



PORT COLBORNE

City of Port Colborne Council Meeting Agenda

Date: Tuesday, October 22, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order

2. National Anthem

3. Land Acknowledgement

The Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The City of Port Colborne stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

4. Adoption of Agenda

5. Disclosures of Interest

6. Proclamations

6.1 Royal Canadian Legion - Poppy Week Campaign October 26th through to November 11, 2024

1

7. Presentations

7.1 Lori Watson, Director, Niagara Region, Community Services - Niagara Region Poverty Reduction Strategy Presentation

3

8. Delegations

In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at www.portcolborne.ca/delegation, email deputyclerk@portcolborne.ca or phone 905-228-8118.

9. Mayor's Report

10. Regional Councillor's Report

11. Motions Arising from Committees and Boards

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11.2	Committee of the Whole - Budget - 2025 Proposed User Fees and Charges, 2024-183	19
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12. Consent Agenda

All items listed in the Consent Agenda are subject to a single motion that is not debatable. A Member may make a brief comment or ask a question regarding a Consent Item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the Consent Agenda and dealt with under Items Requiring Separate Discussion.

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	b.	Recommendation Report for Proposed Zoning By-law Amendment at 281 Chippawa Road, 2024-192	139
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	b.	Niagara Region - 2025 Meeting Schedule Final	208
	c.	Association of Ontario Road Supervisors - Ian Roberts Certification October 2024	209
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13.		Items Requiring Separate Discussion	
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16.		Staff Remarks	
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19.		By-laws	
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	19.3	By-law to Amend Zoning By-law 6575/30/18 - 281 Chippawa Road	288

20. Closed Session

20.1 Approval of Minutes

- a. Council in Closed Session - August 27, 2024
- b. Special Council (Closed Session) - September 4, 2024
- c. Special Council (Closed Session) - October 1, 2024

20.2 Staff Reports

- a. Labour Relations Negotiations Update - Report 2024-173

Labour Relations Negotiations confidential report pursuant to the Municipal Act, 2001, Subsection 239(2)(d) labour relations or employee negotiations, and 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- b. Annual CAO Review Process - Report 2024-187

Annual CAO Review Process confidential report pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

21. Back to Open Session

22. Adjournment

The Royal Canadian Legion BR. 56
POPPY CHAIRMAN
67 CLARENCE ST. (BOX 31)
PORT COLBORNE, ONTARIO L3K 5V7

25 September 2024

November 11th Remembrance Day is fast approaching. This is an opportunity for everyone to remember those who gave of themselves for our freedom.

At this time we are requesting Council's approval to hold our annual Poppy Campaign commencing Friday, October 26th through to November 11th. Remembrance Day services will be held at H.H. Knoll Park Cenotaph on November 11th.

Yours in Comradeship,



Carol Madden, Poppy Chairman
R.C.L. Branch 56, Port Colborne



PORT COLBORNE

October 22, 2024

Mover Councillor
Secunder Councillor

That I, Mayor William C. Steele do hereby proclaim October 26th, 2024 to November 11th, 2024 as “Poppy Week” in the City of Port Colborne in honour of the men and women from Port Colborne who gave their lives during the two world wars, the Korean War and the Afghanistan War.

William C. Steele
Mayor

Niagara Poverty Reduction Strategy

City of Port Colborne Council Meeting
October 22, 2024

Lori Watson
Director, Niagara Region, Community Services

Agenda

- Poverty in Niagara
- How the Strategy was Created
- Recommendations
- Implementation
- Niagara Prosperity Initiative Grant

Poverty in Niagara

In Niagara

- 10.4% of people live in poverty (49,030 people)
- 12.5% of children 0-17 live in poverty (10,710 children)

Annual	Poverty Line
Single	\$22,170
Single 1 child	\$31,353
Couple 2 children	\$44,340

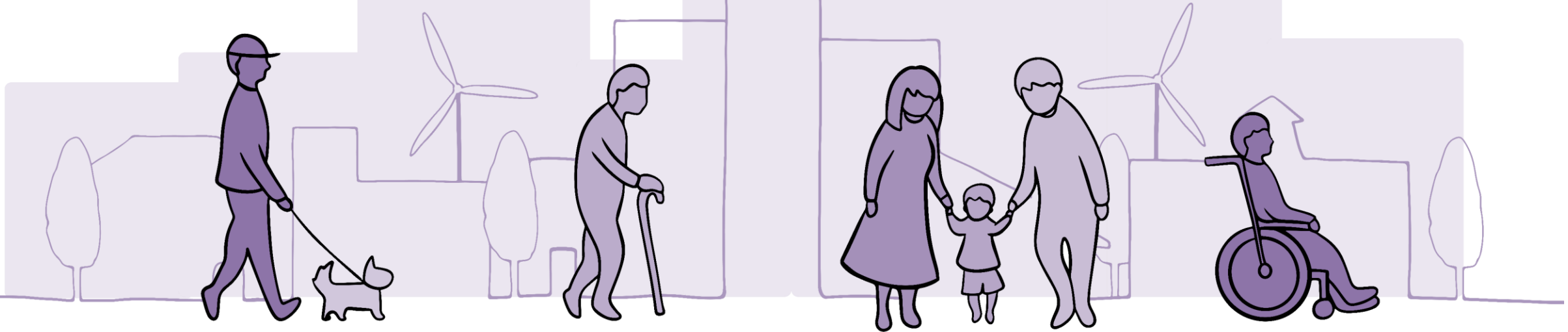
Port Colborne data

Measure	Ontario	Niagara	Port Colborne
Median age	41	45	50
Live in poverty (ages 18-64)	9%	10%	11%
Participate in the labour force (age 15+)	63%	59%	54%
Have post secondary education (ages 25-64)	68%	62%	55%

Source: [Niagara Well-Being Tool](#), Stats Canada 2021

How we got here

- **Community voice** -- 1000+ residents engaged
- **Best Practices**
- **Validation** -- 100+ content experts



Growing Better Together



Council Strategic Priorities - Equitable Region

Economic Development Strategy	Children's Services Service System Plan	Consolidated Housing Master Plan	Community Safety and Well-Being Plan	Poverty Reduction Strategy
Niagara Prosperity Initiative	Transportation Master Plan	Housing and Homelessness Action Plan	Indigenous Action Plan	Diversity, Equity and Inclusion Action Plan

Poverty Reduction Strategy - Working together to prevent and end poverty and increase well-being in Niagara



Council Strategic Priorities - Equitable Region

Recommendations

- **Indigenous Well-Being:** Indigenous community to develop a strategy for Indigenous specific poverty reduction initiatives.
- **Housing:** Provide housing stability services for people living in poverty to maintain their current housing, prevent eviction, improve social inclusion, and access income through periods of financial instability.

Recommendations (continued 2)

- **Income:** Increase opportunities for living wage employment in Niagara and advocate for adequate, livable rates from government income assistance programs.
- **Employment:** Promote and develop decent work opportunities that provide fair wages and benefits and foster stable, consistent, and safe employment.

Recommendations (continued 3)

- **Food Security:** Improve access to fresh, culturally appropriate, affordable and nutritious foods through income-based solutions to food insecurity.
- **Early Child Development:** Improve access to affordable, high-quality child care for families living in poverty or at risk of poverty.

Recommendations (continued 4)

- **Transportation:** Continue the work of Niagara Region Transit to achieve affordable and equitable access to services across municipalities.
- **Mental Health and Addiction:** Enhance core service capacity and offer a choice of timely, early recovery interventions and treatments for people who are living in poverty or at risk of poverty.

How to create change

- Service Access, Coordination and Capacity
- Diversity, Equity and Inclusion
- Leveraging Voices of Lived Expertise
- Changing Mindsets
- Advocacy
- Funding

Measuring Change

Measuring change

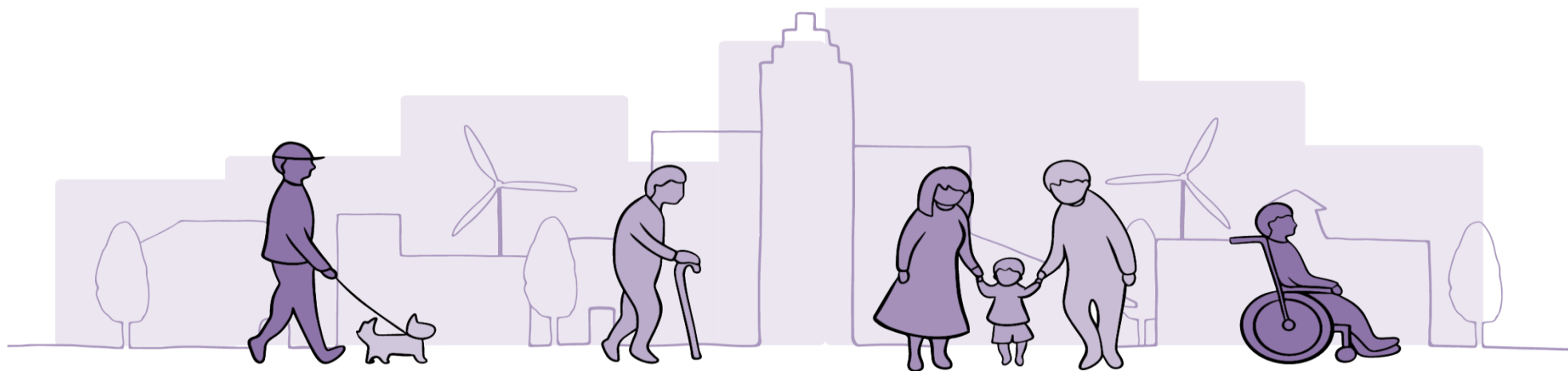
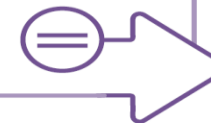
Working together to increase local capacity to implement community work, policies and practices.



Working together to decrease the number of people living in poverty, including those who are working but still struggle financially.



Equals an Equitable Region that ends poverty by responding to community needs.



Niagara Prosperity Initiative 2025-27

- Six areas targeted for investment **to help implement the Niagara Poverty Reduction Strategy**
- Grant applications open until October 31
- Three- year contracts expected to be in place early 2025 (pending Niagara Region Council budget approvals)

Strategy in motion



Council Strategic Priorities - Equitable Region

Get involved, email endpoverty@niagararegion.ca

Visit niagararegion.ca/community-safety/poverty-reduction-strategy



PORT COLBORNE

Motions Arising from Committees and Boards

To: Council
From: Committee of the Whole - Budget
Date: October 22, 2024
Subject: 2025 Capital and Related Project Budget and Levy Budget, 2024-184

Please be advised at the Committee of the Whole - Budget meeting held on October 16, 2024, the Committee adopted the following resolution for Council's consideration and approval:

Moved By: Councillor R. Bodner

Seconded By: Councillor M. Bagu

That the Committee of the Whole recommend to Council:

That the [Corporate Services Department, Financial Services Division, Report No. 2024-184](#) Subject: 2025 Capital and Related Project Budget and Levy (Operating) Budget, **BE RECEIVED**; and

That the recommended transfers to and from the City's capital close-out account and related accounts as outlined in Appendix C of the Corporate Services Report 2024-184, **BE APPROVED**; and

That the 2025 Capital and Related Project Budget and Levy (Operating) Budget in Report 2024-184, **BE APPROVED** and that the projects identified in the 2025 Capital and Related Project Budget and Levy (Operating) Budget be permitted to begin immediately where feasible.

Carried



PORT COLBORNE

Motions Arising from Committees and Boards

To: Council
From: Committee of the Whole - Budget
Date: October 22, 2024
Subject: 2025 Proposed User Fees and Charges, 2024-183

Please be advised at the Committee of the Whole - Budget meeting held on October 16, 2024, the Committee adopted the following resolution for Council's consideration and approval:

Moved By: Councillor M. Aquilina
Seconded By: Councillor D. Elliott

That the Committee of the Whole recommend to Council:

That [Corporate Services Department Report 2024-183](#) **BE RECEIVED**;

That the 2025 Proposed User Fees and Charges schedules attached as Appendices A to P of Corporate Services Report 2024-183 **BE APPROVED**; and

That the draft by-law attached as Appendix Q of Corporate Services Report 2024-183 be brought forward to Council for consideration.

Carried



PORT COLBORNE

Motions Arising from Committees and Boards

To: City Council
From: Scott Luey, Chief Administrative Officer
Date: October 22, 2024
**Re: Fire Services Management Oversight Committee –
Recommendation Regarding Temporary Agreement Extension**

At its meeting on October 2, 2024, the Fire Services Management Oversight Committee resolved as follows:

Moved by: S. Luey
Seconded by: B. Grant

THAT the Fire Services Management Oversight Committee recommend the temporary agreement to share Fire Administration services between the Township of Wainfleet and the City of Port Colborne be extended to December 31, 2024.

CARRIED

To that end, Council is asked to resolve as follows:

THAT Council approve extending the temporary agreement to share Fire Administration services between the Township of Wainfleet and the City of Port Colborne to December 31, 2024.

City of Port Colborne
Special Meeting of Council Minutes

Date: Tuesday, October 1, 2024
Time: 5:30 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor (via Zoom)
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: C. Madden, City Clerk
M. Murray, Chief Human Resources Officer

1. Call to Order

Mayor Steele called the meeting to order at 5:30 p.m.

2. Adoption of Agenda

Moved by Councillor M. Bagu
Seconded by Councillor T. Hoyle

That the agenda dated October 1, 2024, be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Closed Session

Moved by Councillor D. Elliott
Seconded by Councillor M. Bagu

That Council do now proceed into closed session in order to address the following matter:

- Performance Review and Goals of the Chief Administrative Officer pursuant to the Municipal Act, 2001, Subsection 239 (2)(b), personal matters about an identifiable individual, including municipal or local board employees.

Carried

4.1 Performance Review and Goals of the Chief Administrative Officer

5. Back to Open Session

Moved by Councillor E. Beauregard
Seconded by Councillor G. Bruno

That Council does now rise and reconvene from closed session at 6:31 p.m. without report.

Carried

6. By-laws

6.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Special Council of The Corporation of the City of Port Colborne

Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special Closed Meeting, be enacted and passed, as presented.

Carried

7. Adjournment

Mayor Steele adjourned the meeting at approximately 6:35 p.m.

William C. Steele, Mayor

Charlotte Madden, City Clerk



City of Port Colborne
Council Meeting Minutes

Date: Tuesday, October 8, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Member(s) Absent: F. Danch, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: B. Boles, Director of Corporate Services/Treasurer
J. Beaupre, Deputy Clerk
G. Long, Acting Chief Administrative Officer
C. Madden, City Clerk
S. Shypowskyj, Director of Public Works

1. Call to Order

Mayor Steele was absent. Councillor Bodner presided as Deputy Mayor and called the meeting to order at 6:31 p.m.

2. National Anthem

Everyone stood for the national anthem.

3. Land Acknowledgement

Deputy Mayor Bodner read the Land Acknowledgement:

The Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and

the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The City of Port Colborne stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

4. Adoption of Agenda

Moved by Councillor M. Aquilina
Seconded by Councillor T. Hoyle

That the agenda dated October 8, 2024, be confirmed, as circulated.

Carried

5. Disclosures of Interest

There were no disclosures of pecuniary or non-pecuniary interest.

6. Proclamations

6.1 Small Business Month - October 2024

Moved by Councillor M. Bagu
Seconded by Councillor D. Elliott

WHEREAS Small Business Month is an annual national celebration; and

WHEREAS the continued economic recovery has brought forward new and ongoing challenges for Canadian entrepreneurs; and

WHEREAS business owners are finding ways to succeed despite these challenges; and

WHEREAS business owners are making their businesses more inclusive and sustainable, while driving the Canadian economy; and

WHEREAS residents are encouraged to support local small businesses as we look to maintain and recover from these challenges;

NOW THEREFORE, I, Mayor, William C. Steele, proclaim October 2024 “Small Business Month” in the City of Port Colborne and encourage all citizens to recognize and celebrate our small businesses in Port Colborne.

Carried

a. Staff Memorandum - Recognition of Small Business Month

7. Presentations

There were no presentations.

8. Delegations

8.1 Julie Cule - Amendment to Zoning By-law 6575/30/18

Julie Cule delegated on amending Zoning By-law 6575/30/18 to allow chickens in residential areas.

Moved by Councillor E. Beauregard

Seconded by Councillor T. Hoyle

That Council direct Planning Staff to research and bring back a report for Council's consideration regarding the potential for City-wide Official Plan and Zoning By-law changes to allow chickens to be kept on residential properties in urban and rural settlement areas; and

That this report be brought forward in approximately 3 - 4 months time.

Carried

Moved by Councillor T. Hoyle

Seconded by Councillor E. Beauregard

That Council direct Planning staff to pause enforcement on Zoning By-law 6575/30/18 until a report from the Planning Department on this matter is brought forward.

Carried

9. Mayor's Report

There was no Mayor's report.

10. Regional Councillor's Report

There was no Regional Councillor's Report.

11. Consent Agenda

Item 11.3 b was lifted for discussion and considered under item 12, Items Requiring Separate Discussion.

- 11.1 Approval of Minutes**
 - a. Regular Council Meeting - September 24, 2024**
 - b. Meeting to Consider - September 18, 2024**
- 11.2 Receipt of Minutes of Boards & Committees**
 - a. Museum, Heritage, and Culture Board - July 16, 2024**
- 11.3 Staff Reports**
 - a. Surplus Declaration – Alma Street Road Allowance, 2024-182**
- 11.4 Receipt of Correspondence Items**
 - a. Niagara Region - Niagara Region Incentive Policy Review**
 - b. Niagara Region - Motion Respecting Municipal Codes of Conduct**
 - c. Niagara-on-the-Lake - Federal Infrastructure Funding**
 - d. Niagara Region - Niagara Gateway Application from City of Port Colborne - E-Materials Canada Corporation**
 - e. Municipality of St. Charles - Support Recommendations for Government Regulation of Nicotine Pouches**
 - f. Hastings County - Regarding Sustainable Infrastructure funding for Small Rural Municipalities**

Moved by Councillor M. Bagu
Seconded by Councillor T. Hoyle

Resolved that Council hereby approves the listed consent items and that the consent items be approved on the recommendations as contained therein.

Carried

12. Items Requiring Separate Discussion

12.1 Recommendation Report for Proposed Official Plan and Zoning By-law Amendment for Short Term Rentals, 2024-176

Moved by Councillor M. Aquilina
Seconded by Councillor M. Bagu

That Development and Government Relation Department – Planning Division Report 2024-176 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2024-176 be approved; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2024-176 be approved; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

Carried

13. Motions

There were no motions.

14. Notice of Motions

There were no notices of motions.

15. Staff Remarks

Steve Shypowskyj, Director of Public Works, updated Council on the installation of a three-way stop at West Street and Victoria Street; this work is planned for next week and will take approximately 3-5 days. He also updated Council on the upcoming construction to the library roof, which will take approximately one month to complete. The library will remain open during construction.

Bryan Boles, Director of Corporate Services, explained the Budget has been posted to the City's website and will be presented at the Budget Committee of the Whole meeting on October 16, 2024.

Charlotte Madden, City Clerk, explained the Clerk's Division will be holding a fall recruitment period from October 15 - 25, 2024, for the Boards and Committees who have expiring terms or vacancies to fill. There will be an ad in the newspaper, and information on social media as well for those interested in applying.

16. Councillors' Remarks

Councillor Elliot inquired to Steve Shypowskyj, Director of Public Works, about the stone placement and the repair plan for broken stones at the Tennessee Avenue gates. He also inquired about different colours for road painting in school zones.

Councillor Bruno shared a message of thanks on behalf of residents for the City's flood reduction efforts in the Bartok area. He also inquired to Bryan Boles, Director of Corporate Services, about changing the layout of next year's tax bills mailed to City residents.

Councillor Bagu explained he met with the Roads and Parks Operations Manager and the Roads Foreman to discuss sidewalk defects in the City and that he plans on meeting with the Director of Public Works to prioritize repairing the outstanding, moderate sidewalk defects. He also inquired to the Steve Shypowskyj, Director of Public Works, about the water main construction on Homewood Avenue.

Councillor Aquilina thanked the Friends of Roselawn Committee, the volunteers, and all those involved in the Tea and Fashion Show event on September 29, 2024, for making the event a great success. She also explained the Art exhibit is still on at Roselawn until October 29, 2024, and planning sessions are starting for the Christmas Market.

Councillor Bodner explained he received an email from a constituent in Ward 4 who wanted to thank the City staff who have been cutting the grass along the side of the rural roads.

17. Procedural Motions

There were no procedural motions.

18. By-laws

18.1 Being a By-law to Adopt Amendment No. 17 to the Official Plan for the City of Port Colborne

18.2 Being a By-law to Amend By-law No. 6575/30/18, the Zoning By-Law of the City of Port Colborne

18.3 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

Moved by Councillor M. Aquilina

Seconded by Councillor G. Bruno

That the following by-laws be enacted and passed, as presented:

- Being a By-law to Adopt Amendment No. 17 to the Official Plan for the City of Port Colborne
- Being a By-law to Amend By-law No. 6575/30/18, the Zoning By-law of the City of Port Colborne

- By-law to Adopt, Ratify and Confirm the Proceedings of the Council meeting of The Corporation of the City of Port Colborne

Carried

19. Adjournment

Councillor Bodner adjourned the meeting at 7:47 PM.

Ron Bodner, Deputy Mayor

Charlotte Madden, City Clerk



City of Port Colborne

Committee of the Whole - Budget Meeting Minutes

Date: Wednesday, October 16, 2024
Time: 4:00 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor (Entered at 4:14 p.m.)
R. Bodner, Councillor
G. Bruno, Councillor
W. Steele, Mayor (presiding officer) (Exited at 5:08 p.m., re-entered at 5:10 p.m.)
Councillor T. Hoyle (Entered at 4:14 p.m.)
Councillor D. Elliott (Entered at 4:14 p.m.)
Councillor M. Aquilina

Members(s) Absent: F. Danch, Councillor

Staff Present: M. Alcock, Acting Fire Chief
J. Beaupre, Deputy Clerk
B. Boles, Director of Corporate Services/Treasurer
G. Long, Director of Development and Government Relations
S. Luey, Chief Administrative Officer
C. Madden, City Clerk
M. Murray, Chief Human Resources Officer
S. Shypowskyj, Director of Public Works
G. Zwiep, Manager of Recreation and Tourism

1. Call to Order

Mayor Steele called the meeting to order at 4:08 p.m.

2. Adoption of Agenda

Moved By Councillor M. Aquilina
Seconded By Councillor M. Bagu

That the Committee of the Whole - Budget agenda dated October 16, 2024, be confirmed, as circulated.

Carried

3. Disclosures of Interest

There were no disclosures of pecuniary or non-pecuniary interest.

4. Staff Reports

4.1 2025 Capital and Related Project Budget and Levy Budget, 2024-184

Bryan Boles, Director of Corporate Services, Scott Luey, Chief Administrative Officer, and Steve Shypowskyj, Director of Public Works, presented the 2025 capital and related project budget and levy budget to Council. Mayor Steele called a recess at 5:55 P.M. and reconvened the meeting at 6:41 P.M.

Moved By Councillor R. Bodner
Seconded By Councillor M. Bagu

That the Committee of the Whole recommend to Council:

That the Corporate Services Department, Financial Services Division, Report No. 2024-184 Subject: 2025 Capital and Related Project Budget and Levy (Operating) Budget, **BE RECEIVED**; and

That the recommended transfers to and from the City's capital close-out account and related accounts as outlined in Appendix C of the Corporate Services Report 2024-184, **BE APPROVED**; and

That the 2025 Capital and Related Project Budget and Levy (Operating) Budget in Report 2024-184, **BE APPROVED** and that the projects identified in the 2025 Capital and Related Project Budget and Levy (Operating) Budget be permitted to begin immediately where feasible.

Carried

4.2 2025 Proposed User Fees and Charges, 2024-183

Moved By Councillor M. Aquilina
Seconded By Councillor D. Elliott

That the Committee of the Whole recommend to Council:

That Corporate Services Department Report 2024-183 **BE RECEIVED**;

That the 2025 Proposed User Fees and Charges schedules attached as Appendices A to P of Corporate Services Report 2024-183 **BE APPROVED**; and

That the draft by-law attached as Appendix Q of Corporate Services Report 2024-183 be brought forward to Council for consideration.

Carried

5. Delegations

There were no delegations.

6. Procedural Motions

There were no procedural motions.

