following definitions shall prevail over the regular definitions in Section 38:

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

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

a) Front Lot Line: which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;

b) Rear Lot Line: which means the lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line; and

c) Interior Side Lot Line: which means the lot line other than a front lot line, a corner lot line or a rear lot line; or

d) Corner Side Lot Line: which means the longest line along a public road where a lot has two or more lot lines along a public road.

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

a) **Front Yard Setback:** which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.

i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common

element feature shall be deemed to be the front lot line;
or

- ii. The front lot line abutting a public street supersedes an internal front lot line.

b) **Rear Yard Setback:** which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20.

- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line opposite the common element feature shall be deemed to be the rear lot line; or
- ii. Where a building has vehicle access from private road or laneway and has front entry onto a common element sidewalk, the private road or laneway devising lot line providing vehicle access shall be deemed to be the rear lot line.

c) **Corner Side Yard Setback:** which means the shortest distance between the corner side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 2.20.

- i. Where a building fronts both a public street and a private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.

R4-84-H (Site-Specific Fourth Density Residential Zone - Holding)

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

- a. The uses permitted in the Residential Fourth Density Zone (R4) shall not occur until the Holding (H) symbol on the R4-84-H zone is removed. The removal of the Holding (H) symbol is subject to the following condition:
 - i) Completion of a Stage 4 Archaeological Assessment and acknowledgement of the report by the Ministry of Tourism, Culture and Recreation.

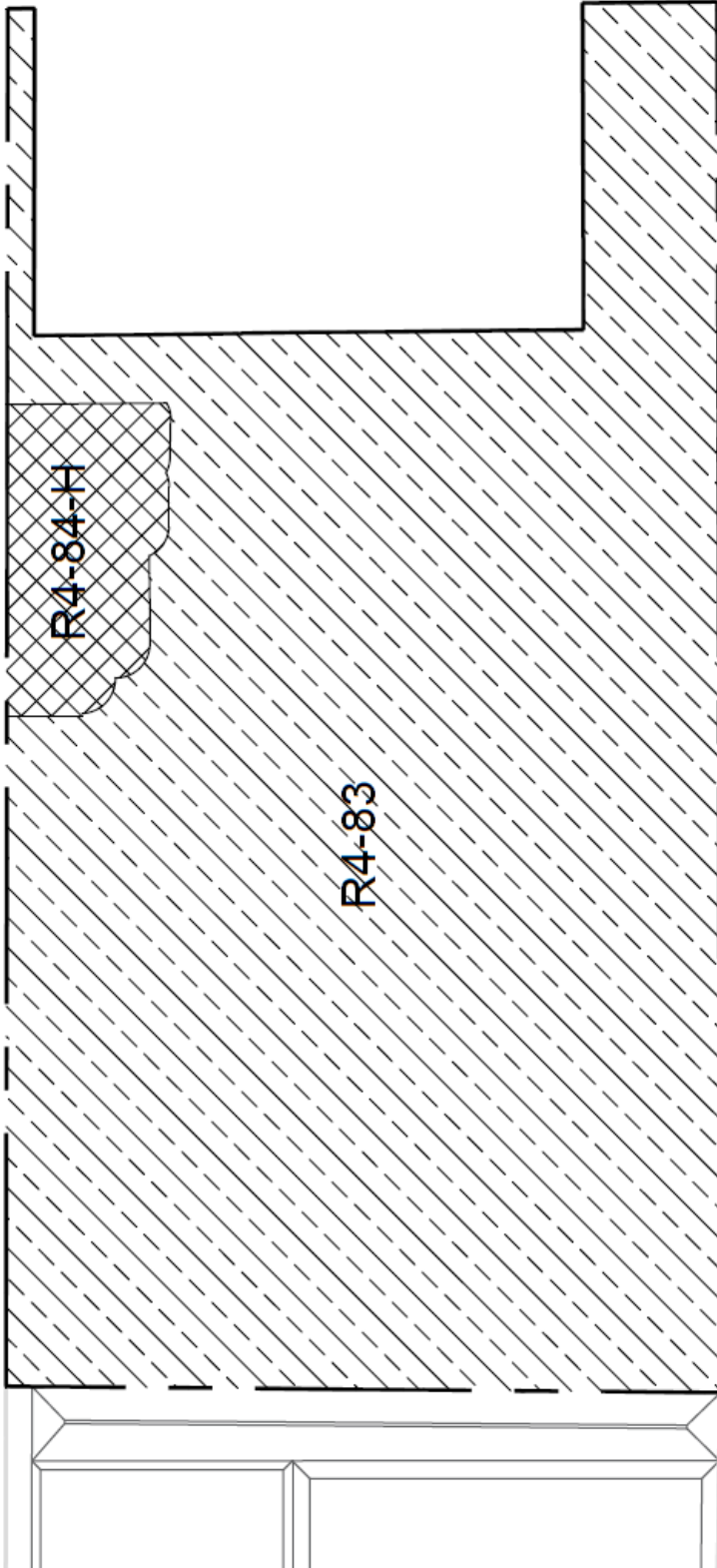
- 4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
- 5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning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

Enacted and passed this 27th day of August 2024.

William C Steele
Mayor

Carol Schofield
Acting City Clerk

KILLALY STREET EAST



SCHEDULE "A"

To By-law No. _____

Legend



R4-83



R4-84-H

THIS IS SCHEDULE "A" TO BY-LAW No _____

PASSED THE _____ DAY OF _____

Mayor _____

Clerk _____

City of
Port Colborne

62.5

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