7. Adjournment

Mayor Steele adjourned the meeting at 9:35 p.m.

William C. Steele, Mayor

Charlotte Madden, City Clerk



Port Colborne Public Library Board Meeting Minutes

Date: Wednesday, September 4, 2024
Time: 6:00 pm
Location: Library Auditorium, Port Colborne Public Library
310 King St, Port Colborne

Members Present: A. Desmarais
H. Cooper
B. Ingram, Vice-Chair
C. MacMillan
M. Booth
E. Tanini

Member(s) Absent: M. Cooper, Chair
M. Bagu, Councillor
B. Beck

Staff Present: R. Tkachuk, Chief Executive Officer

Others Present: B. Boles, Director of Corporate Finance/Treasurer
M. Murray, Chief Human Resources Officer

1. Call to Order

The Vice-Chair called the meeting to order at approximately 6:03 p.m.

2. Land Acknowledgement

3. Disclosures of Interest

There were no disclosures of interest.

4. Adoption of Agenda

The 2025 Draft Capital Budget and the 2025 Draft Operating Budget were moved from the Discussion and Decision Items section to be considered first.

Moved by C. MacMillan

Seconded by H. Cooper

That the agenda dated September 4, 2024, be adopted, as amended.

Carried

5. Approval of Minutes

Moved by A. Desmarais

Seconded by E. Tanini

That the minutes dated June 5, 2024, be approved, as circulated.

Carried

6. Business Arising from the Minutes

Nil.

7. Presentations

7.1 Human Resources Presentation (M. Murray)

M. Murray provided a human resources information update.

Moved by A. Desmarais

Seconded by C. MacMillan

That the Board receives the information, as presented.

Carried

7.2 Library AODA Audit (M. Murray)

The Board discussed the results of the AODA Audit of the library facility.

Moved by H. Cooper

Seconded by M. Booth

That the Board receives the Library AODA Audit, as presented.

Carried

7.3 2025 Draft Capital Budget (R. Tkachuk)

The CEO presented the 2025 Draft Capital Budget submission.

Moved by A. Desmarais

Seconded by E. Tanini

That the Board receives the 2025 Draft Capital Budget, as presented; and

That the Board approve the proposal for a roof replacement Capital Project in 2025.

7.4 2025 Draft Operating Budget (R. Tkachuk)

The CEO presented the 2025 Draft Operating Budget submission.

Moved by C. MacMillan
Seconded by H. Cooper

That the Board approves the 2025 Draft Operating Budget submission, as presented.

Carried

7.5 Financial Presentation (B. Boles)

B. Boles provided an update on development charges.

Moved by A. Desmarais
Seconded by H. Cooper

That the Board receives the information, as presented.

Carried

7.6 Draft - Memorandum of Understanding (B. Boles)

The Board discussed the draft Memorandum of Understanding between the Port Colborne Public Library Board and the Corporation of the City of Port Colborne.

Moved by H. Cooper
Seconded by A. Desmarais

That the Board defer this item to the regular meeting of the Board.

Carried

8. Consent Items

Moved by C. MacMillan
Seconded by E. Tanini

That consent items 8.1 to 8.5 be received, as presented.

8.1 Financial Reports

- a. **2024 Operating Budget (as of August 29, 2024)**
- b. **2024 Facilities Budget (as of August 29, 2024)**

8.2 Circulation Reports

- a. **Circulation Report, June 2024**
 - a. **June 2024 Snapshot**
- b. **Circulation Report, July 2024**
 - a. **July 2024 Snapshot**
- c. **2nd Quarter Circulation Report**
 - a. **2nd Quarter 2024 Snapshot**

8.3 Staff Reports

- a. **Librarian Report, Summer 2024**
- b. **CEO Report (R. Tkachuk)**

8.4 Media Items

- a. **Family Summer Activity Flyer**
- b. **Off-the-Shelf Newsletter, July/August 2024**
- c. **Port Colborne Lion's Club, Wonderbook Donation**
- d. **Off-the-Shelf Newsletter, September/October 2024**

8.5 Correspondence

- a. **Mayor's Youth Advisory Council**

9. Discussion and Decision Items

9.1 Capital Projects Update (R. Tkachuk)

The CEO provided an update of the outstanding 2024 capital projects.

Moved by H. Cooper

Seconded by E. Tanini

That the Board receives the Capital Projects Update, as presented.

Carried

9.2 Draft Resolution - Public Libraries and Older Adults (R. Tkachuk)

The Board discussed the Township of Wainfleet resolution regarding Public Libraries and Older Adults.

Moved by A. Desmarais

Seconded by C. MacMillan

That the Board receives and supports the Township of Wainfleet resolution re: Public Libraries and Older Adults, as presented; and

That the Board acknowledges and supports the Town of Lincoln resolution re: Urgent Need for Increased Funding for Libraries and Museums in Ontario; and

That the Board expresses gratitude to Port Colborne City Council for supporting the Town of Lincoln resolution; and

That the Board supports the efforts of the Ontario Library Services and the Federation of Public Libraries advocating for an increase of funding for Ontario public libraries.

Carried

a. Township of Wainfleet Resolution

10. Committee Updates

10.1 Fundraising Committee

The Fundraising Committee provided an update on fundraising efforts.

11. Policies

Moved by A. Desmarais

Seconded by M. Booth

That the Board approves the policies listed in 11.1 to 11.4, as presented.

Carried

11.1 OP-01: Privacy, Access to Information & Electronic messages under CASL

11.2 OP-04: Collection Development

11.3 OP-05: Resource Sharing

11.4 OP-06: Programming

12. Confidential Items

Moved by H. Cooper
Seconded by E. Tanini

That the Board do now proceed into closed session in order to address the following matters at approximately 7:42 p.m.

Carried.

12.1 Minutes of the closed session of the June 5, 2024, closed meeting

Moved by H. Cooper
Seconded by M. Booth

That the Board do now rise from closed session at approximately 7:44 p.m.

Carried.

13. Motions

Nil.

14. Notice of Motions

Nil.

15. Roundtable

Nil.

16. Other Business

The Board requested that the CEO apply for additional Ontario Public Service Awards before the September 13, 2024, deadline.

17. Next Meeting Date and Adjournment

The next regular meeting of the Board will be held Wednesday, October 2, 2024, in the Auditorium of the Port Colborne Public Library.

The Vice-Chair adjourned the meeting at approximately 7:52 p.m.

Michael Cooper, Chair

Rachel Tkachuk, Chief Executive
Officer/Board Secretary-Treasurer

Members Present:

Luke Brazeau, Chair
Gary Hoyle, Committee Member
Jeff Piniak, Committee Member

Staff Present:

Denise Landry, Chief Planner
Chris Viccica, Engineering Technologist
Stephanie Powell-Baswick, Director of Museum and Culture
Michelle Vosburgh, Archivist

1. Call Meeting to Order

The Chair called the meeting to order at approximately 6:01 p.m.

2. Adoption of Agenda

That the Heritage Advisory Subcommittee agenda dated May 13, 2024, be adopted, as presented.

Mover: Gary Hoyle
Seconder: Jeff Piniak

Carried

3. Disclosures of Interest

No disclosures of interest were declared.

4. New Business

4.1 975 Chippawa Road Research Report

The Members discussed the merits of the subject property and whether it should be designated. Chair Brazeau noted that the property was only ranked a five out of ten.

Chair Brazeau noted that there is no indication that the owner intends on demolishing the buildings as there is a sense of pride and it is a working farm.

That the Heritage Advisory Committee recommend to Council that 975 Chippawa Road be designated under the Ontario Heritage Act.

Mover: Member Hoyle

Seconder: None.

Defeated

That the Heritage Advisory Committee recommend to Council that 975 Chippawa Road not be designated under the Ontario Heritage Act.

Mover: Chair Brazeau

Seconder: Member Piniak

Carried

4.2 736 Pinecrest Road Research Report

The Members discussed the merits of designating the subject property and are of the opinion that it meets at least two of the criteria (specifically criteria one and four) under Ontario Regulation 9/06 for designation.

That the Heritage Advisory Committee recommend to Council that 735 Pinecrest Road be designated under the Ontario Heritage Act.

Mover: Chair Brazeau

Seconder: Member Hoyle

Carried

4.3 2352 Third Concession Road Research Report

The Members discussed that the subject property has been altered quite a bit.

That the Heritage Advisory Committee recommend to Council that 2352 Third Concession Road not be designated under the Ontario Heritage Act.

Mover: Member Piniak

Seconder: Member Hoyle

Carried

5. Staff Updates

The Chief Planner advised the Committee Members that Chris Roome, Planner is no longer with the City and that the Chief Planner would provide staff support to the Heritage Committee moving forward.

The Engineering Technologist updated the Committee Members on the status of the Tennessee Gates Revitalization Project indicating that the tender would be issued in August with the intent to complete the work in October 2024.

6. Other Business

The Members discussed the update to the Property Standards Bylaw and that heritage properties were added to it.

7. Approval of Minutes

Chair Brazeau requested that regrets be added back to the minutes. The Chair indicated that at the March 2024 meeting, Chris Roome and Councillor Beauregard were not present.

Mover: Jeff Piniak
Seconded: Luke Brazeau

Carried

8. Adjournment

That, there being no further business, the meeting be adjourned at 7:05 pm.

Mover: Luke Brazeau
Seconded: Jeff Piniak

Carried

Members Present: Luke Brazeau, Chair
Gary Hoyle, Committee Member
Bonnie Schneider, Committee Member
Cheryl MacMillan, Committee Member
Jeff Piniak, Committee Member

Staff Present: Diana Vasu, Planner
Michelle Vosburgh, Archivist

1. Call Meeting to Order

The Chair called the meeting to order at approximately 5:58 p.m.

2. Adoption of Agenda

That the Heritage Advisory Subcommittee agenda dated August 19, 2024, be adopted, as presented.

Mover: Cheryl MacMillan
Seconder: Bonnie Schneider

Carried

3. Disclosures of Interest

No disclosures of interest were declared.

4. Staff Updates

4.1. Update on Heritage Designation Project

The Planner stated that Bill 200 received Royal Assent on June 6, 2024, which provided municipalities with an additional 2 years to designate any registered properties featured on their Heritage Registry.

The Chair asked what the Heritage Subcommittee's next steps are in the Heritage Registry review project.

The Planner noted that the next step is preparing statements of significance which highlight the features that should be designated for each property.

Member Hoyle asked whether other properties can be considered.

The Chair highlighted that the features that the Subcommittee feels should be

designated for each recommended property had been reviewed.

That the heritage committee chair meet with the chief planner and planner to assess and update the record of the current project

Mover: Member G. Hoyle

Seconder: Member B. Schneider

Carried

5. Order of Business

5.1. Steele Street School Update

The Planner recounted conversations by Planning staff with the School Board of Steele Street Public School (214 Steele Street) regarding the current construction to add an elevator.

Member MacMillan noted that the construction had demolished certain potential heritage features, but that others remain.

Members Hoyle and MacMillan are still in favour of designating the property.

The Chair asked whether the Subcommittee should consider recommending designation for DeWitt Carter Public School.

The Archivist asked whether the Subcommittee would like a background report prepared for DeWitt Carter Public School.

Member Schneider noted that DeWitt Carter Public School is ranked an 8.

The Archivist stated that they usually only prepare reports for properties ranked 10, but an informal report can be prepared.

5.2. 44 King Street Listed Property Update

The Planner provided an update regarding a conversation with the owner of 44 King Street regarding the potential of designating the property.

6. New Business

The Chair requested an update on the timeline for the completion of the Tennessee Gates restoration project.

Member Hoyle asked the Archivist whether the background reports that have been prepared for the Heritage Registry review project can be provided to the public during walking tours.

The Archivist restated that walking tour updates can be discussed at the following Museum Board meeting, noting that the reports may be included in winter programming.

Member Hoyle asked whether the building permit review process includes a heritage review, which the Planner confirmed.

The Archivist noted that the old INCO recreation hall is up for sale, then asked whether the Subcommittee would like a background report on the property.

The Subcommittee confirmed that they would like a background report on the old INCO recreation hall.

7. Adjournment

That, there being no further business, the meeting be adjourned at 7:00 pm.

Mover: Gary Hoyle

Seconder: Luke Brazeau

Carried



Subject: Development Charges By-law

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-191

Meeting Date: October 22, 2024

Recommendation:

That Chief Administrative Office Report 2024-191 be received; and

That Council approve the City of Port Colborne Development Charges By-Law prepared by Watson & Associates attached as Appendix A to this report.

Purpose:

The purpose of this report is to seek Council approval of the City's new Development Charges (DC) By-Law.

Background:

A DC Background Study and By-law was prepared by Watson & Associates that reflects changes in provincial legislation since the City's current DC by-law was passed on November 12, 2019, and expires on November 13, 2024 (see Appendix A). The new by-law includes the service needs and twelve (12) year capital costs for: Roads; Public Works (Facilities and Fleet); Fire Protection Services; Park and Recreation; Library Services; Water and Wastewater Services; and Growth Studies. The City's current Development Charge for a single detached dwelling unit is \$11,419. The new DC, as outlined in the by-law, will increase the charge for a single detached dwelling to \$30,529.

As part of the DC Background Study, Watson & Associates also completed a twelve (12) year Growth Forecast Update to provide a foundation to support the capital projects included in the study. The forecast, which is included in the study, incorporated 2021 Census data and other information including the Growth Review Analysis Report completed by Dillon Consulting and presented to Council in September 2023. The City's

current population is 20,033 and Watson & Associates are forecasting this to increase to 24,900 by 2036.

A Public Meeting was held on September 24, 2024, and notice was provided in accordance with the *Development Charges Act*. The draft DC by-law was posted on the City's website on August 23, 2024. Notice of the meeting was also posted on the City's website within the prescribed timelines and included on an online media publication and shared with investors, developers, builders, consultants, and real estate agents. The Notice of the Public Meeting indicated that interested persons could express their comments at the Public Meeting or in writing, addressed to the Clerk, prior to September 19, 2024.

To allow for additional time for public input, it was announced at the September 24 Public Meeting that the deadline for public comments would be extended to Friday September 27. No delegations registered to appear at the Public Meeting and no emails or letters were received on or before September 19. On Friday September 27, the City received correspondence from Upper Canada Consulting and the Niagara Home Builders Association requesting that passage of the by-law be delayed to allow for further review.

It is staff's position, supported by the DC consultant, that these letters were provided last minute despite the City's DC process being initiated in September 2023. Ample time was provided for members of the public and the development community to provide feedback, including the May 1st open house and September 24th Public Meeting. City staff have sent letters to both organizations thanking them for their input and mentioning that Port Colborne's new DC by-law provides the sustainable financial model required to fund the capital projects necessary to support the anticipated growth. City staff have forged strong working relationships with the development community and are always pleased to meet. However, City staff and the DC consultant, are recommending that the DC by-law move forward to passage at the Council meeting on October 22, 2024.

Discussion:

As part of the process for by-law adoption and implementation, the City is required to give notice of the DC by-law passage and appeal deadline within 20 days of the DC by-law passage. The last day for appealing the DC by-law is the day that is 40 days after the day the DC by-law is passed. For example, if Council were to pass the DC by-law on October 22nd, notice of the passage of the by-law would have to be provided no later than November 11th and the last day to appeal the by-law would be December 2nd. Assuming passage of the DC by-law on October 22nd, the new DC rates will come into force on October 23rd.

Development Charges are payable at building permit issuance. To date, DCs have been calculated and collected by the Building Division along with any other applicable fees or charges. City staff are changing the process to have Finance calculate and collect the DCs and this will take effect on January 1st, 2025.

This change in DC administration is focused on centralizing customer service inquiries and payment processing on the first floor of City Hall; streamlining our processes by having Finance, who are already manage revenues for the City, collect DCs and allocate to the DC reserve accounts; and creating efficiencies to allow Building staff more time to focus on permit review, plans examination, inspections, and project inquires from residents and contractors.

The City's new DC is \$30,529 compared with the current DC of \$11,419. As the City's DC consultant noted during his September 24th presentation, this amount would be \$16,669 if annual inflation increases, which are permitted under the *Development Charges Act*, had been added. This has been acknowledged by City staff and on a go forward basis, the City's DC amount will be indexed to inflation annually on the anniversary date of the by-law's passage. Based on the graph shown on page 23 of the consultant's presentation, Port Colborne's new DC is comparable with six other Niagara municipalities (see Appendix B).

The DC consultant and City staff have discussed the importance of revisiting the City's DC by-law in 18 months to review the status of projects, cost estimates, and growth forecasts based on market absorption of new housing units. The cost of this interim review is an eligible study under the *Development Charges Act* and has been added to the DC by-law.

City staff are committed to ensuring that the City has the policies, processes, and a sustainable funding model to manage and support future growth. To this end, the new DC by-law is a foundational document that prepares the City for anticipated growth, minimizes the impact on the City's existing tax base, and places the cost of growth-related capital projects on new development and new residents. An Addendum to the Development Charges Background Study and By-law was issued on October 11, 2024, as information in one of the tables needed to be revised (see Appendix C).

Internal Consultations:

City staff from Finance, Recreation, Public Works, Roads, Parks, Planning, Building, Economic Development, Library, Fire, Fleet, and Water/Wastewater were all involved in providing capital project information and cost estimates for the DC Background Study.

Financial Implications:

The cost of the DC Background Study is estimated to be \$75,000 versus the \$50,000 estimated in the in the 2022 Capital and Related Budget. The additional \$25,000 will be funded from DCs. This adjustment will occur through the 2025 Capital and Related Budget process and Trimester 2 reporting.

As a result of provincial legislation changes that removed the mandatory phase-in of charges, the City will collect 100% of DCs once they come into effect on October 23, 2024.

The amount of DC revenue to be collected annually will be based on the number of new residential units and non-residential square footage constructed each year.

Public Engagement:

An open house to present the draft DC Background Study to the development community was held on May 1, 2024. Almost one hundred email invitations were sent to investors, developers, builders, planning consultants, and real estate agents. City staff from Building, Planning, Public Works, and Economic Development provided brief updates and this was followed by a detailed presentation by Watson & Associates' consultant and a question-and-answer period. The presentation included an overview of DCs, the capital projects included, growth forecast information, the proposed new DC, and how this amount compares with other Niagara municipalities.

The Public Meeting held on September 24, 2024, is a requirement of the *Development Charges Act*. Notice of the Public Meeting was provided within the prescribed timelines and was posted on the City's website; advertised on an online Metroland publication; and it was emailed to the same group who received the invitation to the May 1st open house. The DC Background Study and proposed by-law was posted on the City's website on August 23, 2024.

As part of the notice for the September 24th Public Meeting, it was advertised that interested parties could appear before Council as a delegation, or they could provide comments to the City Clerk, prior to September 19, 2024. The deadline for receiving public input was extended to September 27, 2024.

Strategic Plan Alignment:

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

- Environment and Climate Change
- Welcoming, Livable, Healthy Community

- Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

It is important that “growth pay for growth.” The City’s current DC by-law expires on November 13th, 2024. A new Development Charges Background Study and By-law has been completed by Watson & Associates that reflects Port Colborne’s updated population forecast for the next 10-15 years and includes growth related capital projects. City staff are recommending that this new DC by-law be approved, and staff will move forward with implementation.

Appendices:

- a. Development Charges By-law
- b. Watson & Associates presentation - September 24, 2024 Public Meeting
- c. Watson & Associates Report - Addendum #1 to the August 23, 2024, Development Charges Background Study

Respectfully submitted,

Gary Long
Director of Development and Government Relations
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Gary.Long@portcolborne.ca

Bryan Boles
Director of Corporate Services
905-228-8018
Bryan.Boles@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and 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 of The Corporation of the City of Port Colborne with Respect to
Development Charges

Whereas section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the Act") enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality for increased capital costs required because of the need for services arising from development in the area to which the by-law applies; and

Whereas the Council of the Corporation of the City of Port Colborne (hereinafter called "the Council"), at its public meeting of September 24, 2024, approved a report dated August 23, 2024, entitled "City of Port Colborne, 2024 Development Charge Background Study", which report was prepared by Watson & Associates Economists Ltd., as amended October 11, 2024; and

Whereas the Council has given Notice in accordance with Section 12 of the *Development Charges Act, 1997* of its development charge proposal and held a public meeting on September 24, 2024; and

Whereas the Council has heard all persons who applied to be heard in objection to, or in support of, the development charge proposal at such public meeting; and

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

1. In this by-law,

DEFINITIONS

"Act" means the Development Charges Act, as amended, or any successor thereof;

"accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“affordable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.

“agricultural use” means use or intended use for bona fide farming purposes:

- a) including (but not limited to):
 - i. cultivation of crops whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, grains, field crops, sod trees, shrubs, flowers, and ornamental plants;
 - ii. raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
 - iii. animal husbandry, dairying, equestrian activities, horticultural, fallowing, pasturing, and market gardening;

b) but excluding:

- i. winery activities;
- ii. retail sales activities; and
- iii. cannabis production facilities.

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor, and includes a stacked townhouse;

“attainable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“Building Code Act” means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

“cannabis” means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has in it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marihuana shall have the same definition.

“cannabis production facility” means a facility structure for the cultivation, processing, packaging and shipping where cannabis is produced by a federally licensed producer and can be for the production of medical or recreational cannabis.

“capital cost” shall have the same meaning as described in Section 5 of the *Development Charges Act, 1997*, as amended.

“City” means the Corporation of the City of Port Colborne;

“class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, and does not include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the City;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (1) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of part walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (2) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

- (1) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- (2) loading facilities above or below grade; and
- (3) a part of the building or structure below grade that is used for the parking or motor vehicles or for storage and other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly or raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional development” means development of a building or structure that meets the criteria set out in section 11.1(2) of O.Reg. 82/98 to the Act;

“interest rate” means the annual rate of interest as set out in section 26.3 of the Act;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City of Port Colborne or any part of parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the City, as amended and approved;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“park model trailer” means is a recreational unit that meets the following criteria:

- (i) It is built on a single chassis mounted on wheels;
- (ii) It is designed to facilitate relocation from time to time;
- (iii) It is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- (iv) It has a gross floor area, including lofts, not exceeding 50m² (538ft²) when in the set-up mode, and has a width greater than 2.6m (8.5ft) in the transit mode.

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

“service” means a service designated in Schedule “A” to this by-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the City relative to the provision of municipal service to specified land within the City;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care facilities” means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building;

“special care/special dwelling” includes a park model trailer, and the residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- ii. Which may or may not have exclusive sanitary and/or culinary facilities;
- iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (1) Services Related to a Highway;
- (2) Public Works (Facilities and Fleet);
- (3) Fire Protection Services;
- (4) Parks and Recreation Services;
- (5) Library Services;
- (6) Growth Studies;
- (7) Wastewater Services; and

(8) Water Services.

2.2 The components of the services designated in Section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this by-law where:

(1) the lands are located in the area described in Section 3.2; and

(2) the development of the lands requires any of the approvals set out in Subsection 3.4(1).

Area to Which By-law Applies

3.2 Subject to Section 3.3, this by-law applies to all lands in the City of Port Colborne whether or not the land or use thereof is exempt from taxation under s.13 or the Assessment Act.

3.3 Notwithstanding Clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(1) the City or a local board thereof;

(2) a board of education;

(3) the Corporation of the Region of Niagara or a local board thereof;
or

(4) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (1) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
 - (2) the approval of a minor variance under Section 45 of the Planning Act;
 - (3) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (4) the approval of a plan of subdivision under Section 51 of the Planning Act;
 - (5) a consent under Section 53 of the Planning Act;
 - (6) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (7) the issuing of a permit under the Building Code Act in relation to a building or structure.
- (2) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structure to which this by-law applies even though two or more of the actions described in Subsection 3.4(1) are required before the lands, buildings or structures can be developed.
- (3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:

(1) an enlargement to an existing dwelling unit;

(2) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
- b) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- c) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit
- b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use,

other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

- c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to non-profit residential development;

3.9 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, the following shall be exempt from Development Charges as per Section 4.1 of the Act:

- i. Affordable Residential Units:
 - i. Affordable Residential Owned Units;
 - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

3.11 Notwithstanding any other provision of this By-law, the Development Charges payable for Residential Developments, where the Dwelling Units are intended as Rental Housing, will be reduced based on the number of bedrooms in each Dwelling Unit in accordance with section 26.2(1.1) of the Development Charges Act, as follows:

- i Three (3) or more Bedrooms – 25% reduction;
- ii Two (2) Bedrooms – 20% reduction; and
- iii Fewer than two (2) Bedrooms – 15% reduction.

3.12 Exemption for Industrial Development:

3.12.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

3.12.2 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

(i) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

(ii) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

(C) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and

(D) divide the amount determined under subsection (A) by the amount of the enlargement

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.12.2 (ii), the cumulative gross floor area of any previous enlargements for which:

(A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.13 For the purpose of Section 3.12 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.14 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

(1) Non-residential farm buildings for the purpose of an agricultural use except for any building constructed to accommodate an On-Farm Business which shall be considered to be an industrial building;

- (2) Industrial development shall be exempt from payment of development charges on any square footage of gross floor area constructed over 5,000 square feet; and
- (3) Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

Amount of Charges

Residential

- 3.15 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.16 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

- 3.17 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 12 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (1) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the

applicable development charge under Subsection 3.15 by the number, according to type, of dwelling units that have been demolished or will be demolished or converted to another principal use; and

- (2) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under Subsection 3.16, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Timing of Payment of Development Charges

- 3.18 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.19 Notwithstanding subsection 3.18, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.20 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within 18 months of building permit issuance, the development charges under section 3 of this by-law shall be calculated on the rates set out in Schedule "B" on the date of the receipt of a complete planning application, including interest. Where both planning applications apply development charges under section 3 of this by-law shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
- 3.21 Despite Section 3.18 and 3.19, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development

charge to be paid before or after it would otherwise be payable, in accordance with Section 27 of the Act.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under Subsections 3.15 and 3.16, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this by-law

5. INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on the anniversary date of the by-law, in accordance with the prescribed index in the Act.

6. SCHEDULES

6.1 The following schedules shall form part of this by-law:

Schedule A - Components of Services Designated in Section 2.1

Schedule B - Schedule of Development Charges

Schedule C1 - Map of East Waterfront Community Improvement Plan

Schedule C2 - Map of Downtown Community Improvement Plan

Schedule C3 - Map of Olde Humberstone Community Improvement Plan

7. CONFLICTS

7.1 Where the City and an owner or former owner have entered into an agreement with respect to land within the area to which this by-law applies, and a conflict exists between the provisions of this by-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding Section 7.1, where a development which is the subject of an agreement to which Section 7.1 applies, is subsequently the subject of

one or more of the actions described in Subsection 3.4(1), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this by-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This by-law shall come into effect at 12:01 AM on October 23, 2024.

10. DATE BY-LAW EXPIRES

10.1 This by-law shall expire at 12:01 AM on October 23, 2034, unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law No. 6733/97/19, and any amendments thereto, are hereby repealed as of the date and time of this by-law coming into effect.

12. SHORT TITLE

This by-law shall be referred to as "Port Colborne City-wide Development Charge Bylaw."

Enacted and passed this 22nd day of October 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

BY-LAW NUMBER _____

SCHEDULE "A"

DESIGNATED MUNICIPAL SERVICE UNDER THIS BY-LAW

City-Wide Services

Services Related to a Highway

Roads

Bridges, Culverts & Structures

Sidewalks and Active Transportation

Traffic Signals & Streetlights

Public Works Facilities and Fleet

Public Works Facilities

Public Works Vehicles & Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles & Equipment

Small Equipment and Gear

Parks & Recreation Services

Parkland Development

Parkland Amenities

Parkland Trails

Recreation Facilities

Parks & Recreation Vehicles and Equipment

Library Services

Library Facilities

Library Collection Materials

Growth Studies

Urban Area Services

Wastewater Services

Water Services

SCHEDULE "B"

TO BY-LAW _____ OF CITY OF PORT COLBORNE

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	2,328	1,803	1,630	1,078	893	1.12
Public Works (Facilities and Fleet)	2,444	1,893	1,711	1,131	937	1.17
Fire Protection Services	1,709	1,324	1,197	791	655	0.82
Parks and Recreation Services	5,018	3,886	3,514	2,323	1,924	0.45
Library Services	663	513	464	307	254	0.06
Growth Studies	1,101	853	771	510	422	0.53
Total Municipal Wide Services/Class of Service	13,263	10,272	9,287	6,140	5,085	4.15
Urban Services						
Wastewater Services	11,453	8,870	8,020	5,301	4,391	5.24
Water Services	5,813	4,502	4,071	2,691	2,229	2.66
Total Urban Services	17,266	13,372	12,091	7,992	6,620	7.90
GRAND TOTAL RURAL AREA	13,263	10,272	9,287	6,140	5,085	4.15
GRAND TOTAL URBAN AREA	30,529	23,644	21,378	14,132	11,705	12.05

SCHEDULE "C1"

MAP OF EAST WATERFRONT COMMUNITY IMPROVEMENT PLAN



SCHEDULE "C2"

MAP OF DOWNTOWN COMMUNITY IMPROVEMENT PLAN



SCHEDULE "C3"

MAP OF OLDE HUMBERSTONE COMMUNITY IMPROVEMENT PLAN





City of Port Colborne

2024 Development Charges Public Meeting
September 24, 2024



Format for Public Meeting

- Opening Remarks
- Public Meeting Purpose
- Study Process and Timelines
- Development Charges Overview
- Presentation of the Proposed Charges and Policies
- Presentations by the Public
- Questions from Council
- Conclude Public Meeting

Public Meeting Purpose



- The public meeting is to provide for a review of the D.C. background study and to receive public input on the proposed policies and charges
- The meeting is a mandatory requirement under the Development Charges Act (D.C.A.)
- Prior to Council's consideration of a by-law, a background study must be prepared and available to the public a minimum 60 days prior to the D.C. by-law passage

Overview of Process –Timelines



- 1** **September 2023 to June 2024**
Review of background data, modelling, meetings with staff
- 2** **May 1, 2024**
Stakeholder Meeting
- 3** **August 23, 2024**
Release of the Background Study and Draft By-law
- 4** **September 24, 2024**
Mandatory Public Meeting
- 5** **October 22, 2024**
Council Consideration of the By-law

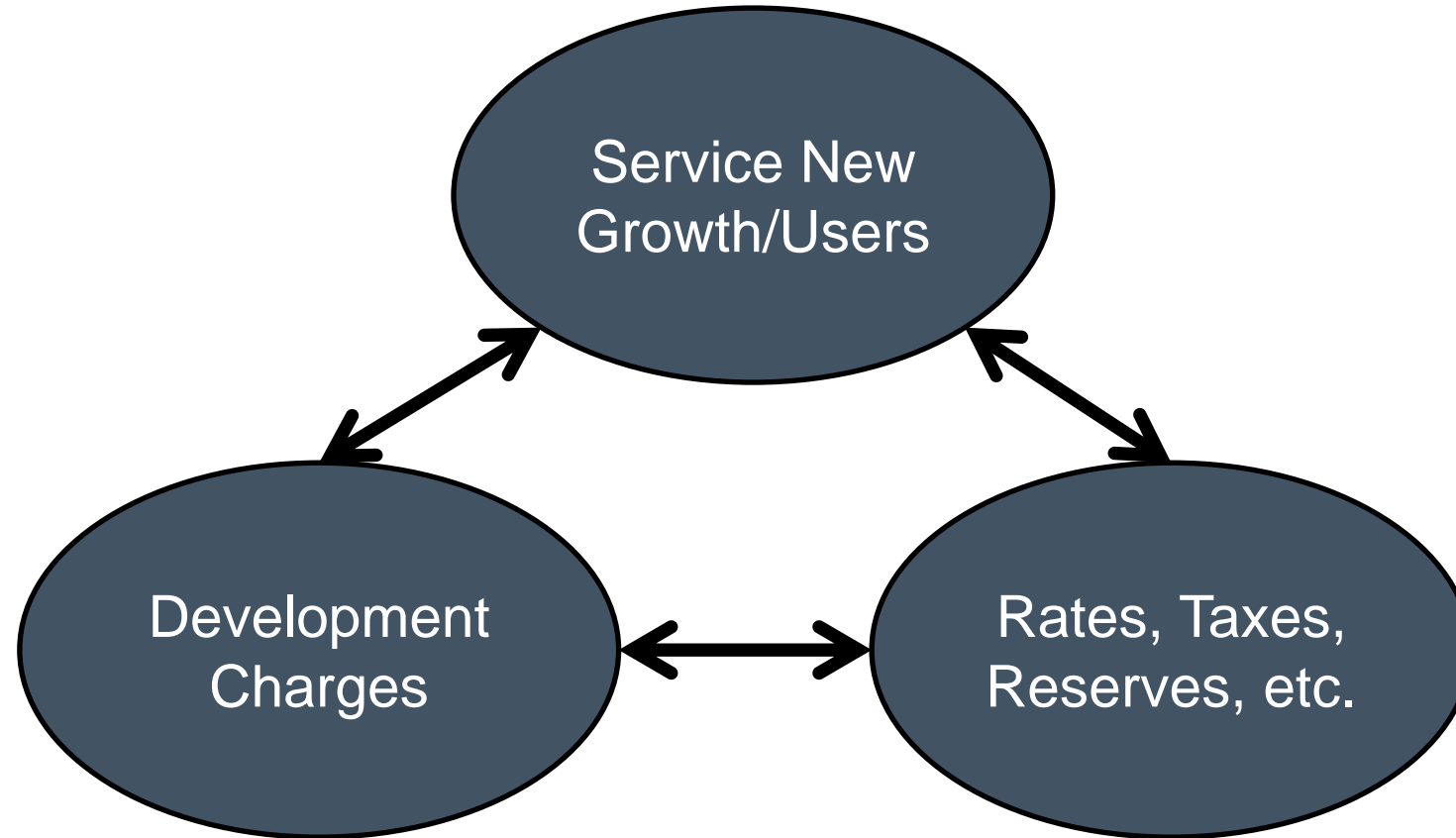
Development Charges (D.C.s)



Purpose:

- To recover the capital costs associated with residential and non-residential growth within a municipality
- The capital costs are in addition to what costs would normally be constructed as part of a subdivision (i.e. internal roads, sewers, watermains, sidewalks, streetlights, etc.)
- Municipalities are empowered to impose these charges via the Development Charges Act (D.C.A.)
- Development Charges are typically calculated and imposed at the time of issuance of a building permit

Relationship Between Needs to Service Growth vs. Funding





Methodology for Calculating a D.C.

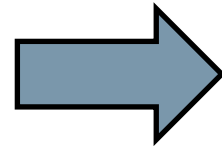
The following provides the overall methodology to calculating the charge:

1. Identify amount, type and location of growth
2. Identify servicing needs to accommodate growth
3. Identify capital costs to provide services to meet the needs
4. Deduct:
 - i. Grants, subsidies and other contributions
 - ii. Benefit to existing development
 - iii. Amounts in excess of 15-year historical service calculation
 - iv. D.C. Reserve funds (where applicable)
5. Net costs then allocated between residential and non-residential benefit
6. Net costs divided by growth to calculate the D.C.

Overview of the D.C. Calculation



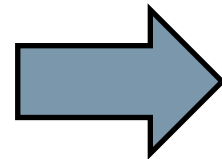
Cost of Infrastructure
Required to
Accommodate Growth



\$

Development Charge
per Unit
(for Residential Growth)

Residential and Non-
residential Growth



Development
Charges

Development Charge
per Sq.ft. or per Sq.m
(for Non-residential Growth)

D.C. Eligible Services

1. **Water**
2. **Wastewater**
3. Storm water drainage
4. **Services related to a highway**
5. Electrical power services.
6. Toronto-York subway extension.
7. Transit
8. Waste diversion
9. Policing Services
10. **Fire protection**
11. Ambulance
12. **Library**
13. Long-term Care
14. **Parks and Recreation**
15. Public Health services
16. Childcare and early years services
17. Provincial Offences Act
18. Emergency Preparedness
19. Airports (Waterloo Region only)



Teal highlights denote services included in the 2024 D.C.

Growth studies are included in the D.C. as a class of service for any of the listed eligible services.

Recent Changes to D.C. Legislation



Bills 108 & 138: *More Homes, More Choice Act, 2019 and Plan to Build Ontario Together Act, 2019*

- Instalment payments (for rental housing and institutional developments)
- D.C. freeze for Site Plan and Zoning By-law Applications
 - Once a complete application is received; D.C. rate is frozen. Once the municipality approves application, developer has two years to pull a building permit to maintain frozen rate

Bill 197: *COVID-19 Economic Recovery Act, 2020*

- Removal of 10% mandatory deduction
- List of eligible services
- C.B.C legislation (*Planning Act*)

Bill 213: *Better for People, Smarter for Business Act, 2020*

- Exemptions for universities

Bill 109: *More Homes for Everyone Act, 2022*

- Rules for Annual Treasurer's Statement

Recent Changes to D.C. Legislation – Cont'd



Bill 23: *More Homes, Built Faster Act, 2022*

- Additional D.C. exemptions:
 - Inclusionary zoning units
 - Non-profit housing
 - Additional residential units
 - Affordable owned/rental units
 - Attainable units (currently not in force)
- Rental housing discount (based on number of bedrooms – 15%-25%)
- Removal of housing as an eligible D.C. service
- Capital cost amendments (**restrictions to remove studies** and potentially land)
- **Mandatory phase-in of D.C. (maximum charge of 80%, 85%, 90%, 95%, 100% for first five years of the by-law)**
- Maximum Interest Rate for Installments and D.C. Freeze (maximum interest rate would be set at the average prime rate plus 1%)
- Requirement to Allocate 60% of the monies in the reserve funds for Water, Wastewater, and Services Related to a Highway
- D.C. by-law expiry extended to 10 years

Note: The Province passed Bill 185 on June 6, 2024, which **Page 84 of 291** removed these requirements (see next slide)

Recent Changes to D.C. Legislation – Cont'd



Bill 134: *Affordable Homes and Good Jobs Act, 2023*

- Revised definition for affordable unit:

Affordable Rental Unit: rent is less than 30% of the 60th percentile of income for rental households or average market rent set out in Bulletin*

Affordable Owned Unit: cost is less than 30% of the 60th percentile of income for households in the municipality or 90% of the average purchase price as defined in Bulletin*

Bill 185: *Cutting Red Tape to Build More Homes Act, 2024*

- Removal of mandatory phase-in of charges
- Re-inclusion of studies as an eligible capital cost (included in calculated rates)
- D.C. rate freeze for zoning by-law amendment applications: reduction from two years to 18 months
- Process for minor amendments to D.C. by-laws
- Modernizing public notice requirements



Mandatory D.C. Exemptions/ Discounts

- Upper/Lower Tier Governments and School Boards;
- Industrial building expansions (may expand by 50% with no D.C.)
- Development of lands intended for use by a university
- Up to 2 apartments in an existing or new detached, semi-detached, or rowhouse
- Add one additional unit or 1% of existing units in an existing rental residential building
- Affordable inclusionary zoning units
- Non-profit housing
- Discount for rental housing (based on number of bedrooms – 15% to 25%)
- Affordable rental unit
- Affordable owned unit
- **Attainable units (not yet in force)**

Discretionary D.C. Exemptions & Redevelopment Credits



- Reduce in part or whole D.C. for types of development or classes of development (e.g. industrial or churches);
- May phase-in over time; and
- Redevelopment credits to recognize what is being replaced on site (not specific in the Act but provided by case law)

Proposed Discretionary Exemptions :



Industrial Development
Greater than 5,000 sq.ft.



Non- Residential
Farm Buildings



Partial Exemption for Certain
Community Improvement Plan Areas

Affordable/Attainable Exemptions

Bill 134



Definitions for “affordable” under the D.C.A. were updated by Bill 134, which received Royal Assent on December 4, 2023. As per s 4.1 of the D.C.A. the affordable rental unit and affordable owned unit exemptions are in effect as of June 1, 2024.

Bill 134 Definitions

Affordable Rental Unit: rent is less than 30% of the 60th percentile of income for rental households or average market rent set out in a new Bulletin*

Affordable Owned Unit: cost is less than 30% of the 60th percentile of income for households in the municipality or 90% of the average purchase price as defined in a new Bulletin*

Affordable Amounts (Port Colborne)

Affordable Monthly Rent:

Bachelor: \$ 949
1 Bedroom: \$1,038
2 Bedroom: \$1,161
3+ Bedroom: \$1,440

Affordable Owned Unit:

\$309,000 for Singles, Semi's, and Multiples
\$309,000 for Apartments

Attainable Unit: yet to be defined by legislation



Local Service Policies

- Section 59.1(1) and (2) of the Act “No Additional Levies” - prohibits municipalities from imposing additional payments or requiring construction of a service not authorized under the D.C.A., therefore, need to be clear:
 - What will be included in the D.C.; and
 - What will be required by developers as part of their development agreements
- Items considered in Local Service Policies may include:
 - Local, rural, collector & arterial roads,
 - Intersection improvements & traffic signals,
 - Streetlights & sidewalks,
 - Bike Routes/Bike Lanes/Bike Paths/Multi-Use
 - Trails/Naturalized Walkways,
 - Noise Abatement Measures,
 - Land dedications/easements,
 - Water, Wastewater & Stormwater, and
 - Park requirements.

Growth Forecast Summary



Measure	12 Year 2024 to 2036	Urban 12-Year 2024 to 2036
(Net) Population Increase	3,859	3,960
Residential Unit Increase	2,097	1,989
Non-Residential Gross Floor Area Increase (sq.ft.)	976,000	958,800

Source: Watson & Associates Economists Ltd. Forecast 2024

Current D.C. Rates



Service	Residential					Non-Residential
	Single & Semi Detached	Multiples	Apartments with >= 2 Bedrooms	Apartments with < 2 Bedrooms	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
City-wide Services:						
Services Related to a Highway	2,160	1,595	1,557	952	862	1.10
Fire Protection Services	155	114	112	68	62	0.08
Parks and Recreation Services	3,304	2,439	2,382	1,456	1,319	0.23
Library Services	163	120	118	72	65	0.010
Studies	356	263	256	157	143	0.17
Total City-wide Services	6,138	4,531	4,425	2,705	2,451	1.59
Urban Services:						
Wastewater Services	1,593	368	353	239	636	0.76
Water Services	3,688	1,464	1,407	950	1,472	1.75
Total Urban Services	5,281	1,832	1,760	1,189	2,108	2.51
GRAND TOTAL - RURAL AREA	6,138	4,531	4,425	2,705	2,451	1.59
GRAND TOTAL - URBAN AREA	11,419	6,363	6,185	3,894	4,559	4.10

Note: the D.C. rates above have not been indexed since the passage of the 2019 By-law

Calculated D.C. Rates



Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	2,328	1,803	1,630	1,078	893	1.12
Public Works (Facilities and Fleet)	2,444	1,893	1,711	1,131	937	1.17
Fire Protection Services	1,709	1,324	1,197	791	655	0.82
Parks and Recreation Services	5,018	3,886	3,514	2,323	1,924	0.45
Library Services	663	513	464	307	254	0.06
Growth Studies	1,101	853	771	510	422	0.53
Total Municipal Wide Services/Class of Service	13,263	10,272	9,287	6,140	5,085	4.15
Urban Services						
Wastewater Services	11,453	8,870	8,020	5,301	4,391	5.24
Water Services	5,813	4,502	4,071	2,691	2,229	2.66
Total Urban Services	17,266	13,372	12,091	7,992	6,620	7.90
GRAND TOTAL RURAL AREA	13,263	10,272	9,287	6,140	5,085	4.15
GRAND TOTAL URBAN AREA	30,529	23,644	21,378	14,132	11,705	12.05

Rate Comparison – Residential (per Single Detached)



Service	Current	Calculated
Municipal Wide Services:		
Services Related to a Highway	2,160	2,328
Public Works (Facilities and Fleet)		2,444
Fire Protection Services	155	1,709
Parks and Recreation Services	3,304	5,018
Library Services	163	663
Studies	356	1,101
Total Municipal Wide Services	6,138	13,263
Urban Services:		
Wastewater Services	1,593	11,453
Water Services	3,688	5,813
Total Urban Services	5,281	17,266
Grand Total - Urban Area	11,419	30,529

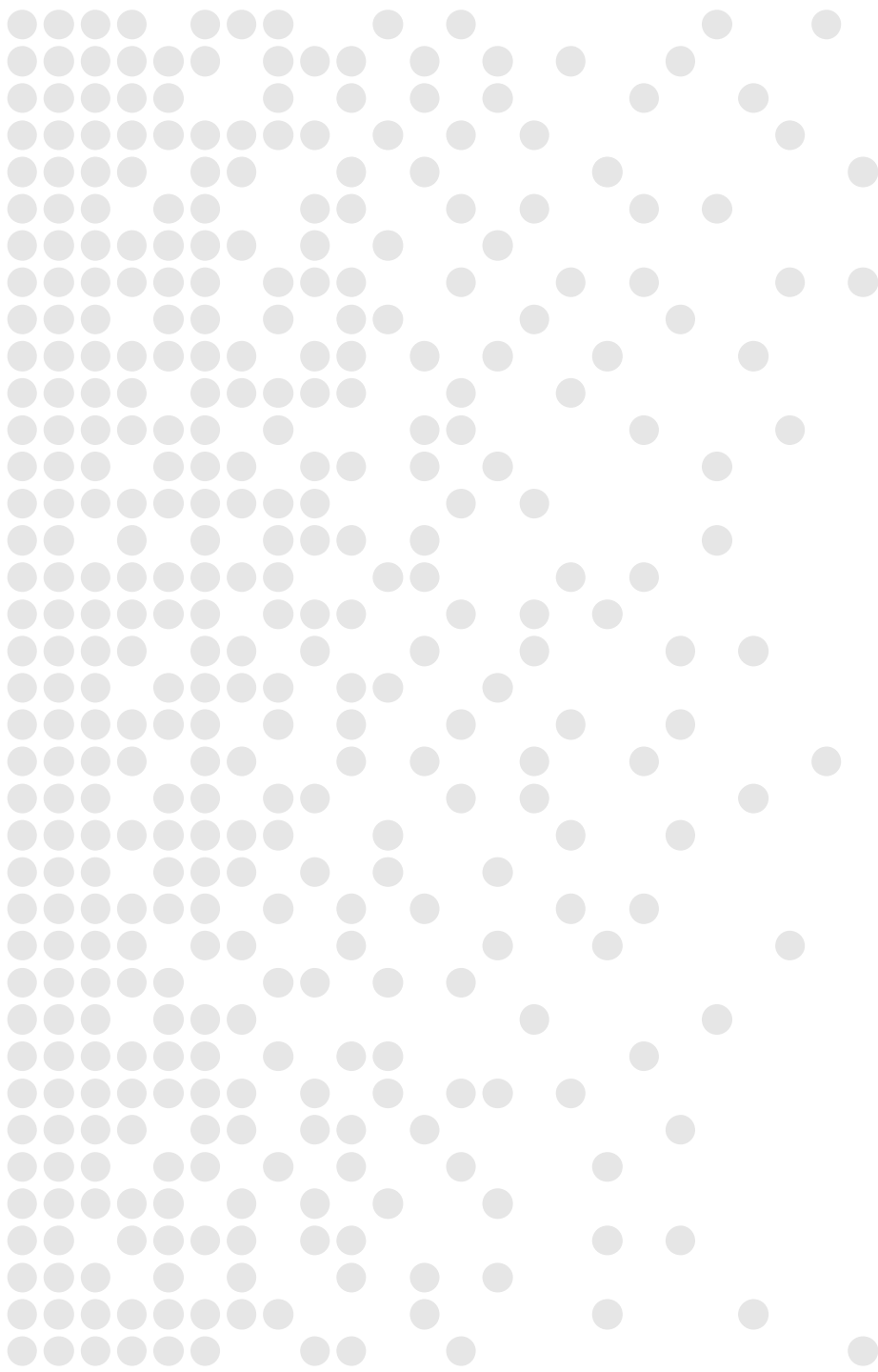
If the D.C. rates had been indexed the estimated current charge would have been \$16,669.

Rate Comparison – Non-Residential (per sq.ft.)



Service	Current	Calculated
Municipal Wide Services		
Services Related to a Highway	1.10	1.12
Public Works (Facilities and Fleet)		1.17
Fire Protection Services	0.08	0.82
Parks and Recreation Services	0.23	0.45
Library Services	0.01	0.06
Studies	0.17	0.53
Total Municipal Wide Services	1.59	4.15
Urban Services:		
Wastewater Services	0.76	5.24
Water Services	1.75	2.66
Total Urban Services	2.51	7.90
Grand Total - Urban Area	4.10	12.05

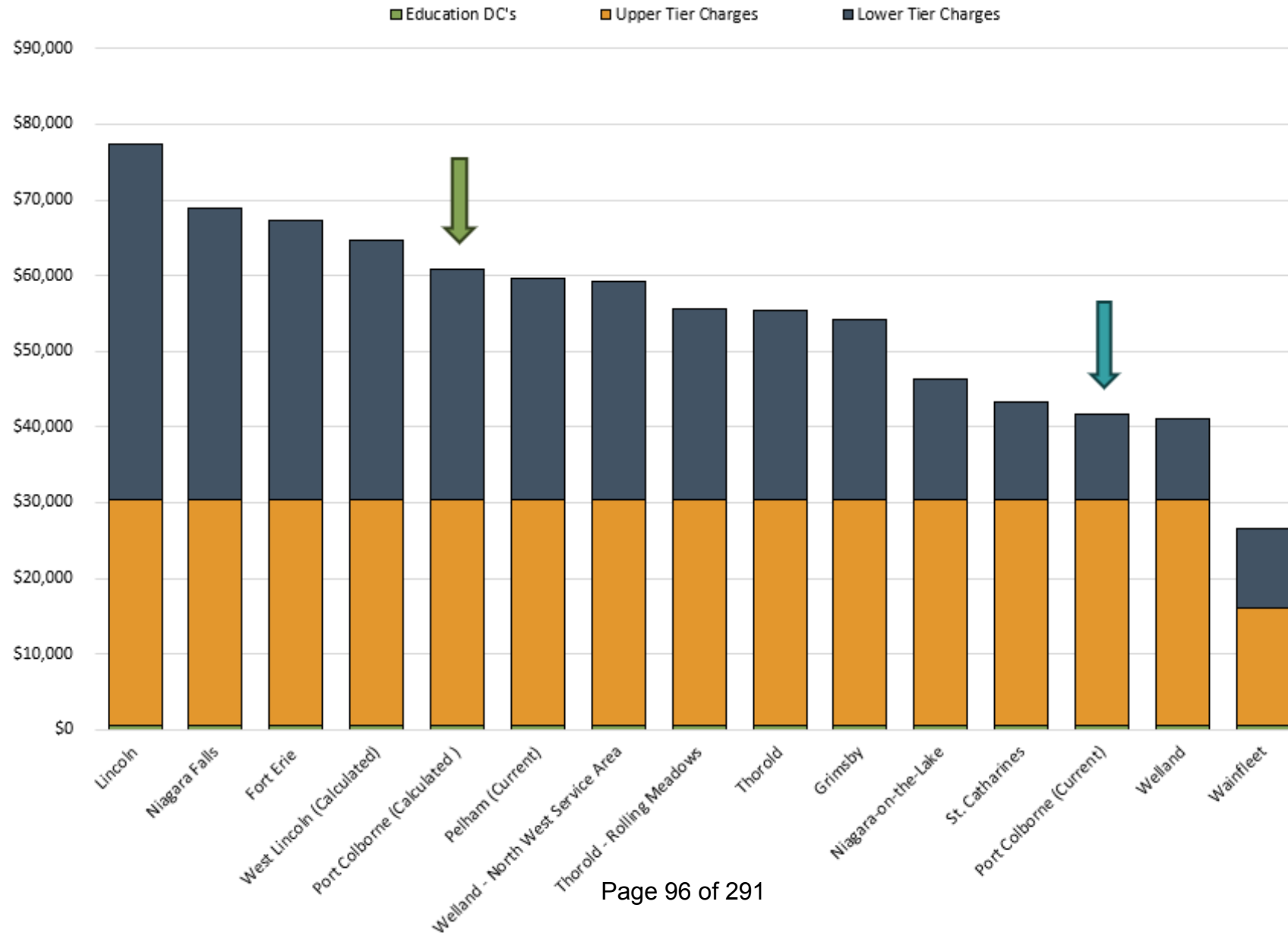
If the D.C. rates had been indexed the estimated current charge would have been \$5.98.



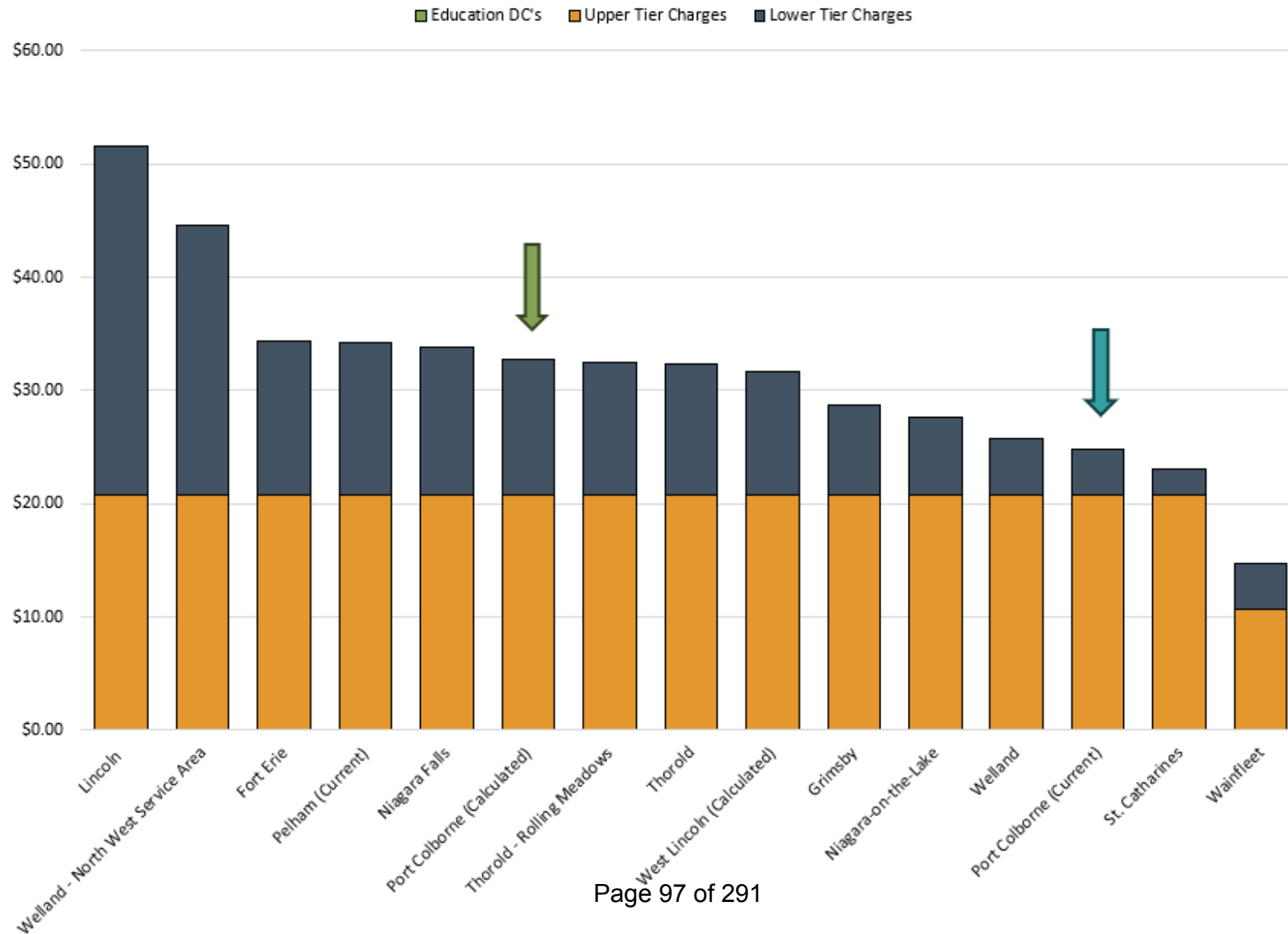
Survey of Municipal D.C.s

City of Port Colborne

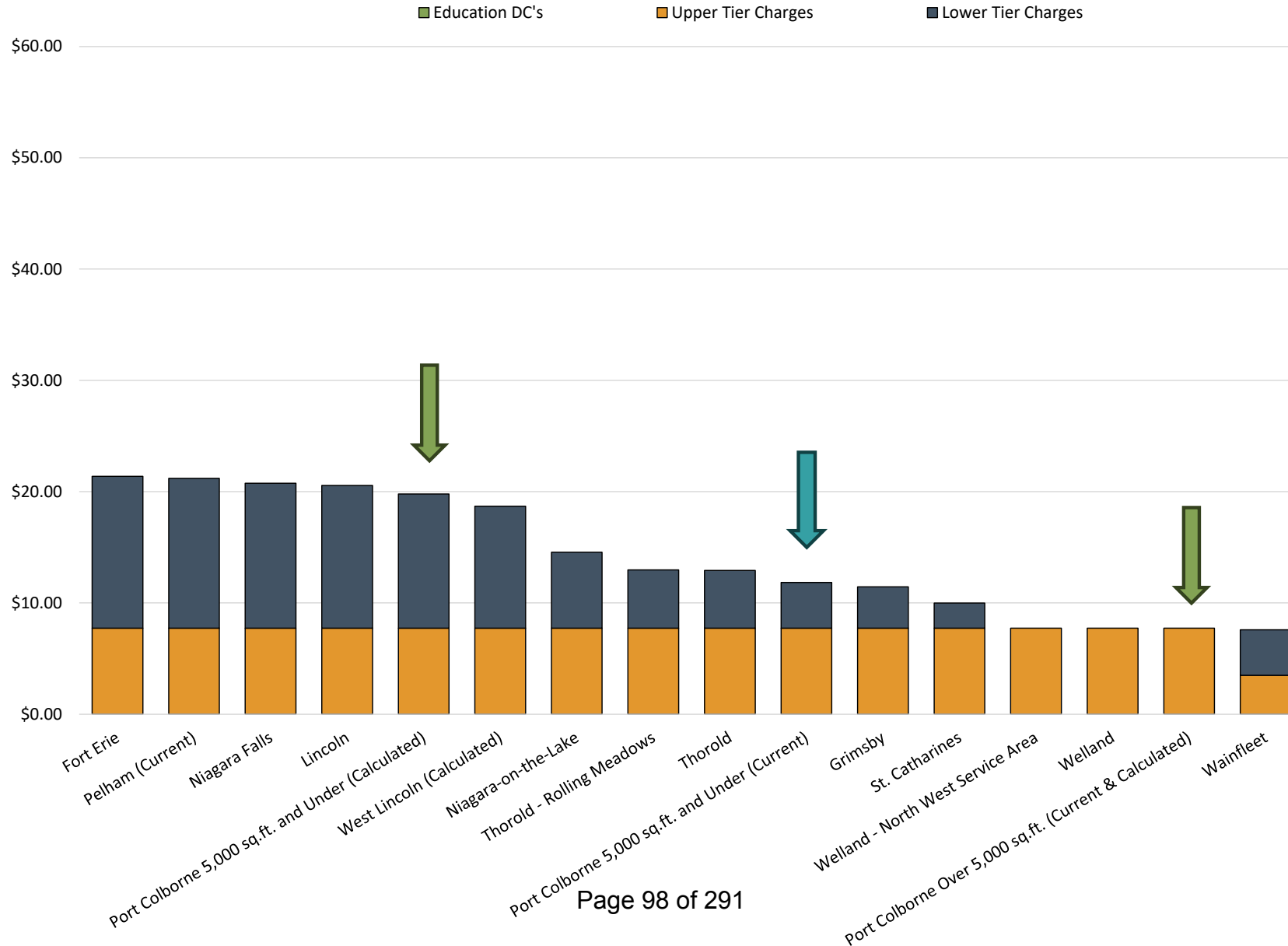
Survey of Comparator Municipalities – Single/Semi-Detached



Survey of Comparator Municipalities – Commercial (per sq.ft.)



Survey of Comparator Municipalities – Industrial (per sq.ft.)



Next Steps



September 2023 to June 2024

Review of background data, modelling, meetings with staff



May 1, 2024

Stakeholder Meeting



August 23, 2024

Release of the Background Study and Draft By-law



September 24, 2024

Mandatory Public Meeting



October 22, 2024

Council Consideration of the By-law

Questions





Addendum #1 to the August 23, 2024, Development Charges Background Study

City of Port Colborne

October 11, 2024

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Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca

Report 2024-191
Appendix C



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3. Process for the Adoption of the Development Charges By-law.....	3



List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
D.C.	Development Charges
D.C.A.	Development Charges Act
Sq.ft.	Square Feet



1. Introduction

Commensurate with the provisions of the Development Charges Act, 1997, as amended (D.C.A.), the City has undertaken a Development Charges (D.C.) Background Study and released the study in accordance with the D.C.A. The following provides a summary of the key dates in the development charge by-law process:

- May 1, 2024 – Stakeholder Meeting
- August 23, 2024 – Release of the D.C. Background Study and draft by-law
- September 24, 2024 – Public Meeting of Council
- October 11, 2024 – Addendum #1 to August 23, 2024, report released
- October 22, 2024 – Council considers adoption of Background Study, as amended and passage of D.C. By-law

This addendum report is to revise an error in the gross expenditures and sources of revenue summary for costs to be incurred over the life of the by-law. The error does not impact the D.C. rates.

This refinement will form part of the D.C. background study provided prior to by-law adoption.

2. Discussion

This section of the addendum report provides an explanation for the above-noted refinement.

2.1 Revisions to the D.C. Background Study

The D.C. background study has been revised to update the amounts related to the costs to be incurred over the life of the by-law. This summary table in the August 23, 2024, background study was incorrect as it did not include the post-period benefit deductions for water and wastewater capital services, therefore the total net residential and non-residential capital costs were overstated. This summary table is to meet the criteria set out in section 8(1) of O.Reg. 82/98 to the Act and has no impact on the calculated D.C. charges. Table 1 provides the amended expenditure and revenue sources over the life of the by-law.



Table 1
Gross Expenditure and Sources of Revenue Summary for Costs to be Incurred over the Life of the By-law

Service/Class	Total Gross Cost	Sources of Financing					
		Tax Base or Other Non-D.C. Source			Post D.C. Period Benefit	D.C. Reserve Fund	
		Other Deductions	Benefit to Existing	Other Funding		Residential	Non-Residential
1. Wastewater Services 1.1 Sewers	85,879,218	-	7,813,664	-	55,180,259	17,850,531	5,034,765
2. Water Services 2.1 Distribution systems	43,557,080	-	9,441,620	-	22,429,128	9,115,339	2,570,993
3. Services Related to a Highway 3.1 Roads and Related	15,475,119	-	3,617,786	-	7,892,321	3,092,709	872,303
4. Public Works (Facilities and Fleet) 4.1 Public Works (Facilities and Fleet)	5,127,302	-	-	-	1,941,978	2,484,553	700,771
5. Fire Protection Services 5.1 Fire facilities, vehicles & equipment	12,655,000	-	2,200,000	-	6,807,600	2,844,972	802,428
6. Parks and Recreation Services Park development, amenities, trails, vehicles and equipment, and recreation facilities	45,260,000	-	4,987,500	-	31,367,500	8,459,750	445,250
7. Library Services 7.1 Library facilities & materials	1,165,311	-	-	-	-	1,107,046	58,266
8. Growth Studies 8.1 Growth Studies	5,115,000	82,500	2,848,800	-	-	1,703,286	480,414
Total Expenditures & Revenues	\$214,234,031	\$82,500	\$30,909,369	\$0	\$125,618,786	\$46,658,185	\$10,965,190



2.2 Changes to the D.C. Calculations

The D.C. calculations have not been revised based on the change noted above.

2.3 Updates to the D.C. Background Study

Based upon the above, the following revisions are made to the pages within the background study (new pages are appended to this report):

Page Reference	Description of Revisions
ES page v	Updated Table ES-2 and subsequent writeup to reflect the summary of expenditures anticipated over the life of the by-law.
1-2	Revised Figure 1-1 to include the release of the addendum report #1.
6-5	Updated Table 6-4.
7-8 and 7-9	Updated wording to include “as amended” for the approval of the capital listing and D.C. Background Study recommendations.
F-4 and F-5	Revised the Asset Management amounts and updated the Asset Management table based on the changes noted above.
Appendix G	Updated the draft by-law to include wording referencing the addendum report.

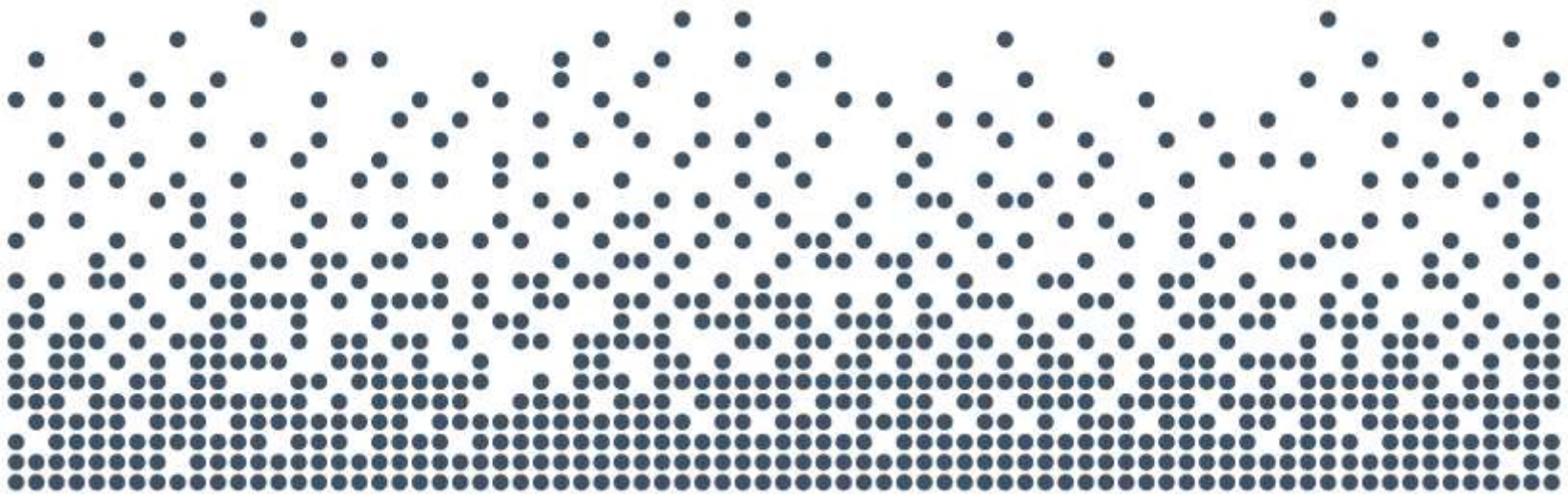
2.4 Refinements to the Draft D.C. By-law

The draft by-law provided in Appendix G to the August 23, 2024, D.C. background study has been amended to reference this addendum report.

The revised draft by-law with all refinements is included in the amending pages to this addendum report.

3. Process for the Adoption of the Development Charges By-law

Sections 1 & 2 provide for a summary of the revisions to the City’s D.C. Background Study. If Council is satisfied with the above changes to the Background Study, this Addendum Report will be considered for approval by Council.



Amended Pages



Table ES-2
Summary of Expenditures Anticipated Over the Life of the By-law

Summary of Expenditures Anticipated Over the Life of the By-law	Expenditure Amount
Total gross expenditures planned over the next ten years	\$214,234,031
Less: Benefit to existing development	\$30,909,369
Less: Post planning period benefit	\$125,618,786
Less: Other Deductions	\$82,500
Less: Grants, subsidies and other contributions	\$0
Net costs to be recovered from development charges	\$57,623,375

This suggests that for the non-D.C. cost over the ten-year D.C. by-law (benefit to existing development, and grants, subsidies and other contributions), \$30.99 million (or an annual amount of \$3.10 million) will need to be contributed from taxes and rates, or other sources. With respect to the post period benefit amount of \$125.62 million, it will be included in subsequent D.C. study updates to reflect the portion of capital that benefits growth in the post period D.C. forecasts.

Based on the above table, the City plans to spend \$214.23 million over the life of the by-law, of which \$57.62 million (27%) is recoverable from D.C.s. Of this net amount, \$46.66 million is recoverable from residential development and \$10.97 million from non-residential development. It is noted also that any exemptions or reductions in the charges would reduce this recovery further.

10. Considerations by Council – The background study represents the service needs arising from residential and non-residential growth over the forecast periods.

The following services are calculated based on an urban 12-year forecast:

- Water Services; and
- Wastewater Services.

The following services are calculated based on a City-wide 12-year forecast:

- Services Related to a Highway – Roads and Related;
- Public Works (Facilities and Fleet);



1.2 Summary of the Process

The public meeting required under section 12 of the D.C.A. has been scheduled for September 24, 2024. Its purpose is to present the study to the public and to solicit public input. The meeting is also being held to answer any questions regarding the study’s purpose, methodology, and the proposed modifications to the City’s D.C.s.

In accordance with the legislation, the background study and proposed D.C. by-law will be available for public review on August 23, 2024.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at, or immediately following the public meeting; and
- finalization of the report and Council consideration of the by-law subsequent to the public meeting.

Figure 1-1 outlines the study process to date and the proposed schedule to be followed with respect to the D.C. by-law adoption process.

Figure 1-1
Schedule of Key D.C. Process Dates for the City of Port Colborne

Schedule of Study Milestone	Dates
1. Data collection, staff review, engineering work, D.C. calculations and policy work	September 2023 to June 2024
2. Stakeholder Meeting	May 1, 2024
3. Public release of final D.C. Background study and proposed by-law	August 23, 2024
4. Public meeting advertisement placed in newspaper(s)	September 3, 2024
5. Public meeting of Council	September 24, 2024
6. Public release of addendum #1 to the D.C. Background study	October 11, 2024
7. Council considers adoption of background study and passage of by-law	October 22, 2024
8. Newspaper notice given of by-law passage	By 20 days after passage
9. Last day for by-law appeal	40 days after passage
10. City makes pamphlet available (where by-law not appealed)	By 60 days after in force date



Table 6-4
City of Port Colborne
Gross Expenditure and Sources of Revenue Summary for Costs to be Incurred over the
Life of the By-law

Service/Class	Total Gross Cost	Sources of Financing					
		Tax Base or Other Non-D.C. Source			Post D.C. Period Benefit	D.C. Reserve Fund	
		Other Deductions	Benefit to Existing	Other Funding		Residential	Non-Residential
1. Wastewater Services							
1.1 Sewers	85,879,218	-	7,813,664	-	55,180,259	17,850,531	5,034,765
2. Water Services							
2.1 Distribution systems	43,557,080	-	9,441,620	-	22,429,128	9,115,339	2,570,993
3. Services Related to a Highway							
3.1 Roads and Related	15,475,119	-	3,617,786	-	7,892,321	3,092,709	872,303
4. Public Works (Facilities and Fleet)							
4.1 Public Works (Facilities and Fleet)	5,127,302	-	-	-	1,941,978	2,484,553	700,771
5. Fire Protection Services							
5.1 Fire facilities, vehicles & equipment	12,655,000	-	2,200,000	-	6,807,600	2,844,972	802,428
6. Parks and Recreation Services							
Park development, amenities, trails, vehicles and equipment, and recreation facilities	45,260,000	-	4,987,500	-	31,367,500	8,459,750	445,250
7. Library Services							
7.1 Library facilities & materials	1,165,311	-	-	-	-	1,107,046	58,266
8. Growth Studies							
8.1 Growth Studies	5,115,000	82,500	2,848,800	-	-	1,703,286	480,414
Total Expenditures & Revenues	\$214,234,031	\$82,500	\$30,909,369	\$0	\$125,618,786	\$46,658,185	\$10,965,190



(which is 75% built out) and this was funded with some revenues from Areas B and C, moving to an area-rating approach would see Area A contribute no funds to the costs of services in Areas B and C. The D.C.s would be lower in Area A (as all services are now funded) and higher in Areas B and C. As well, funding shortfalls may then potentially encourage the municipality to provide less services to Areas B and C due to reduced revenue.

3. Many services provided (roads, parks and recreation facilities, etc.) are not restricted to one specific area and are often used by all residents. For example, arenas located in different parts of the City will be used by residents from all areas depending on the programming of the facility (i.e., a public skate is available each night, but at a different arena; hence usage of any one facility at any given time is based on programming availability).

For the reasons noted above, it is recommended that Council calculate the charges on a uniform City-wide basis for all services except for water and wastewater, which are to be calculated on an urban area-specific basis.

7.5 Other Recommendations

It is recommended that Council:

“Whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development or new development, as applicable;”

“Adopt the assumptions contained herein as an ‘anticipation’ with respect to capital grants, subsidies and other contributions;”

“Continue the D.C. approach to calculate the charges on a uniform City-wide basis for all non-water and wastewater services, and on an urban-area basis for water and wastewater services;”

“Approve the capital project listing set out in Chapter 5 of the D.C.s Background Study dated August 23, 2024, as amended, subject to further annual review during the capital budget process;”



“Approve the D.C.s Background Study dated August 23, 2024, as amended by Addendum #1 dated October 11, 2024;”

“Determine that no further public meeting is required;” and

“Approve the D.C. By-law as set out in Appendix G”.



made a concerted effort to integrate the A.M.P. with financial planning and municipal budgeting and are making full use of all available infrastructure financing tools.

Commensurate with the above, the City prepared an A.M.P. in 2022 for its existing assets; however, it did not take into account future growth-related assets for all services included in the D.C. calculations. As a result, the asset management requirement for the D.C. must be undertaken in the absence of this information.

In recognition to the schematic above, the following table (presented in 2024 \$) has been developed to provide the annualized expenditures and revenues associated with new growth. Note that the D.C.A. does not require an analysis of the non-D.C. capital needs or their associated operating costs so these are omitted from the table below. As well, as all capital costs included in the D.C.-eligible capital costs are not included in the City's A.M.P., the present infrastructure gap and associated funding plan have not been considered at this time. Hence the following does not represent a fiscal impact assessment (including future tax/rate increases) but provides insight into the potential affordability of the new assets:

1. The non-D.C. recoverable portion of the projects that will require financing from municipal financial resources (i.e., taxation, rates, fees, etc.). This amount has been presented on an annual debt charge amount based on 20-year financing.
2. Lifecycle costs for the 2024 D.C. capital works have been presented based on a sinking fund basis. The assets have been considered over their estimated useful lives.
3. Incremental operating costs for the D.C. services (only) have been included.
4. The resultant total annualized expenditures are approximately \$24.99 million.
5. Consideration was given to the potential new taxation and user fee revenues which will be generated as a result of new growth. These revenues will be available to finance the expenditures above. The new operating revenues are approximately \$7.33 million. This amount, totalled with the existing operating revenues of approximately \$49.59 million, provides annual revenues of approximately \$56.92 million by the end of the period.



6. In consideration of the above, the capital plan is deemed to be financially sustainable.

City of Port Colborne
Asset Management – Future Expenditures and Associated Revenues
2024\$

Asset Management - Future Expenditures and Associated Revenues	2036 (Total)
Expenditures (Annualized)	
Annual Debt Payment on Non-Growth Related Capital ¹	2,531,271
Annual Debt Payment on Post Period Capital ²	9,732,708
Lifecycle:	
Annual Lifecycle - Municipal-wide Services	11,123,470
Incremental Operating Costs (for D.C. Services)	1,597,856
Total Expenditures	24,985,305
Revenue (Annualized)	
Total Existing Revenue ³	\$49,593,916
Incremental Tax and Non-Tax Revenue (User Fees, Fines, Licences, etc.)	\$7,328,280
Total Revenues	\$56,922,196

¹ Non-Growth Related component of Projects

² Interim Debt Financing for Post Period Benefit

³ As per Sch. 10 of FIR



Appendix G

Proposed D.C. By-Law



Appendix G: Proposed D.C. By-law

By-law Number _____

- of -

The Corporation of the City of Port Colborne

Being a by-law of the Corporation of the City of Port Colborne with respect to development charges.

WHEREAS section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the Act") enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of the Corporation of the City of Port Colborne (hereinafter called "the Council"), at its public meeting of September 24, 2024, approved a report dated August 23, 2024 entitled "City of Port Colborne, 2024 Development Charge Background Study", which report was prepared by Watson & Associates Economists Ltd., as amended October 11, 2024;

AND WHEREAS the Council has given Notice in accordance with Section 12 of the *Development Charges Act, 1997* of its development charge proposal and held a public meeting on September 24, 2024;

AND WHEREAS the Council has heard all persons who applied to be heard in objection to, or in support of, the development charge proposal at such public meeting;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE HEREBY enacts as follows:

1. In this by-law,

DEFINITIONS



“Act” means the Development Charges Act, as amended, or any successor thereof;

“accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“affordable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.

“agricultural use” means use or intended use for bona fide farming purposes:

- a) including (but not limited to):
 - i) cultivation of crops whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, grains, field crops, sod trees, shrubs, flowers, and ornamental plants;
 - ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
 - iii) animal husbandry, dairying, equestrian activities, horticultural, fallowing, pasturing, and market gardening;
- b) but excluding:
 - i) winery activities;
 - ii) retail sales activities; and
 - iii) cannabis production facilities.

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor, and includes a stacked townhouse;

“attainable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.



“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“Building Code Act” means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

“cannabis” means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has in it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marihuana shall have the same definition.

“cannabis production facility” means a facility structure for the cultivation, processing, packaging and shipping where cannabis is produced by a federally licensed producer and can be for the production of medical or recreational cannabis.

“capital cost” shall have the same meaning as described in Section 5 of the *Development Charges Act, 1997*, as amended.

“City” means the Corporation of the City of Port Colborne;

“class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.



“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, and does not include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the City;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

(1) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of part walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and

(2) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside



surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

- (1) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- (2) loading facilities above or below grade; and
- (3) a part of the building or structure below grade that is used for the parking or motor vehicles or for storage and other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly or raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional development” means development of a building or structure that meets the criteria set out in section 11.1(2) of O.Reg. 82/98 to the Act;

“interest rate” means the annual rate of interest as set out in section 26.3 of the Act;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City of Port Colborne or any part of parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to



which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the City, as amended and approved;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“park model trailer” means is a recreational unit that meets the following criteria:

- (i) It is built on a single chassis mounted on wheels;
- (ii) It is designed to facilitate relocation from time to time;
- (iii) It is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- (iv) It has a gross floor area, including lofts, not exceeding 50m² (538ft²) when in the set-up mode, and has a width greater than 2.6m (8.5ft) in the transit mode.

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;



“regulation” means any regulation made pursuant to the Act;

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

“service” means a service designated in Schedule “A” to this by-law, and
“services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the City relative to the provision of municipal service to specified land within the City;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care facilities” means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building;



“special care/special dwelling” includes a park model trailer, and the residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- ii. Which may or may not have exclusive sanitary and/or culinary facilities;
- iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (1) Services Related to a Highway;
- (2) Public Works (Facilities and Fleet);
- (3) Fire Protection Services;
- (4) Parks and Recreation Services;
- (5) Library Services;
- (6) Growth Studies;
- (7) Wastewater Services; and



(8) Water Services.

2.2 The components of the services designated in Section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1. Development charges shall be payable in the amounts set out in this by-law where:

(1) the lands are located in the area described in Section 3.2; and

(2) the development of the lands requires any of the approvals set out in Subsection 3.4(1).

Area to Which By-law Applies

3.2. Subject to Section 3.3, this by-law applies to all lands in the City of Port Colborne whether or not the land or use thereof is exempt from taxation under s.13 or the Assessment Act.

3.3 Notwithstanding Clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(1) the City or a local board thereof;

(2) a board of education;

(3) the Corporation of the Region of Niagara or a local board thereof; or

(4) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development



- 3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (1) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
 - (2) the approval of a minor variance under Section 45 of the Planning Act;
 - (3) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (4) the approval of a plan of subdivision under Section 51 of the Planning Act;
 - (5) a consent under Section 53 of the Planning Act;
 - (6) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (7) the issuing of a permit under the Building Code Act in relation to a building or structure.

(2) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structure to which this by-law applies even though two or more of the actions described in Subsection 3.4(1) are required before the lands, buildings or structures can be developed.

(3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (1) an enlargement to an existing dwelling unit;



(2) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
- b) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- c) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit
- b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units



- c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to non-profit residential development;

3.9 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, the following shall be exempt from Development Charges as per Section 4.1 of the Act:

- i. Affordable Residential Units:
 - i. Affordable Residential Owned Units;
 - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

3.11 Notwithstanding any other provision of this By-law, the Development Charges payable for Residential Developments, where the Dwelling Units are intended as Rental Housing, will be reduced based on the number of bedrooms in each Dwelling Unit in accordance with section 26.2(1.1) of the Development Charges Act, as follows:

- i Three (3) or more Bedrooms – 25% reduction;
- ii Two (2) Bedrooms – 20% reduction; and
- iii Fewer than two (2) Bedrooms – 15% reduction.

3.12 Exemption for Industrial Development:

3.12.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.



3.12.2 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

(i) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

(ii) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:



(A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and

(B) divide the amount determined under subsection (A) by the amount of the enlargement

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.12.2 (ii), the cumulative gross floor area of any previous enlargements for which:

(A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.13 For the purpose of Section 3.12 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.14 **Other Exemptions:**

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

(1) Non-residential farm buildings for the purpose of an agricultural use except for any building constructed to accommodate an On-Farm Business which shall be considered to be an industrial building;

(2) Industrial development shall be exempt from payment of development charges on any square footage of gross floor area constructed over 5,000 square feet; and



(3) Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

Amount of Charges

Residential

3.15 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

3.16 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

3.17 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 12 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

(1) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under Subsection 3.15 by the number, according to type, of dwelling units that have been demolished or will be demolished or converted to another principal use; and



(2) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under Subsection 3.16, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Timing of Payment of Development Charges

- 3.18 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.19 Notwithstanding subsection 3.18, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.20 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within 18 months of building permit issuance, the development charges under section 3 of this by-law shall be calculated on the rates set out in Schedule "B" on the date of the receipt of a complete planning application, including interest. Where both planning applications apply development charges under section 3 of this by-law shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
- 3.21 Despite Section 3.18 and 3.19, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with Section 27 of the Act.



4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under Subsections 3.15 and 3.16, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this by-law

5. INDEXING

- 5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on the anniversary date of the by-law, in accordance with the prescribed index in the Act.

6. SCHEDULES

- 6.1 The following schedules shall form part of this by-law:

Schedule A - Components of Services Designated in Section 2.1

Schedule B - Schedule of Development Charges

Schedule C1 - Map of East Waterfront Community Improvement Plan

Schedule C2 - Map of Downtown Community Improvement Plan

Schedule C3 - Map of Olde Humberstone Community Improvement Plan

7. CONFLICTS

- 7.1 Where the City and an owner or former owner have entered into an agreement with respect to land within the area to which this by-law applies, and a conflict exists between the provisions of this by-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

- 7.2 Notwithstanding Section 7.1, where a development which is the subject of an agreement to which Section 7.1 applies, is subsequently the subject of one or more of the actions described in Subsection 3.4(1), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this by-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.



8. SEVERABILITY

8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This by-law shall come into effect at 12:01 AM on October 23, 2024.

10. DATE BY-LAW EXPIRES

10.1 This by-law shall expire at 12:01 AM on October 23, 2034 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law No. 6733/97/19 is hereby repealed as of the date and time of this by-law coming into effect.

12. SHORT TITLE

This by-law may be cited as the "Port Colborne City-wide Development Charge Bylaw."

READ a first and second time, this 22 day of October, 2024.

READ a third time and finally passed in Council, this 22 day of October, 2024.

**THE CORPORATION OF THE CITY OF PORT
COLBORNE**

Mayor

Clerk



BY-LAW NUMBER _____

SCHEDULE "A"

DESIGNATED MUNICIPAL SERVICE UNDER THIS BY-LAW

City-Wide Services

Services Related to a Highway

Roads

Bridges, Culverts & Structures

Sidewalks and Active Transportation

Traffic Signals & Streetlights

Public Works Facilities and Fleet

Public Works Facilities

Public Works Vehicles & Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles & Equipment

Small Equipment and Gear

Parks & Recreation Services

Parkland Development

Parkland Amenities

Parkland Trails

Recreation Facilities

Parks & Recreation Vehicles and Equipment

Library Services

Library Facilities

Library Collection Materials

Growth Studies

Urban Area Services

Wastewater Services

Water Services



SCHEDULE "B"

TO BY-LAW _____ OF CITY OF PORT COLBORNE

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	2,328	1,803	1,630	1,078	893	1.12
Public Works (Facilities and Fleet)	2,444	1,893	1,711	1,131	937	1.17
Fire Protection Services	1,709	1,324	1,197	791	655	0.82
Parks and Recreation Services	5,018	3,886	3,514	2,323	1,924	0.45
Library Services	663	513	464	307	254	0.06
Growth Studies	1,101	853	771	510	422	0.53
Total Municipal Wide Services/Class of Service	13,263	10,272	9,287	6,140	5,085	4.15
Urban Services						
Wastewater Services	11,453	8,870	8,020	5,301	4,391	5.24
Water Services	5,813	4,502	4,071	2,691	2,229	2.66
Total Urban Services	17,266	13,372	12,091	7,992	6,620	7.90
GRAND TOTAL RURAL AREA	13,263	10,272	9,287	6,140	5,085	4.15
GRAND TOTAL URBAN AREA	30,529	23,644	21,378	14,132	11,705	12.05



SCHEDULE "C1"

MAP OF EAST WATERFRONT COMMUNITY IMPROVEMENT PLAN





SCHEDULE "C2"

MAP OF DOWNTOWN COMMUNITY IMPROVEMENT PLAN





SCHEDULE "C3"

MAP OF OLDE HUMBERSTONE COMMUNITY IMPROVEMENT PLAN





Subject: Recommendation Report for Proposed Zoning By-law Amendment at 281 Chippawa Road

To: Council

From: Development and Government Relations Department

Report Number: 2024-192

Meeting Date: October 22, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-192 be received;

That the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2024-192 be approved.

That the City Clerk be directed to issue the Notice of Passing in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application initiated by the owners Talia Dosa, Tisiana Recine and Salvatore Carrera, for the property legally known as Concession 2 Part Lot 25, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 281 Chippawa Road.

Background:

The application for Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to a special provision of the Third Density Residential zone (R3-85). The Zoning By-law Amendment is being requested to permit a condominium development consisting of 169 residential units. Due to the nature of the proposal, the special provisions are being requested for lot area, front yard setback, exterior side yard setbacks, lot coverage and principal buildings on one lot. More details

on the special provisions have been provided under the “Discussion” section of this report.

A Public Meeting was held on April 11, 2023, where Council received written and oral correspondence 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.

The following reports/plans have been submitted with the application to help facilitate the review: Planning Justification Report, Air Quality Assessment, Noise Impact Assessment, Environmental Constraints Analysis, Functional Servicing Report, Traffic Impact Study, and Stage One and Two Archaeological Assessments. These reports can be found on the City’s website under the “Current Applications” webpage.

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 Planning Statement (2024)*, 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.

Provincial Planning Statement (2024)

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. Planning authorities are required to support the achievement of complete communities.

The applications propose to develop in a settlement area in which municipal services are currently available. Single-detached, semi-detached, and 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.

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. Measures related to the protection of the Significant Woodland and noise impacts have been recommended to ensure the development will coexist cohesively with the surrounding environment.

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

Policy 3.1.1.2 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.

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

a) Low Density Residential will:

i) Be developed as single-detached or semi-detached dwellings ranging from 12 to 20 units per net hectare;

ii) Be encouraged to be developed in an orderly manner through Plan of Subdivision; and

iii) May be subject to Site Plan Control.

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 low-density portion (single-detached and semi-detached) is proposed at a density of roughly 19 units per hectare, which falls within the required density range of 12-20 units per hectare.

The medium-density portion of the site (townhouses) is proposed to be developed at a density of roughly 35 units per hectare, which meets the required density range of 35-70 units per hectare identified above.

The development is proposed to be adjacent to Chippawa Road, which is a collector 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 parkettes within the condominium development which is intended to serve current and future residents. The lands will be subject to Parkland Dedication through the future draft plan and/or site plan control applications.

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 submitted with the application. The reports indicate that the proposed development will conform to Section 8 of the OP. The development will incorporate a stormwater management pond along the south end of the of the subject property. Additional review of detailed plans and reports will occur as part of the future draft plan and/or site plan control applications on the subject lands.

Staff find that the proposed Zoning By-law Amendment conforms to the City's Official Plan.

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

The subject property is currently zoned Residential Development (RD). The applicant is proposing to change the zoning to a special provision of the Third Density Residential (R3) which will permit detached, semi-detached and block townhouse dwellings.

Due to the nature of the proposal, special provisions are being sought to reduce the minimum lot area for detached dwellings from 0.04 ha to 0.032 ha, semi-detached dwellings from 0.05 ha to 0.045 ha and block townhouse dwellings from 0.02 ha to 0.015 ha. Additionally, the special provisions seek to reduce the front yard setback to detached dwellings from 6.5 metres to 4.5 metres, semi-detached dwellings from 6.5 metres to 4.5 metres and townhouse dwellings from 7.5 metres to 4.5 metres. The

special provisions also seek to reduce the exterior side yard to detached dwellings from 3.5 metres to 2 metres, block townhouses from 4.5 metres to 3 metres, permit an increased maximum lot coverage for detached dwellings from 50% to 55%, and permit more than one principle building on the property under condominium ownership.

Staff find that given the site's constraints with respect to required 14 metre MTO setback, the special provisions requested are reasonable and generally desirable for the orderly development of the site. Specifically, given the OP's density range requirements for medium-density residential (townhouses), the special provisions are needed in order to achieve the minimum 35 units per hectare of the 35-70 units per hectare range.

Air Quality and Noise Studies

As part of the complete application, the Niagara Region required the submission of Air Quality and Noise Reports in order to determine if the site is compatible with surrounding industrial land uses. The Region retained a peer reviewer at the cost of the applicant to complete a third-party independent review of the materials. A number of readings of the noise levels was required through the study process to determine and accurate readout of the noise levels. Over the course of the study and peer review, it was determined that the noise and air quality impacts could be adequately mitigated through a number of recommendations. After the review, it was determined that existing mitigation measures for air quality conducted by Port Colborne Quarries is adequate for limiting air quality/dust concerns. With respect to noise, the noise consultant concluded with the following recommended mitigation measures:

- *All units to include mandatory air conditioning.*
- *That a recommended noise barrier of 5.7 m be constructed along the east side of the property boundary (closest to Highway 140) to address both transportation and stationary noise.*
- *That a Class 4 area (related to elevated levels of stationary noise) be applied to the subject land.*
- *Warning clauses to be included in future draft plan/site plan applications and purchase, sale, rent, and lease agreements that the dwelling has been installed with air conditioning to allow windows and doors to remain closed, a clause advising that due to the proximity to the adjacent industry, noise from the industry may at time be audible, and a clause advising of the class 4 area designation.*

Planning staff note that the above-noted mitigation measures will be included and implemented through the future condominium and/or site plan agreements.

Adjacent Zoning and Land Use

The surrounding properties are zoned RD and R1 to the north, R1 to the west and south, and Mineral Aggregate Operations (MAO) to the east. The surrounding uses consist of residential dwellings to the north, west, and south and a quarry facility and pit to the east.

Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on March 15, 2023. As of the date of preparing this report, comments have been received from the Drainage Superintendent, Canadian Niagara Power, and Enbridge all noting they have no concerns with the application at this time.

The Fire Department has no concerns with the Zoning By-law Amendment at this time, however, the Fire Prevention Officer has requested that due to the one access point, the applicant will need to identify the units that are required to be sprinklered in accordance with OBC 9.10.1.3 (8). Staff have identified that future applications for either a draft plan of condominium and/or site plan control will be required, and the suitable time to identify the sprinklered units would be as part of those applications.

The Niagara Region has provided final comments on the proposal after a comprehensive review of the application materials, and conclusion of the peer review process. The full comments have been attached as Appendix B. The Region's concluding comment is as follows:

Regional Growth Strategy and Economic Development staff do not object to the proposed Zoning By-law Amendment, subject to a Class 4 Area designation under the Ministry's Environmental Noise Guideline (NPC-300) being applied to the lands, the Zoning By-law Amendment noting the required height of the noise barrier (5.7 m) to meet Class 4 area noise thresholds, and the Significant Woodland and recommended buffers being placed into an appropriately restrictive environmental zone.

Staff reiterate that the decision to designate the lands as Class 4 is at the sole discretion of the City, as the land use planning authority.

As mentioned previously, the above-noted mitigation measures can be adequately implemented through the future condominium and/or site plan agreements. Staff have included the recommended buffer area within the proposed Zoning By-law Amendment to ensure its long-term protection.

Financial Implications:

There are no direct financial implications with this report. However, through the subdivision approval, and in time, the development will be subject to development charges, it will also contribute to the City's tax base and include new City water/wastewater users.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on March 21, 2023, and the following comments have been received from Melissa Bigford-Lofquist and Roseann Shields.

Question/Inquiry/Concern	Response
Speeding and volumes of traffic on Chippawa Road. Concerns that the road width is too narrow at 7m.	Chippawa Road is a City-maintained road. The development charges collected from this proposed development can be an opportunity for the City to allocate funds to assist with mitigating measures if required.
Why after implementing traffic mitigation measures would the City recommend the addition of at least 169 cars entering and exiting Chippawa Road?	Chippawa Road is the only access to this site and the City and Region reviewed the Traffic Impact Study (TIS) prepared by TraffMobility. Both the City and Region offered no major concerns or comments on the results of the TIS that indicated all movements generated from this development is expected to operate at acceptable levels on the local road with 91 movements from 7-9 am peak hour and 112 movements from 4-6 pm peak hours.
Why are operational and safety issues of vehicles turning left onto Hwy 140 from Chippawa Road not being considered?	Operational and safety was considered in the Traffic Impact Study (TIS) and it was concluded that there will be no sightline issues at the access of Chippawa Road and Highway 140. The traffic data used was from MTO (2016, 2017, 2018), Region (May 2019) and was supplemented by traffic counts completed by TraffMobility in July 2021 at

Question/Inquiry/Concern	Response
	<p>Chippawa Road and Main Street intersection.</p> <p>The proposed site access is located within 190 metres of Highway 140, however operations at the site access will not impact operations along Highway 140. The TIS operations analysis showed that queues under all future horizons will not extend from the site access on Chippawa Road to Highway 140.</p>
<p>How will a single entrance onto the development affect police, ambulance and fire response times?</p>	<p>The private road has been designed to accommodate the minimum 12 metre turning radius requirement for emergency vehicles to enter and manoeuvre within the site as per regulations.</p> <p>As a precaution, the City Fire Department recommended that some interior townhouse and single detached units be sprinklered and will be further designed during the site plan phase.</p>
<p>Have the individual agencies been contacted to address any concerns that single entrance will have on emergency response times?</p>	<p>The Ministry of Transportation (MTO) is the upper tier approval authority, followed by the Region and City all of which examined alternative options for access to the development. Upon further investigations to provide an emergency access to Berkley Avenue to the south, it was concluded that movements could be appropriately accommodated by the one main access to Chippawa Rad and an access to Berkley Avenue is not required.</p> <p>Additionally, the proposed emergency access to Berkely Avenue would have potential impacts to the south section of the site containing the woodlands identified as significant key natural heritage feature. It was recommended to maintain the feature because the new Regional Official Plan policies prohibit development and site alteration within woodland communities of this type unless</p>

Question/Inquiry/Concern	Response
	an Environmental Impact Study (EIS) is completed.
Why was a new detailed traffic study not required? The consultant referred to traffic studies from 2018.	The traffic consultant completed traffic counts in July 2021 which supplemented the traffic data provided by the MTO and Region. The cumulative traffic data from all sources concluded that the movements from this development are expected to operate at acceptable levels in the site and on Chippawa Road.
Concerns with the increase in accidents due to the speed of traffic exiting Hwy 140 onto Chippawa Road.	<p>Comment noted that traffic speed is a concern on the highway and on local roads although this development is not intended to resolve or contribute to the speeding on these roads.</p> <p>The proposed development will have an internal posted speed limit of 40 km similar to Chippawa Road and the sidewalk on one side of the road will provide safe connections for pedestrians.</p>
Why are the Ministry of Transportation and the City allowing the application to be submitted for approval of non-compliance of the 400m required setback from a highway? Where is the 190m measured from?	<p>The 190 metres was measured from Highway 140 centreline to the edge of the access.</p> <p>The Ministry of Transportation (MTO) is the upper tier approval authority and reviewed the Traffic Impact Study (TIS) prepared by TraffMobility. In an email dated November 2, 2022, MTO was prepared to approve the single entrance design (190 metre spacing from Highway 140 on Chippawa Road) with additional highway improvements (e.g., northbound left turn lane). Prior to the MTO providing this approval, the owner/developer requires to agree to the following:</p> <ul style="list-style-type: none"> - The subject lands can adequately operate with the proposed single access from Chippawa Road as verified by the TIS. The site will not be permitted to request any additional access of any kind in the future that does not meet ministry standards.

Question/Inquiry/Concern	Response
	<p>- Confirm, in writing, that all required highway improvements, as per TIS in the Year 2026 will be completed to the ministry's satisfaction. Highway works will require owner to enter into a legal agreement with the ministry to provide a letter of credit and secure the necessary MTO permits.</p>
<p>How many homes are to be built on this property?</p>	<p>Currently the development shows 169 units with 108 townhouses units; 40 semi-detached units; 21 single detached units.</p> <p>Depending on the final detail design of the private road, stormwater management pond, the number of units may fluctuate and potentially decrease but cannot be confirmed until the detail design is completed.</p> <p>The new zoning by-law will be the tool used to regulate the built form of the development.</p>
<p>How will the 8 single detached homes abutting Chippawa Road be prevented from entry/ exit onto the road way?</p>	<p>These units will only be accessed by the private laneway behind the houses. There will be no private driveways onto Chippawa Road for these units.</p>
<p>Will there be basements in this development? If so why were monitoring wells not installed?</p>	<p>The allocation of basements will be confirmed during the subsequent site plan and draft plan of condominium phases when further details on the building footprints are established. Any monitoring wells (if required) would need to be installed during construction.</p>
<p>Will there be any blasting involved with development? If so how will noise and vibration be monitored? If there are any damages to existing homes, who will pay for them?</p>	<p>No blasting will occur since the City does not permit blasting. Only if required, alternative approaches to remove rock will need to be considered for this development.</p> <p>The construction activities will be conducted during the hours allowed under the City's noise by-law.</p> <p>If removal of rock is necessary, Traditional construction methods and</p>

Question/Inquiry/Concern	Response
	<p>good engineering practices will be used such that there will be no affect on surrounding buildings. Considering that there are no existing buildings in close proximity to the proposed plan and that there will be a 10 metre buffer, plus a minimum rear yard set back of an additional 6 metres to the nearest proposed building, and also 7 plus acres of adjacent Significant Woodland buffering to the west side and Highway #140, adverse impacts are not anticipated at this time.</p>
<p>Given the shallow depth of bedrock, will fill be added? If so, how will it affect the grading of the surrounding properties?</p>	<p>It is too preliminary to confirm if fill is required and this will be determined during the subsequent site plan and draft plan of condominium phases.</p> <p>The City must be satisfied with the final grading plan of the development to ensure there are no drainage impacts onto adjacent properties. No building permits for construction will be issued if the grading plan is not approved by the City.</p>
<p>How will the surrounding properties be protected against flooding due to increased grade and added fill?</p>	<p>See comment above.</p>
<p>If fill is being added, where will it come from and what assurances are there that it will be clean fill?</p>	<p>It is too preliminary to confirm if fill is required and this will be determined during the subsequent site plan and draft plan of condominium phases.</p> <p>Regardless, fill coming in or out of the site must meet the current Ministry of the Environment regulations.</p>
<p>Can the existing water infrastructure support this development and design flows?</p>	<p>According to the conceptual site servicing design, the City will take the estimated demand values for the proposed development and complete the water network management model to confirm that the existing network can adequately support these design flows. However, it appears with the given information there</p>

Question/Inquiry/Concern	Response
	<p>are no impediments to water supply and distribution servicing for the development using currently existing municipal water supply infrastructure. Should any upgrades be required, the developer would be required to fund the upgrades.</p>
<p>How will a wet well be established in the limestone bedrock and who will maintain this well?</p>	<p>This is a private condominium development and if a wet well is proposed in this development, each individual home owner is responsible for the maintenance of the well.</p>
<p>How far will this sewage travel from the South end to the PVC sewer on Chippawa Road?</p>	<p>There is an existing 200mm sanitary sewer on Chippawa Road. Due to the site's topographic characteristics and shallow municipal sanitary sewer on Chippawa Road, the sanitary flows generated from the development cannot discharge to the sewer on Chippawa Road by gravity. It is proposed that the sanitary sewage flows be collected through a new 200mm diameter on-site sewer system and flow to a prefabricated lift station wet well at the south limit of the site. Sewage will be pumped from there to the 200mm PVC sewer on Chippawa Road.</p>
<p>How will the current ditch and stormwater drainage be affected?</p>	<p>The Drainage Superintendent has indicated that there does not appear to be any concerns with respect to drainage at this time.</p> <p>The existing site topography features a general slope down from north to south. The elevation of the site varies from 184.75 to 179.85. The outlet point of the site for existing overland runoff appears to be the very southeast point of the property. A natural watercourse conveys runoffs and discharges to the west roadside ditch of Highway 140 which flows south towards Main Street.</p> <p>Minor system stormwater flows will be collected by new storm sewers in the</p>

Question/Inquiry/Concern	Response
	private road and drained to a stormwater management pond. Flows in excess of the minor system will be temporarily stored in a stormwater management pond prior to being discharged. It is proposed to locate a stormwater management dry pond at the south-east limit of the site and discharge the managed flows to the Highway 140 east side ditch as happens currently. As indicated above, flows will be managed to pre-development level for 2- through 100-year return period storms. The sizing of the pond and the details of the outlet onto the Highway 140 right-of-way are pending review by and discussion with the MTO.
What is the proposed base elevation of the proposed stormwater management?	The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.
Concerns regarding the amount of limestone bedrock that will be removed to facilitate the SWM pond. Who is responsible for the maintenance of the SWM pond?	This is a private condominium development, and the condominium corporation is responsible for the long term maintenance of the pond.
Will a fence be erected around the SWM pond?	<p>The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.</p> <p>The pond may include a passive unpaved, recreational path leading to a parkette, although details will not be confirmed until the site plan and draft plan of condominium phase.</p>
Why has the size of the SWM pond not been established yet?	The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.
How will proper overland flow be ensured to prevent ponding and protection of the significant woodlot during major storm events?	<p>The final grading details are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.</p> <p>The City must be satisfied with the final grading plan of the development to</p>

Question/Inquiry/Concern	Response
	ensure there are no drainage impacts onto adjacent properties and the woodlands. No building permits for construction will be issued if the grading plan is not approved by the City.
Will stormwater management controls be implemented in order to treat stormwater runoff prior to discharge from the site?	Yes, this is a requirement of the Region and the City.
What are the potential direct and indirect impacts to the natural features including the significant woodlot?	<p>The Environmental Constraints Analysis provides suitable mitigation measures to limit the direct and indirect impacts.</p> <p>In order to protect adjacent and abutting natural features from potential impacts due to sediment, an erosion and sediment control (ESC) Plan will be developed prior to any construction activities on-site. The primary principles associated with sedimentation and erosion protection measures are to: (1) minimize the duration of soil exposure, (2) retain existing vegetation, where feasible, (3) encourage re-vegetation, (4) divert runoff away from exposed soils, (5) keep runoff velocities low, and (6) trap sediment as close to the source as possible.</p>
What is the proposed height of the townhouses?	The height of the townhouses will meet the zoning by-law regulation of 11 metres (36 feet).
Where is the park/parkette located? Also, is the park/parkette large enough to suit the proposed size of the development?	The parkette will be included into the development and likely situated close to the stormwater management pond. Further details will be provided during the subsequent site plan and draft plan of condominium phases.
Where is the Stage 3 site-specific assessment that was required for Sites 1, 3 and 6 from the archeological Stage 2 assessment?	The Archaeological Stage 1 and 2 was completed and is under review by the Region and the Ministry of Tourism Culture and Sport for the clearance.
With the development being under condominium ownership to what standard will the pavement structure of the roads be will it be to the city's standards or the condominiums?	Yes, this is a private condominium corporation and is required to meet the necessary Region and City standards for private road developments.

Question/Inquiry/Concern	Response
If the condominium ownership goes bankrupt (or folds) who is responsible for the maintenance of the roads, infrastructure and properties? Is it the city and ultimately taxpayers who become liable?	No, the City and taxpayers will not be responsible for the private condominium maintenance of the road or infrastructure.
The project is not compatible with Port Colborne Quarries and does not honour the Site Plan agreement in place with PCQ that states Pit 1 needs to be rehabilitated before development around it can take place.	The applicant has submitted suitable Air Quality and Noise reports which prove the development can coexist with the nearby quarry operations provided the recommended mitigation measures are installed.
The MECP D6 Guidelines state that for a class 3 use, the minimum distance separation is required to be 300m	The Niagara Region has reviewed the proposal and corresponding air quality and noise studies. Recommended mitigation measures have been provided and will be included in future condominium and/or site plan agreements.
Are there any parks/ open spaces being proposed?	The parkette will be included into the development and likely situated close to the stormwater management pond. Further details will be provided during the subsequent site plan and draft plan of condominium phases. Parkland Dedication will be required through the future application processes.
Who will be responsible for any damage to Chippawa Road as a result of the construction vehicles using it to access the proposed development?	Chippawa Road is a City asset and is responsible to maintain the road conditions. The development charges collected from this proposed development can be an opportunity for the City to allocate funds to improve the condition of the road. Any damage created to Chippawa Road will be responsibility of the developer.
What is a dripline and dripline buffer?	<p>The dripline is the area directly located under the outer circumference of the tree branches.</p> <p>The dripline buffer is an area of land located adjacent to natural heritage feature and usually bordering lands that</p>

Question/Inquiry/Concern	Response
	are subject to development or site alteration. The purpose of a buffer is to protect the features and areas and their ecological functions by mitigating impacts of the proposed development or site alteration.
Why do the roads appear to be open-ended facing Berkley Avenue?	The road extension shown beside of stormwater management pond at the south end of the site will be eliminated as there will be no road connection south to Berkley Avenue.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
- Increased Housing Options

Conclusion:

It is the opinion of Planning staff that the proposed Zoning By-law Amendment application is consistent with the PPS, conforms to Regional and City policies and requirements, are appropriate for the subject lands and are compatible with the surrounding area, subject to the recommendations to be implemented through future condominium and/or site plan agreements.

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

Appendices:

- a. Zoning By-law Amendment
- b. Niagara Region Comments
- c. Public Comments

Respectfully submitted,

David Schulz, BURPI, MCIP, RPP
Manager of Planning
(905) 228-8117
david.schulz@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law No. _____

**Being a By-law to Amend Zoning By-law 6575/30/18
For Mixed Residential Development**

Whereas an application was received to amend the City's Comprehensive Zoning By-law 6575/30/18 as amended, for the lands referred as 281 Chippawa Road and legally described as CON 2 PT LOT 25 59R-8400; PARTS 1,2 & 3, City of Port Colborne, Regional Municipality of Niagara, and

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

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

1. That Schedule 'A6' of the City of Port Colborne Zoning By-law 6575/30/18, as amended, be amended as shown on Schedule "A" attached hereto and forming part of this By-law;
2. Notwithstanding the provisions of Section 7 Third Density Residential (R3) Zone contained in Zoning By-law 6575/30/18, as amended, the following site-specific provisions shall apply to the lands shown on Schedule "A" attached hereto:

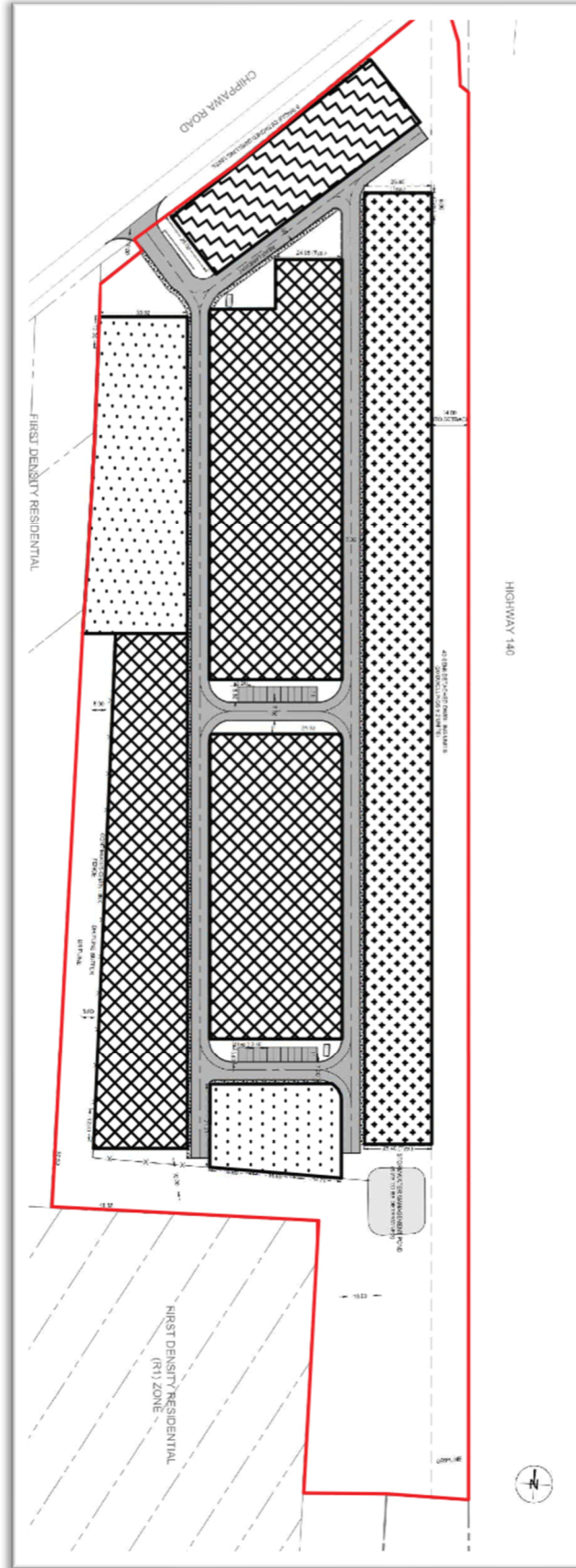
Zoning Regulations	Existing Zone Regulations (a) R2 - Section 6.3 R3 Zone - Section 7.3 & 7.7	Proposed Modification To Requested Zoning Regulations (b)
Uses Permitted	Detached dwelling Semi-detached dwelling Block townhouse	Comply
Minimum Lot Frontage	Detached Dwelling 6.3 (a) 12m & (b) corner lot-15m Semi-Detached 7.3(a) 18m Block Townhouse 7.7(a) 6m	Comply
Minimum Lot Area	Detached Dwelling 6.3 (c) 0.04 hectares (400 sqm) Semi-Detached 7.3 (b) 0.05 hectares (500 sqm) Block Townhouse 7.7 (b) 0.02 hectares (200 sqm)	Detached Dwelling (c) 0.032 hectares (320 sqm) Semi-Detached-Section 7.3 (b) 0.045 hectares (450 sqm) Block Townhouse-Section 7.7 (b) 0.015 hectares (150 sqm)
Minimum Front Yard	Detached Dwelling 6.3 (d) 6.5m Semi-Detached 7.3(c) 6.5m Block Townhouse 7.7(c) 7.5m	Detached Dwelling 6.3 (d) 4.5m Semi-Detached 7.3(c) 4.5m Block Townhouse 7.7(c) 4.5m
Minimum Exterior Side Yard	Detached Dwelling 6.3 (f) 3.5m Semi-Detached 7.3(e) 3m Block Townhouse 7.7(e) 4.5m	Detached Dwelling 6.3 (f) 2m Block Townhouse 7.7(e) 3m
Minimum Interior Side Yard	Detached Dwelling 6.3 (e) 1m Semi-Detached 7.3(d) 1.2m Block Townhouse 7.7(d) 3m	Comply
Minimum Landscaped Area	Detached Dwelling 6.3 (j) 25% Semi-Detached 7.3(i) 25% Block Townhouse 7.7(h) 25%	Comply
Maximum Lot Coverage	Detached Dwelling 6.3 (h) 50% Semi-Detached 7.3(g) 50%	Detached Dwelling 6.3 (h) 55%

Enacted and passed this ____ day of _____, 2024.


_____ MAYOR





_____ CLERK

SCHEDULE "A"



LEGEND

Subject Site 

-  Block Townhouses
-  Semi-Detached Dwellings
-  Single Detached Dwellings with Rear Garage and Front Facing Chippawa Front
-  Single Detached Dwelling with Front Garage and Front Facing Private Road

SCHEDULE "A" TO BY-LAW 6575/30/18

MAYOR: _____

CLERK: _____

Growth Strategy and Economic Development

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

Via Email Only

September 24, 2024

Region File: ZA-23-0031

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

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
City File: D14-01-23
Owners: Talia Dosa, Tisiana Recine, Salvatore (Bruno) Carrera
281 Chippawa Road
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment (ZBA) application for lands municipally known as 281 Chippawa Road in the City of Port Colborne.

The ZBA application proposes to change the zoning from 'Residential Development (RD)' to a special provision of the 'Third Density Residential (R3-XX)' zone, to permit 21 single-detached units, 40 semi-detached units, and 108 townhouse (block) dwelling units (169 dwelling units total). Special provisions are being requested, including the reduction to the minimum lot area, front yard and exterior side yard, and increased maximum lot coverage for the detached dwellings from 50 percent to 55 percent, and more than one principal building being permitted on the property under condominium ownership.

A pre-consultation meeting was held on April 22, 2021, with City and Regional staff in attendance. Regional staff have provided unsupportive comments on May 4, 2023 and June 14, 2023, respectively, due to the need for a peer review of the Air Quality and Noise and Vibration Study, and subsequently to address additional information requested by the Region's peer review consultant.

The following updated comments are provided from a Provincial and Regional perspective to assist City staff and Council in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* (PPS), and within the 'Designated Greenfield Area' in both *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (Growth Plan) and the *Niagara Official Plan, 2022* (NOP).

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan and NOP identify that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Staff note that there is no secondary plan for this designated greenfield area.

Regional staff has reviewed the '*Planning Justification and Impact Analysis Report*' (PJR) prepared by Quartek Group Inc. (dated March 2023). Staff note that the PJR indicates that the proposed development is providing a density that is marginally above the 'Low Density' threshold as provided in the City's Official Plan and although not meeting the density requirements for greenfield areas, is considered an appropriate concentration of housing units that is compatible for the neighbourhood at a higher density than currently exists. The PJR indicates that the proposed development equates to 31.2 units per hectare (169 units / 5.42 hectares).

Based on Regional staff's calculation, the proposed development will achieve a density of approximately 69 residents and jobs per hectare with this proposed development. This figure is based on 169 units, a total developable area of 5.42 ha, 2.4 people per unit for singles, 2.2 people per unit for semi-detached and row units, based on 2021 Census data. As such, staff is satisfied that the proposal exceeds the minimum greenfield density target as set out within Provincial and Regional documents and will contribute to the City achieving its overall 50 people and jobs per hectare Greenfield Area density target.

Staff acknowledge that the interface with surrounding land uses is primarily a local planning responsibility, therefore the City should be satisfied that the proposed development is compatible with the surrounding local context and its built-form provides for a transition with nearby existing and planned land uses. Please see additional discussion on this below.

Land Use Compatibility

Regional staff note that the subject lands are within approximately 65 m of the Port Colborne Quarries (east), adjacent to Highway 140, and approximately 325 m to a rail line (west).

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, major facilities (including transportation infrastructure and corridors, rail facilities, resource extraction activities) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety. To implement this policy, the Ministry of the Environment, Conservation, and Parks (MECP) Land Use Planning Policy guidelines (Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses) and the MECP Environmental Noise Guideline (NPC-300) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses and to assess stationary and transportation noise sources.

The proposed residential use is considered a 'sensitive land use' as outlined in the guidelines. The D-6 Guidelines outline that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines identify that when impacts from industrial activities cannot be mitigated or prevented to the level of trivial impact (no adverse effects), new development shall not be permitted. Through case studies and past experiences, the MECP has identified potential influence areas (areas within which adverse effect may be experienced) for industrial land uses based on a classification system. In the absence of studies that specify actual influence areas for a particular industrial facility, Regional staff utilize these potential influence areas to screen for potential incompatibilities.

The D-6 Guideline also requires that a minimum separation distance be maintained between industrial facilities and sensitive uses, which are to be based on these classifications using a predicable 'worst case scenario' and the permitted uses in the zoning by-law. For pits and quarries, the classification would be considered a Class III industry as specified by the Guidelines. The potential influence area for a Class III Industry is 1000m and minimum distance separation distance is 300 m. Staff note that the existing Port Colborne Quarry operation at its closest point is within approximately 65m of the subject land.

Noise Impact Assessment and Air Quality Assessment

Staff has received a Noise Impact Study, prepared by LAW Consultants Ltd. (dated May 25, 2022) and an *Air Quality Impact Assessment*, prepared by LAW Consultants Ltd. (dated May 25, 2022). The studies have been peer reviewed for the Region by R.J. Burnside and Associates Limited.

There have been multiple responses from LAW Consultants Ltd. (August 30, 2023, March 1, 2024, April 23, 2024, June 17, 2024, and August 6, 2024) based on feedback from the peer review. Peer reviews completed by R.J. Burnside and Associates Limited (dated May 30, 2023 – revised June 8, 2023, May 10, 2024 – revised May 13, 2024, and August 30, 2024) are attached as appendices to this letter.

Air Quality Assessment

The completed assessment identified that the subject land is impacted by the Port Colborne Quarries located east of the subject lands. As identified in the Appendices to this letter, several points of clarification were requested by the Region's peer review consultant on the modelling of air quality. The latest peer review response (dated August 30, 2024) confirms that air quality matters have been satisfactorily addressed. The Assessment has revised their modelling by incorporating best management practices undertaken at the Port Colborne Quarries site, which shows concentrations for all contaminants to be below the applicable limits at the subject land. The Assessment has confirmed the dust mitigation measures (wet the haul roads, at least twice/day during dry weather conditions) undertaken by Port Colborne Quarries and therefore, no additional air quality monitoring work program is recommended for the development.

Noise Impact Assessment

The completed assessment identified that traffic volume from Highway 140 and stationary noise from the Port Colborne Quarries is above the thresholds as set out within the MECP NPC-300 Environmental Noise Guideline. To address these exceedances, the noise consultant is recommending the following mitigation:

- All units to include mandatory air conditioning.
- That a recommended noise barrier of 5.7 m be constructed along the east side of the property boundary (closest to Highway 140) to address both transportation and stationary noise.
- That a Class 4 area (related to elevated levels of stationary noise) be applied to the subject land (as discussed further below).
- Warning clauses to be included in future draft plan/site plan applications and purchase, sale, rent, and lease agreements that the dwelling has been installed with air conditioning to allow windows and doors to remain closed, a clause advising that due to the proximity to the adjacent industry, noise from the industry may at time be audible, and a clause advising of the class 4 area designation.

Class 4 Area

There are two types of noise considered in the MECP NPC-300 Environmental Noise Guidelines - transportation-related noise sources (e.g. sound from road traffic, rail, aircraft) and stationary noise sources (e.g. sound from a facility, including rooftop mechanical equipment, industrial facility, drive thru speaker, car wash, etc).

Transportation sound level limits are uniform regardless of the Class Area. The Class Area is utilized for stationary noise sources.

The submitted Noise Study utilized a Class 2 Area, meaning sound levels during the daytime are dominated by the activities of people, usually road traffic, and during the evening and nighttime, sound levels are defined by the natural environment and infrequent human activity starting as early as 7pm. As noise limits for a Class 2 Area were unable to be met based on the presence of the Port Colborne Quarries, the consultant has recommended applying a Class 4 area designation over the subject lands.

A Class 4 area classification allows for higher daytime and nighttime sound level limits than would otherwise be permitted in relation to a noise sensitive land use. The impact of higher levels of noise is mitigated by specific noise control measures. A Class 4 designation allows stationary source sound levels to reach a max of 60 dBA during the daytime (versus maximum of 50 dBA for Class 2) and 55 dBA during the nighttime (versus max of 45 dBA for Class 2).

The Region's peer review consultant has confirmed that the site meets the basic requirements for a Class 4 area designation, including the development being a new noise sensitive land use that has not been built and in proximity to existing, lawfully established stationary noise source. However, the Class 4 area limits must be met at all receptors to support this designation.

A 5.7 m barrier (found in Figure A of the Addendum to the Noise Impact Assessment, prepared by LAW Consultants, dated April 23, 2024) is required along the east boundary of the subject land to meet the Class 4 area limits as set out within NPC-300. City staff should be satisfied that the proposed noise barrier is feasible for the site and the Zoning By-law Amendment reflects the required height in order to meet the Class 4 designation. Furthermore, as the City is the approval authority for the application, the City is required to designate the subject land as a Class 4 area. **The decision to designate the lands as Class 4 is at the sole discretion of the City, as the land use planning authority.** Once designated, the same classification and related sound level limits apply to the noise sensitive land use and the stationary noise source. This designation is retained subject to the continuing presence of the stationary noise source.

As the application is at the Zoning stage, a detailed Noise Study shall be provided through subsequent Planning Act applications (Draft Plan/Site Plan) to confirm the required mitigation once detailed designs are provided. One item noted to be addressed through future applications by the Region's peer review consultant is justification to ensure mitigation measures (if required) are sufficient for properties along Chippawa Road, as local traffic along Chippawa Road was omitted from the study. All other mitigation required (mandatory air conditioning and warning clauses) can be addressed through future Planning Act applications.

Natural Heritage

A pre-consultation meeting for the proposal was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (“ROP”) apply to the proposal.

Under the ROP, the subject lands are impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Significant Woodland. According to aerial photography, the extent of Significant Woodland appeared to be greater than what is currently mapped. As such, consistent with ROP policy 7.B.1.11, an Environmental Impact Study (“EIS”) was requested in support of development or site alteration proposed on the property to confirm the extent of features and to demonstrate that there will be no significant negative impact on the features or their ecological function.

Staff has reviewed the *Environmental Constraints Assessment and Mitigation Report*, prepared by Natural Resource Solutions Inc. (dated March 2, 2023), which confirms the presence of Significant Woodland adjacent to the southern and western property lines. Along the southern property boundary a dripline plus 10m buffer is recommended. Along the western property boundary a dripline plus 5m buffer is recommended. Based on the characterization of the feature provided in the Report as well as staff’s observations at site visits that occurred on July 26, 2021, and June 23, 2022, staff offer no objection to the buffer recommendations or mitigation measures recommended in the Report.

As such, as it relates to the proposed ZBA application, staff offer no objection provided the feature and recommended buffers are placed into an appropriately restrictive environmental zone. Staff have reviewed the proposed ZBA Schedule and note that the extent of environmental zones has not been illustrated. Staff request that a revised Schedule is circulated prior to approval that adequately addresses Regional environmental planning requirements.

Archaeological Potential

The PPS and NOP state that development and site alteration are not permitted within areas of archaeological potential, unless significant archaeological resources have been conserved. The subject lands are mapped as an area of archaeological potential in Schedule K of the NOP.

Regional staff has reviewed the *Draft Stage 1 and 2 Archaeological Assessments*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021) and the *Draft Stage 1 and 2 Archaeological Assessments – Supplementary Documentation*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021). The Stage 1 background assessment determined that the study area included a mixture of areas with archaeological potential and some areas with no archaeological potential. The Stage 2 field assessment resulted in the findings of 8 locations containing Indigenous and Euro-Canadian archaeological materials. Of the 8 sites, 3 sites were deemed by the licensed archaeologist to have further cultural heritage value or interest (CHVI), whereas the remaining 5 sites were found to have no further CHVI. The licensed archaeologist has recommended that Sites 1, 3 and 6 be subject to a Stage 3 site-specific assessment, which will then determine whether a Stage 4 mitigation of development impacts is warranted. Staff acknowledge that the supplementary documentation includes mapping of the sites discovered.

Staff require the final versions of the Stage 1-2 Archaeological Assessments and Supplementary Documentation, the Ministry's acknowledgement of these reports, and the recommended Stage 3 site-specific archaeological assessments for Sites 1, 3, and 6 as recommended by the licensed archaeologist. Given the findings of these assessments and recommended further work, no demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Staff note that these requirements can be managed as a condition through the future Draft Plan application.

Traffic

Regional Transportation Planning staff has reviewed the *Traffic Impact Study (TIS)*, prepared by Traffimobility (dated November 3, 2022) and offer no comments. The report did include recommendations related to a Regional intersection and required cycle length changes at a future date. Please note that Regional intersections are reviewed by the Region during our intersection analysis program and will continue to be monitored in the future to ensure that the required improvements are implemented when warranted.

Regional Bicycle Network

The subject property has frontage on Chippawa Road, which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Stormwater Management

Staff has reviewed the submitted *Functional Servicing Report*, prepared by Quartek Group Inc. (dated March 2023). The Report includes a conceptual stormwater management plan, which proposes that the development stormwater be captured and directed to a future dry pond prior to discharge to Highway 140 roadside ditch. Regional staff will require a detailed stormwater management plan at the time of Draft Plan that indicates in detail how the following requirements will be achieved:

- Stormwater runoff is to be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site. The Region encourages implementation of Low Impact Development practices and Green Infrastructure to form a treatment train and maximize water retention on-site.
- A section of inspection and maintenance requirements of stormwater management facilities for the future owner.

Prior to construction, Niagara Region will require the grading/servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection

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

Single Family Dwelling

- Green – no limit (weekly)
- Waste – 2 bag/can limit (bi-weekly)
- Curbside collection only

Region staff will require that garbage truck turning plans be submitted using the Regional truck turning template to confirm that the proposed development is able to accommodate Regional curbside waste collection. It appears that waste collection pads may be required for some of the proposed units, (A1, A2, B39, B40, C106, C107, C108) where the driveways will extend beyond the collection limits of the truck. Please include the waste collection pad locations on the future site plan.

The applicant will be required to complete an Indemnity Agreement with the Region prior to waste collection services commencing for the private road development. If the proposed development is unable to meet Niagara Region's waste collection requirements, waste collection services for the site will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

Circular Materials Ontario is responsible for the delivery of Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

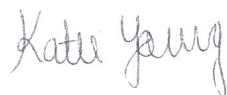
Conclusion

Regional Growth Strategy and Economic Development staff do not object to the proposed Zoning By-law Amendment, subject to a Class 4 Area designation under the Ministry's Environmental Noise Guideline (NPC-300) being applied to the lands, the Zoning By-law Amendment noting the required height of the noise barrier (5.7 m) to meet Class 4 area noise thresholds, and the Significant Woodland and recommended buffers being placed into an appropriately restrictive environmental zone.

Staff reiterate that the decision to designate the lands as Class 4 is at the sole discretion of the City, as the land use planning authority.

Should you have any questions related to the above comments or wish to meet to discuss these further, please contact the undersigned at Katie.Young@niagararegion.ca or Diana Morreale, Director of Growth Management and Planning at Diana.Morreale@niagararegion.ca.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning
Pat Busnello, MCIP, RPP, Manager, Development Planning
Adam Boudens, Senior Environmental Planner / Ecologist
Susan Dunsmore, P.Eng., Director (A), Infrastructure Planning and Development Engineering

Appendix 1: Peer Review of Air Quality Impact Assessment and Noise Impact Assessment (dated May 30, 2023 – revised June 8, 2023)

Appendix 2: Peer Review of Air Quality Impact Assessment and Noise Impact Assessment (dated May 10, 2024 – revised May 13, 2024)

Appendix 3: Peer Review of Air Quality Impact Assessment and Noise Impact Assessment (dated August 30, 2024)

Growth Strategy and Economic Development

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

Via Email Only

May 4, 2023

Region File: D.18.07.ZA-23-0031

Chris Roome
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Roome:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
City File: D14-01-23
Agent/Applicant: Quartek Group Inc. c/o Susan Smyth
Owner: Talia Dosa, Tisiana Recine, Salvatore (Bruno) Carrera
281 Chippawa Road
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment (“ZBA”) application for lands municipally known as 281 Chippawa Road in the City of Port Colborne. Regional staff received circulation of the application on March 15, 2023, with the associated review fees received March 20, 2023.

The ZBA application proposes to change the zoning from ‘Residential Development (RD)’ to a special provision of the ‘Third Density Residential (R3-XX)’ zone, in order to permit 21 single-detached units, 40 semi-detached units, and 108 townhouse (block) dwelling units (169 dwelling units total). Special provisions are being requested, which includes:

- reduction to the minimum lot area for both detached and semi-detached dwellings;
- reduction to the minimum lot area for block townhouse units;
- reduced front yard and exterior side yard for detached, semi-detached, and townhouse units;
- an increased maximum lot coverage for detached dwellings from 50% to 55%; and,

- that more than one principal building be permitted on the property under condominium ownership.

A pre-consultation meeting was held on April 22, 2021 with City and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist City staff and Council in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Designated Greenfield Area' in both *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022*.

The majority of development is to occur within urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. Strategically directing growth can be achieved through a balanced mix of built-forms in our communities. The Growth Plan and NOP identify that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

Regional staff has reviewed the '*Planning Justification and Impact Analysis Report*' ("PJR") prepared by Quartek Group Inc. (dated March 2023). Staff note that the PJR indicates that the proposed development is providing a density that is marginally above the 'Low Density' threshold as provided in the City's Official Plan and although not meeting the density requirements for greenfield areas, is considered an appropriate concentration of housing units that is compatible for the neighbourhood at a higher density than currently exists. The PJR indicates that the proposed development equates to 31.2 units per hectare (169 units / 5.42 hectares).

Based on Regional staff's calculation, the proposed development will achieve a density of approximately 72 residents and jobs per hectare with this proposed development. This figure is based on 169 units, a total developable area of 5.42 ha, 2.4 people per unit for singles, 2.2 people per unit for semi-detached and row units, based on 2021 Census data). As such, staff is satisfied that the proposal exceeds the minimum greenfield density target as set out within Provincial and Regional documents and will contribute to the City achieving its overall 50 people and jobs per hectare Greenfield Area density target.

Land Use Compatibility

Regional staff note that the subject lands are west of the existing Port Colborne Quarry, adjacent to Highway 140, and approximately 325 m east of a rail line.

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, major facilities (including transportation infrastructure and corridors, rail facilities, resource extraction activities) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety. To implement this policy, the Ministry of the Environment, Conservation, and Parks (“MECP”) Land Use Planning Policy guidelines (Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Additionally, MECP’s Environmental Noise Guideline (NPC-300) is to be utilized to assess stationary and transportation noise sources.

Staff acknowledge that a *Noise Impact Assessment*, prepared by LAW Consultants Ltd. (dated May 25, 2022) and *Air Quality Impact Assessment*, prepared by LAW Consultants Ltd. (dated May 25, 2022) has been submitted with the application. As noted at the pre-consultation meeting, the Region requires that these technical studies be peer reviewed by the Region’s consultant at the owner’s expense. Given that the Region’s consultant has not reviewed these studies at the time of writing this letter, staff recommend that a holding provision is placed on the Zoning until the studies have been reviewed by the Region’s consultant and approved.

Natural Heritage

A pre-consultation meeting for the proposal was held prior to the approval of the *Niagara Official Plan (“NOP”)* by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (“ROP”) apply to the proposal.

Under the ROP, the subject lands are impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Significant Woodland. According to aerial photography, the extent of Significant Woodland appeared to be greater than what is currently mapped. As such, consistent with ROP policy 7.B.1.11, an Environmental Impact Study (“EIS”) was requested in support of development or site alteration proposed on the

property to confirm the extent of features and to demonstrate that there will be no significant negative impact on the features or their ecological function.

Staff have reviewed the *Environmental Constraints Assessment and Mitigation Report*, prepared by Natural Resource Solutions Inc. (dated March 2, 2023), which confirms the presence of Significant Woodland adjacent to the southern and western property lines. Along the southern property boundary a dripline plus 10m buffer is recommended. Along the western property boundary a dripline plus 5m buffer is recommended. Based on the characterization of the feature provided in the Report as well as staff's observations at site visits that occurred on July 26, 2021 and June 23, 2022, staff offer no objection to the buffer recommendations or mitigation measures recommended in the Report.

As such, as it relates to the proposed ZBA application, staff offer no objection provided the feature and recommended buffers are placed into an appropriately restrictive environmental zone. Staff have reviewed the proposed ZBA Schedule and note that the extent of environmental zones has not been illustrated. Staff request that a revised Schedule is circulated prior to approval that adequately addresses Regional environmental planning requirements.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Citizenship and Multiculturalism's ("MCM") Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject land has high potential for the discovery of archaeological resources as it is within 300 m of two registered archaeological sites. Given the proximity to nearby registered archaeological sites, staff requested the completion of a Stage 1-2 Archaeological Assessment and Ministry Acknowledgement Letter. Regional staff notes that the subject land is also within an 'Area of Archaeological Potential' on Schedule K of the NOP.

Regional staff has reviewed the *Draft Stage 1 and 2 Archaeological Assessments*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021) and the *Draft Stage 1 and 2 Archaeological Assessments – Supplementary Documentation*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021). The Stage 1 background assessment determined that the study area included a mixture of areas with archaeological potential and some areas with no archaeological potential. The Stage 2 field assessment utilized both pedestrian survey methods (within the agricultural fields) and test pit survey methods (within the remaining overgrown areas and manicured lawns). The Stage 2 field assessment resulted in the findings of 8 locations containing Indigenous and Euro-Canadian archaeological materials. Of the 8

sites, 3 sites were deemed by the licensed archaeologist to have further cultural heritage value or interest (“CHVI”), whereas the remaining 5 sites were found to have no further CHVI. The licensed archaeologist has recommended that Sites 1, 3 and 6 be subject to a Stage 3 site-specific assessment, which will then determine whether a Stage 4 mitigation of development impacts is warranted. Staff acknowledge that the supplementary documentation includes mapping of the sites discovered.

Staff require the final versions of the Stage 1-2 Archaeological Assessments and Supplementary Documentation, the Ministry’s acknowledgement of these reports, and the recommended Stage 3 site-specific archaeological assessments for Sites 1, 3, and 6 as recommended by the licensed archaeologist. Given the findings of these assessments and recommended further work, no development or site alteration shall occur on these lands until further investigation has been completed and Ministry Acknowledgement has been received.

Staff note that these requirements can be managed as a condition through the future Draft Plan application.

Traffic

Regional Transportation Planning staff has reviewed the *Traffic Impact Study* (“TIS”), prepared by Traffimobility (dated November 3, 2022) and offer no comments. The report did include recommendations related to a Regional intersection and required cycle length changes at a future date. Please note that Regional intersections are reviewed by the Region during our intersection analysis program and will continue to be monitored in the future to ensure that the required improvements are implemented when warranted.

Regional Bicycle Network

The subject property has frontage on Chippawa Road, which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Stormwater Management

Staff has reviewed the submitted *Functional Servicing Report*, prepared by Quartek Group Inc. (dated March 2023). The Report includes a conceptual stormwater management plan, which proposes that the development stormwater be captured and directed to a future dry pond prior to discharge to Highway 140 roadside ditch. Regional staff will require a detailed stormwater management plan at the time of Draft Plan that indicates in detail how the following requirements will be achieved:

- Stormwater runoff is to be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site. The Region encourages implementation of Low Impact Development practices and Green Infrastructure to form a treatment train and maximize water retention on-site.
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Prior to construction, Niagara Region will require the grading/servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection

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

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Region staff will require that garbage truck turning plans be submitted using the Regional truck turning template to confirm that the proposed development is able to accommodate Regional curbside waste collection. It appears that waste collection pads may be required for some of the proposed units, (A1, A2, B39, B40, C106, C107, C108) where the driveways will extend beyond the collection limits of the truck. Please include the waste collection pad locations on the future site plan.

The applicant will be required to complete an Indemnity Agreement with the Region prior to waste collection services commencing for the private road development. If the proposed development is unable to meet Niagara Region's waste collection requirements, waste collection services for the site will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department recommend that the proposed Zoning By-law Amendment include a Holding provision in order to have the Noise Study and Air Quality Assessment peer reviewed. The Holding provision is required to ensure the proposal is consistent with the PPS and conforms to Provincial and Regional plans with respect to land use compatibility. Regional staff also

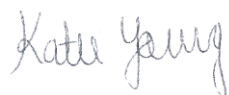
May 4, 2023

request that a revised Zoning By-law Amendment Schedule be circulated prior to approval that adequately shows the Significant Woodland feature and recommended buffers in a restrictive environmental zone.

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

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Diana Morreale, MCIP, RPP, Director of Development Approvals
Pat Busnello, MCIP, RPP, Manager of Development Planning
Adam Boudens, Senior Environmental Planner / Ecologist
Stephen Bureau, Development Approvals Technician
Valentina Escobar, Development Planner

Growth Strategy and Economic Development

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

Via Email Only

June 14, 2023

Region File: D.18.07.ZA-23-0031

Chris Roome
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Roome:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
City File: D14-01-23
Agent/Applicant: Quartek Group Inc. c/o Susan Smyth
Owner: Talia Dosa, Tisiana Recine, Salvatore (Bruno) Carrera
281 Chippawa Road
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment (“ZBA”) application for lands municipally known as 281 Chippawa Road in the City of Port Colborne. Regional staff received circulation of the application on March 15, 2023, with the associated review fees received March 20, 2023.

The ZBA application proposes to change the zoning from ‘Residential Development (RD)’ to a special provision of the ‘Third Density Residential (R3-XX)’ zone, in order to permit 21 single-detached units, 40 semi-detached units, and 108 townhouse (block) dwelling units (169 dwelling units total). Special provisions are being requested, which includes:

- reduction to the minimum lot area for both detached and semi-detached dwellings;
- reduction to the minimum lot area for block townhouse units;
- reduced front yard and exterior side yard for detached, semi-detached, and townhouse units;
- an increased maximum lot coverage for detached dwellings from 50% to 55%; and,

- that more than one principal building be permitted on the property under condominium ownership.

A pre-consultation meeting was held on April 22, 2021 with City and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist City staff and Council in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Designated Greenfield Area' in both *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022*.

The majority of development is to occur within urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. Strategically directing growth can be achieved through a balanced mix of built-forms in our communities. The Growth Plan and NOP identify that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

Regional staff has reviewed the '*Planning Justification and Impact Analysis Report*' ("PJR") prepared by Quartek Group Inc. (dated March 2023). Staff note that the PJR indicates that the proposed development is providing a density that is marginally above the 'Low Density' threshold as provided in the City's Official Plan and although not meeting the density requirements for greenfield areas, is considered an appropriate concentration of housing units that is compatible for the neighbourhood at a higher density than currently exists. The PJR indicates that the proposed development equates to 31.2 units per hectare (169 units / 5.42 hectares).

Based on Regional staff's calculation, the proposed development will achieve a density of approximately 69 residents and jobs per hectare with this proposed development. This figure is based on 169 units, a total developable area of 5.42 ha, 2.4 people per unit for singles, 2.2 people per unit for semi-detached and row units, based on 2021 Census data. As such, staff is satisfied that the proposal exceeds the minimum greenfield density target as set out within Provincial and Regional documents and will contribute to the City achieving its overall 50 people and jobs per hectare Greenfield Area density target.

Land Use Compatibility

Regional staff note that the subject lands are west of the existing Port Colborne Quarry, adjacent to Highway 140, and approximately 325 m east of a rail line.

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, major facilities (including transportation infrastructure and corridors, rail facilities, resource extraction activities) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety. To implement this policy, the Ministry of the Environment, Conservation, and Parks (“MECP”) Land Use Planning Policy guidelines (Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses) and the MECP Environmental Noise Guideline (NPC-300) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses and to assess stationary and transportation noise sources.

The proposed residential use is considered a ‘sensitive land use’ as outlined in the guidelines. The D-6 Guidelines outline that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines identify that when impacts from industrial activities cannot be mitigated or prevented to the level of trivial impact (no adverse effects), new development shall not be permitted. Through case studies and past experiences, the MECP has identified potential influence areas (areas within which adverse effect may be experienced) for industrial land uses based on a classification system. In the absence of studies that specify actual influence areas for a particular industrial facility, Regional staff utilize these potential influence areas to screen for potential incompatibilities.

The D-6 Guideline also requires that a minimum separation distance be maintained between industrial facilities and sensitive uses, which are to be based on these classifications using a predicable ‘worst case scenario’ and the permitted uses in the zoning by-law. For pits and quarries, the classification would be considered a Class III industry as specified by the Guidelines. The potential influence area for a Class III Industry is 1000m and minimum distance separation distance is 300 m. Staff note that the existing Port Colborne Quarry operation at its closest point is within approximately 65m of the subject land.

Noise Impact Assessment and Air Quality Assessment

Staff has received the submission of a *Noise Impact Assessment*, prepared by LAW Consultants Ltd. (dated May 25, 2022) and an *Air Quality Impact Assessment*, prepared by LAW Consultants Ltd. (dated May 25, 2022).

The studies have been peer reviewed for the Region by R.J. Burnside and Associates Limited. A number of concerns have been identified by R.J. Burnside and Associates that will need to be addressed in order to satisfy Provincial and Regional policies relative to land use compatibility, including but not limited to:

Air Quality Assessment

- Clarification regarding scaling factors for blasting particulate calculation, the number of blasts occurring, and omissions in the Emission Rate Estimation should be updated
- Confirmation that no other activities happen on the same day as blasting
- Dispersion modelling to be revised to include a receptor grid over the entire property of the proposed development to indicate impact over the entire site
- Discussion to be provided on why exceedances predicted at the proposed development should be accepted
- Clarification to be provided on how and when the task of determining whether the modelling assessment requires further refinements will be completed.

Noise Impact Assessment

- An agreement from Port Colborne Quarries should be provided to confirm that the proposed barrier along the west boundary of Pit 1 is acceptable and will be implemented
- Justification on why traffic from Chippawa Road was omitted, otherwise to be included in the assessment
- Confirmation that no dwellings are higher than two storeys; otherwise the assessment should be revised based on the plane of window location of the top storey
- Clarification to be provided on which lots/units require mandatory air conditioning and which only require the provision for future installation by the purchaser
- The extent of the barrier required to mitigate traffic noise should be clarified and shown in the figure
- A Class 4 area cannot be supported until an assessment is provided showing compliance with Class 4 limits

Staff note that full comments from the Region's peer review consultant is provided in the Appendix and should be referred to in conjunction with the above points. **Staff request that the peer review comments be addressed in order to address land use compatibility.**

Natural Heritage

A pre-consultation meeting for the proposal was held prior to the approval of the *Niagara Official Plan ("NOP")* by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-

consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (“ROP”) apply to the proposal.

Under the ROP, the subject lands are impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Significant Woodland. According to aerial photography, the extent of Significant Woodland appeared to be greater than what is currently mapped. As such, consistent with ROP policy 7.B.1.11, an Environmental Impact Study (“EIS”) was requested in support of development or site alteration proposed on the property to confirm the extent of features and to demonstrate that there will be no significant negative impact on the features or their ecological function.

Staff have reviewed the *Environmental Constraints Assessment and Mitigation Report*, prepared by Natural Resource Solutions Inc. (dated March 2, 2023), which confirms the presence of Significant Woodland adjacent to the southern and western property lines. Along the southern property boundary a dripline plus 10m buffer is recommended. Along the western property boundary a dripline plus 5m buffer is recommended. Based on the characterization of the feature provided in the Report as well as staff’s observations at site visits that occurred on July 26, 2021 and June 23, 2022, staff offer no objection to the buffer recommendations or mitigation measures recommended in the Report.

As such, as it relates to the proposed ZBA application, staff offer no objection provided the feature and recommended buffers are placed into an appropriately restrictive environmental zone. Staff have reviewed the proposed ZBA Schedule and note that the extent of environmental zones has not been illustrated. Staff request that a revised Schedule is circulated prior to approval that adequately addresses Regional environmental planning requirements.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Citizenship and Multiculturalism’s (“MCM”) Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject land has high potential for the discovery of archaeological resources as it is within 300 m of two registered archaeological sites. Given the proximity to nearby registered archaeological sites, staff requested the completion of a Stage 1-2 Archaeological

Assessment and Ministry Acknowledgement Letter. Regional staff notes that the subject land is also within an 'Area of Archaeological Potential' on Schedule K of the NOP.

Regional staff has reviewed the *Draft Stage 1 and 2 Archaeological Assessments*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021) and the *Draft Stage 1 and 2 Archaeological Assessments – Supplementary Documentation*, prepared by Archaeological Research Associates Ltd. (dated December 17, 2021). The Stage 1 background assessment determined that the study area included a mixture of areas with archaeological potential and some areas with no archaeological potential. The Stage 2 field assessment utilized both pedestrian survey methods (within the agricultural fields) and test pit survey methods (within the remaining overgrown areas and manicured lawns). The Stage 2 field assessment resulted in the findings of 8 locations containing Indigenous and Euro-Canadian archaeological materials. Of the 8 sites, 3 sites were deemed by the licensed archaeologist to have further cultural heritage value or interest ("CHVI"), whereas the remaining 5 sites were found to have no further CHVI. The licensed archaeologist has recommended that Sites 1, 3 and 6 be subject to a Stage 3 site-specific assessment, which will then determine whether a Stage 4 mitigation of development impacts is warranted. Staff acknowledge that the supplementary documentation includes mapping of the sites discovered.

Staff require the final versions of the Stage 1-2 Archaeological Assessments and Supplementary Documentation, the Ministry's acknowledgement of these reports, and the recommended Stage 3 site-specific archaeological assessments for Sites 1, 3, and 6 as recommended by the licensed archaeologist. Given the findings of these assessments and recommended further work, no development or site alteration shall occur on these lands until further investigation has been completed and Ministry Acknowledgement has been received.

Staff note that these requirements can be managed as a condition through the future Draft Plan application.

Traffic

Regional Transportation Planning staff has reviewed the *Traffic Impact Study* ("TIS"), prepared by Traffimobility (dated November 3, 2022) and offer no comments. The report did include recommendations related to a Regional intersection and required cycle length changes at a future date. Please note that Regional intersections are reviewed by the Region during our intersection analysis program and will continue to be monitored in the future to ensure that the required improvements are implemented when warranted.

Regional Bicycle Network

The subject property has frontage on Chippawa Road, which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions

for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Stormwater Management

Staff has reviewed the submitted *Functional Servicing Report*, prepared by Quartek Group Inc. (dated March 2023). The Report includes a conceptual stormwater management plan, which proposes that the development stormwater be captured and directed to a future dry pond prior to discharge to Highway 140 roadside ditch. Regional staff will require a detailed stormwater management plan at the time of Draft Plan that indicates in detail how the following requirements will be achieved:

- Stormwater runoff is to be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site. The Region encourages implementation of Low Impact Development practices and Green Infrastructure to form a treatment train and maximize water retention on-site.
- A section of inspection and maintenance requirements of stormwater management facilities for the future owner.

Prior to construction, Niagara Region will require the grading/servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection

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

Single Family Dwelling

- Blue/grey –no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit (bi-weekly)
- Curbside collection only

Region staff will require that garbage truck turning plans be submitted using the Regional truck turning template to confirm that the proposed development is able to accommodate Regional curbside waste collection. It appears that waste collection pads may be required for some of the proposed units, (A1, A2, B39, B40, C106, C107, C108) where the driveways will extend beyond the collection limits of the truck. Please include the waste collection pad locations on the future site plan.

The applicant will be required to complete an Indemnity Agreement with the Region prior to waste collection services commencing for the private road development. If the proposed development is unable to meet Niagara Region's waste collection requirements, waste collection services for the site will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

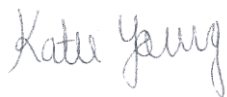
Conclusion

Staff of the Regional Growth Strategy and Economic Development Department require additional information related to the Air Quality Assessment and Noise Impact Assessment based on the peer review completed by the Region's consultant in order to support the proposed Zoning By-law Amendment application. Based on our review of the submission materials and peer review comments within the attached Appendix, the proposal has not sufficiently addressed land use compatibility under the PPS.

Regional staff request that addendums to the Air Quality Assessment and Noise Impact Assessment are provided to the Region for review and additional comment. Regional staff also request that a revised Zoning By-law Amendment Schedule be circulated prior to approval that adequately shows the Significant Woodland feature and recommended buffers in a restrictive environmental zone.

Should you have any questions related to the above comments or wish to meet to discuss these further, please contact the undersigned, or Diana Morreale, Director of Development Approvals at Diana.Morreale@niagararegion.ca.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

CC: Diana Morreale, MCIP, RPP, Director of Development Approvals
Pat Busnello, MCIP, RPP, Manager of Development Planning
Adam Boudens, Senior Environmental Planner / Ecologist
Stephen Bureau, Development Approvals Technician

Appendix: Peer Review of Air Quality and Noise Impact Assessment for 281 Chippawa Road, Port Colborne

Melissa Bigford & Christopher Lofquist
173 Chippawa Rd.
Port Colborne, Ont.
L3K1T6

April 11, 2023

To: Mayor and Members of Council,

The proposed Zoning By-law Amendment D14-01-23 should not be approved. We have significant concerns with the impact these changes will have on the surrounding neighbourhood!

To begin we would like to bring to council's attention the public works department report that was brought to council to address residents' concerns about speeding and volumes of traffic on Chippawa Rd. The report states Chippawa Road is a local road that provides connectivity between Highway 140 and Regional Road 3. The posted speed limit is 40km/h for the entire section. The width of the road allowance varies and is less than the standard 20m width of a typical 2-lane local road allowance for most of its length. Upon measuring of the roadway the average width of the roadway is only 7m! Chippawa Road has a narrow right-of way (ROW) with open ditches and hydro poles along both sides of the road. Council approved traffic mitigation measures to help reduce incidents of speeding along Chippawa Road and the reconfiguration of the stop sign at the Berkley intersection.

The report concluded that through the implementation of these recommendations, Chippawa Road, between Highway 140 and Regional Road 3 will be safer, more aesthetically pleasing and reduce traffic levels. So why after implementing mitigation measures at reducing traffic levels on Chippawa road is the city recommending the addition of at least 169 cars entering/exiting onto Chippawa Rd.? Why are similar potential operational and safety issues of vehicles turning left onto the Hwy 140 from Chippawa Rd. not being considered?

How will a single entrance into this large development affect police, ambulance and fire response times? Have the individual agencies been contacted to address any concerns a single entrance will have on their response time and operational procedures?

We have concerns with the traffic impact study supplied by the developer. Why was a new detailed traffic study data count not been required? The consultant referred to traffic studies from Highway 140 at Chippawa Road from November 6, 2018. Traffic has significantly increased in the past 5 years as presented in another report to council regarding Chippawa Road pedestrian safety! Staff presented the speed radar device data and it was identified that a significantly larger volume of vehicles were travelling eastbound along Chippawa Road towards Highway 140, than westbound entering the City from Highway 140.

The following is a summary of data extracted from the speed radar devices for Chippawa Road with a posted speed limit of 40 km/hr. The data was collected over a 4-week period starting in October 2021 and ending in November 2021:

Eastbound Traffic (People leaving Port Colborne via HWY 140)
Total Vehicle Count: 25,450
So daily vehicle count is approximately 909 vehicles

Westbound Traffic (People entering Port Colborne via HWY 140)
Total Vehicle Count: 16,665
So daily vehicle count is approximately 595 vehicles

Again, staff's own traffic study shows a much higher volume of traffic than the dated studies presented by the developer! This study was done in the late fall, not accounting for the increased tourist traffic during the summer months. Concerns with the increase in accidents due to the speed of traffic exiting Hwy 140 onto Chippawa rd. and the number of cars turning left into the development at only 190m distance from the Hwy instead of the required 400m setback. Why are the Ministry of Transportation (MTO) and the City allowing the application to be submitted for approval of non-compliance of the 400m required setback from a Highway? Also, where was the 190m distance measured from? I measured from the stop sign at the 140 and the 190m distance for the entry/exit of the development is abutting the existing residential landowner, not the separated distance as shown on the presented concept plan.

The applicant's own geotechnical report states any significant deviations from the proposed project design may void the recommendation given in their report. Yet the traffic study report is based on 188 homes and the geotechnical report and the other reports submitted state 169 homes. The original submitted documents/application to the city stated 176 homes, which one is it? How many homes are to be built on this property? How will the 8 single detached homes abutting Chippawa Rd. be prevented from entry/exit onto the roadway?

Will there be basements in this development? If so, why aren't monitoring wells installed? Excavations for the installation of foundations and underground services are generally expected to extend to depths of up to about 1 to 3 metres below the existing grade. The geotechnical report states the depth before hitting bedrock was between 0.1m to 0.5m. This leads to the potential for blasting into the bedrock; will there be controls over any blasting? How will the impacts from the noise and vibration of the blasting be monitored to protect the surrounding neighbourhood?

Given the shallow depth of the bedrock will the development have to add fill? How will this fill affect the grading to the surrounding properties? Also, as presented at last week's public meeting how will the surrounding properties be protected against flooding due to the increase in grade and added fill? If they are adding fill where will this fill come from and what assurances are there that it will be clean fill?

Can the existing water supply infrastructure network adequately support this development and design flows. It is proposed that the sanitary sewage flows be collected through a new 200mm diameter on-site sewer system and flow to a prefabricated lift station wet well at the south limit of the site. Sewage will be pumped from there to the 200mm PVC sewer on Chippawa Road. How will a wet well be established in the limestone bedrock? Who will maintain this wet well? How far will this sewage travel from the South end to the PVC sewer on Chippawa Rd? Again,

can the existing sewer infrastructure support the extent of this development? How will the current ditch, storm water drainage along Chippawa Rd be affected?

What is the proposed base elevation of the storm water management pond? We have concerns with the considerable amount of limestone bedrock that will have to be removed to facilitate the Storm water management pond. Who is responsible for the maintenance of the storm water management pond? Will a fence be erected around the stormwater management pond? Why has the size of the storm management pond not been determined? How will proper overland flow be ensured to prevent ponding and protection of the significant woodlot during major storm events? Will stormwater management controls be implemented in order to treat stormwater runoff prior to discharge from the site?

What are the potential direct and indirect impacts to the natural features including the significant woodlot?

What is the proposed height of the townhouses?

Where is the park/parkette located? Also, is the park/parkette large enough to suit the proposed size of the development?

The exact noise, dust and air quality impacts of building such a large development in close proximity to Port Colborne Quarries is immeasurable due to the unknown future use of Pit 1 and the fact that they state it is unlicensed and continue to do what they want within that pit!

Where is the Stage 3 site-specific assessment that was required for Sites 1, 3 and 6 from the archeological Stage 2 assessment? In accordance with the requirements set out in Section 3.2, Section 3.2.2 and Section 3.2.3 of the 2011 Standards and Guidelines for Consultant Archaeologists. Also, depending on the results of the Stage 3 assessment a Stage 4 mitigation of development impacts may be required! Given that there are outstanding archaeological concerns within the property, no ground alterations or development of any kind may occur until the required investigations are complete, recommendations that the lands require no further archaeological assessment are made, and the associated reports are entered into the Ontario Public Register of Archaeological Reports.

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

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 reduced setbacks 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 & Christopher Lofquist

Roseann Shields

TRIP GENERATION (PRESENT + PREDICTED)

- according to the TRAFFIC IMPACT STUDY (pg 25) it is expected that AM peak hour will have 87 vehicles + PM peak hour would have 104 vehicles
- study refers to these numbers as a conservative approach
- THEN - at present the ^{actual} weekday traffic on the Chippawa Rd is AM 169 ; PM 207.
- and were based on SimTraffic microsimulation
- when adding the actual + projected traffic totals together, the total # of vehicles for the AM is 256 vehicles
PM is 311 vehicles
- all of these vehicles will be travelling within the area from the entrance roadway and the stop sign at the HWY 140 (according to pg. 41 of study a distance of 190m)

PRESENT TRAFFIC CONCERNS (PROBLEMS)

- HWY 140 - people using the Chippawa Rd as their access to the frequently do not come to a full stop at the stop sign + pull out in front of the traffic on the HWY 140 causing horns to blare and tires to squeal (braking or accelerating)
- people exiting off HWY 140 onto the Chippawa Rd do not stay on the paved portion but ride around on what is left of a shoulder (potholes etc) → scattering the gravel onto the intersection which requires periodic sweeping by the city(?) - a skidding hazard
- cars taking the corner go over the centre line and into oncoming traffic lane (witnessed by me)
- the average width of the road (paved area) from HWY 140 to the proposed entrance of the development is approximately 7.01m. (7.14; 6.92; 7.05; 6.96) which is extremely narrow because the shoulder is basically non-existent along that stretch of road (deep ditches on both sides)

- on pg. 38 of Traffic Impact Study - it states "although the traffic analysis does not show any queuing issues at the intersection of HWY 140 + Chippawa Rd a dedicated northbound left turn lane with a storage length of 30m will be required." - at present cars already queue up to the suggested 30m (measured at curb) - SHOULD IT NOT BE INCREASED? of the increased number of vehicles expected?

- based on what I see on a daily basis ^{and actual # of cars} I feel the concluding paragraph on pg. 38 is erroneous it states "it can be concluded that the location of the proposed site access on Chippawa Road will not impact operations on HWY 140."

QUESTION

- Where does the 190m from HWY 140 come from? Is this what the MTO requires for all developments going on to ^{HWY} 140 and similar HWYS?

TRAFFIC @ 281 Chippawa Rd.
PORT COLBORNE

WEDNESDAY APRIL 5 / 2023

TIME:	TOTAL TIME LOS PSE	FRAMPTON HEADING WEST	TO #170 HEADING EAST	TOTAL
6AM - 6:15AM	15min	5	8	13
6:15 - 6:30AM	15min	3	10	13
6:30 - 6:45AM	15min	11	12	23
6:45 - 7AM	15min	5	11	16
<u>Total (1 Hour)</u>		<u>24</u>	<u>41</u>	<u>65</u>
7AM - 7:15AM	15min	8	8	16
7:15 - 7:30AM	15min	5	19	24
7:30 - 7:45AM	15min	10	15	25
7:45 - 8AM	15min	8	12	20
<u>Total (1 Hour)</u>		<u>31</u>	<u>54</u>	<u>85</u>
8AM - 8:15AM	15min	8	11	19
8:15 - 8:30AM	15min	7	11	18
8:30 - 8:45AM	15min	12	11	23
8:45 - 9AM	15min	9	15	24
<u>Total (1 Hour)</u>		<u>36</u>	<u>48</u>	<u>84</u>

* From 6AM to 7AM
65 Vehicles

* From 7AM to
8AM
85 Vehicles

* From 8AM to
9AM
84 Vehicles

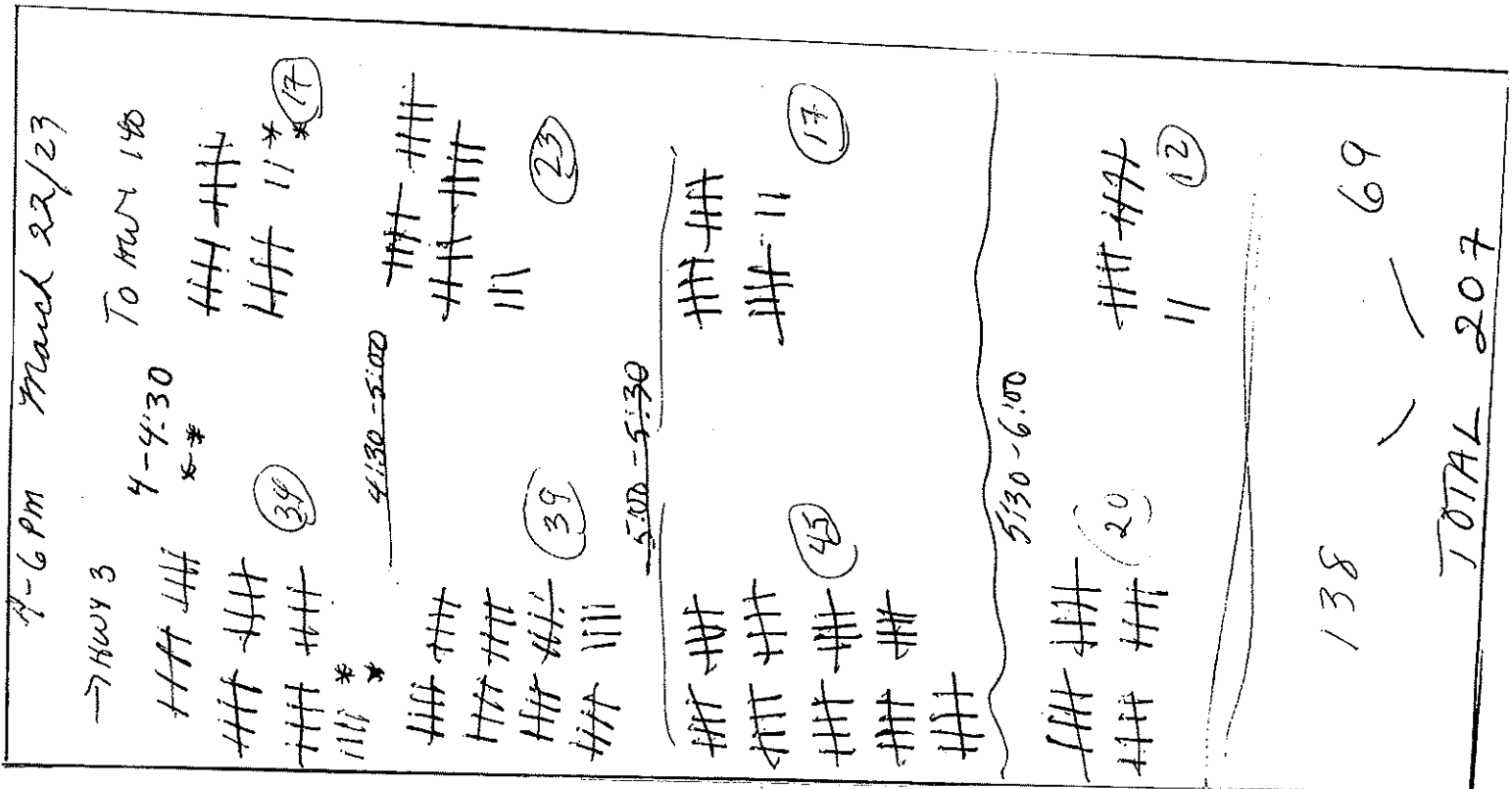
TOTAL FOR 3 HRS 234
TOTAL FROM 7-9AM 169

TRAFFIC @ 352 CHIPPAWA RD PORT COLBORNE

WEDNESDAY, MARCH 22/23

TIME	FROM 140 → HWY 3	FROM HWY 3 → 140
4:00 - 4:30 PM	34	17
4:30 - 5:00 PM	39	23
5:00 - 5:30 PM	45	17
5:30 - 6:00 PM	20	12
TOTAL	138	69

BOTH
207



items mentioned that notes shallow soil/topsoil

-pg. 2 "monitoring wells were not installed on the site due to shallow bedrock encountered"

-pg. 3 topsoil "a surficial veneer of topsoil approximately 100-200mm in thickness (10-20cm) or \approx 4-7 inches" in depth

-pg. 4 "Limestone/dolostone bedrock was inferred from auger refusal at depths of \approx 0.15-0.5 meters" ... "bedrock is generally weathered + fractured in the upper levels becoming more sound with depth"

*
(2) Keeping this in mind will there be basements or will they haul in soil + buildup - this would force all runoff water onto the adjacent 2 residential homes (251 + 241 Chippawa Rd) causing flooding +/or wet conditions which at present they do not have

> P. 6
* it may be preferable to raise the structures and provide supplemental frost protection to foundations to limit removal of limestone bedrock"

Noise impact Assessment

-pg. 14 CONCLUSIONS

"The modelling results from PCQ operations & traffic on HWY 140 indicate that the predicted noise levels at representative POR's located to the east boundary of the site and those on Chippawa (Street) Road are predicted to exceed the established noise criteria."

- i) - noise levels above 60 dBA: noise barrier recommended
- ii) indoor sound levels predicted to exceed... MECP guidelines will be used by an acoustical engineer to determine required STC values for living & bedroom windows
- iii) an acoustic barrier (i.e. berm) is required to be constructed along the west boundary of PIT 1... to protect respective POR's at subject site when material handling & processing occur at PIT 1" -- Who would be responsible for providing the barrier?

-pg. 13 NOTES + WARNING CLAUSES

- i) "Purchasers/tenants are advised that due to the proximity of the adjacent industry PCQ (facility)... noise from the industry may at times be audible"
- ii) BARRIERS - "the barriers should be erected as required & shall be continuous with no openings through or beneath it & it shall be of durable material... any gaps under the noise barrier that are necessary for drainage purposes... must not deteriorate the acoustical performance."

QUESTION
*

Even following suggestions outlined in study letter would most likely be complaints to the councillors & council because these problems have been raised by residents prior to this? (19yrs ago when the development was first brought forward)

Other (EXTRA) QUESTIONS

- if the project goes forward, who will be responsible for the damage done to the Chippawa Rd from the heavy construction equipment that will be used? - (this traffic will be added to what is already there)
- will there be blasting to put in water + sewer lines? will it cause damage to the walls + windows of my home? Who will pay for the damages if there are any?
- question regarding site plan map - why do the roads seem to be open ended facing Berkley Ave. - if no intentions to exit to the south why not have it ending in a cul de sac ~~loop~~ loop around back of last 3 properties?
- map - what is a dripline + dripline buffer
 - where are the playgrounds (greenspace)

MOTION : *[insert name of your municipality or organization here]* supports the SolvethCrisis.ca Campaign and requests that the Provincial and Federal Governments take Action to Address the Growing Mental Health, Addictions and Homelessness Crisis in Ontario

Whereas there is a humanitarian crisis unfolding on the streets in our cities, large and small, urban and rural, across Ontario. The time for words is over, we need immediate action at all levels of government, starting with the Province of Ontario

Whereas the homelessness, mental health and addictions crisis continues to grow with 3432 drug related deaths in Ontario in 2023¹ and over 1400 homeless encampments across Ontario communities in 2023²; and

Whereas the province has provided additional funding and supports, such as the recent investment of \$378 million for HART Hubs and approximately 375 beds with wraparound supports, it does not adequately address the growing crisis and the financial and social impact on municipalities and regions across the province; and

Whereas municipalities and regions are stepping up and working with community partners to put in place community-specific solutions to address this crisis, but municipalities and regions lack the expertise, capacity, or resources to address these increasingly complex health care and housing issues alone; and

Whereas this is primarily a health issue that falls under provincial jurisdiction and municipalities and regions should not be using the property tax base to fund these programs; and

Whereas there is no provincial lead focused on this crisis leading to unanswered questions that span over a dozen ministries, and a lack of support to manage the increasing needs of those who are unhoused.

Therefore, be it resolved that *[insert name of your municipality here]* supports the SolvethCrisis.ca Campaign;

And calls on provincial and federal governments to commit to immediate action to solve the Humanitarian Crisis that Ontario is facing as the numbers of unhoused individuals and those suffering with mental health & addictions grows exponentially;

AND that the province officially makes Homelessness a Health Priority;

AND appoints a responsible Minister and Ministry with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports;

AND that the provincial government strike a task force with broad sector representatives including municipalities, regions, healthcare, first responders, community services, the business community and the tourism industry to develop a *Made in Ontario Action Plan*;

¹ Office of the Chief Coroner, Ontario (2024). OCC Opioid Mortality Summary Q4 2023. [PDF] .

<https://odprn.ca/occ-opioid-and-suspect-drug-related-death-data/>

² [Homeless Encampments in Ontario. A Municipal Perspective. Association of Municipalities of Ontario. July 2024 -](#)

AND that this provincial task force reviews current programs developed by municipalities, regions and community partners that have proven successful in our communities, to ensure that solutions can be implemented quickly and effectively to tackle this crisis.

AND that the federal government is included in these conversations.

AND that both levels of government provide adequate, sufficient and sustainable funding to ensure that municipalities have the tools and resources to support individuals suffering with mental health and addictions, including unhoused people and those from vulnerable populations that may be disproportionately impacted;

And that this **[Council or Board]** calls on the residents of **[insert name of your municipality, region or organization here]** to join us in appealing to the provincial and federal governments for support by visiting SolveTheCrisis.ca and showing your support;

AND further that a copy of this motion be sent to:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada
- The Honourable Doug Ford, Premier of Ontario
- The Honourable Sylvia Jones, Deputy Premier and Minister of Health
- The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- The Honourable Michael Parsa, Minister of Children, Community and Social Services
- The Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
- Local MPs
- Local MPPs and
- Ontario's Big City Mayors

Backgrounder - SolvethetheCrisis.ca Campaign

Key Asks of the Province

- Appoint a responsible ministry and Minister with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports.
- Have this Minister strike a task force with broad sector representatives including municipalities, healthcare, first responders, community services, the business community and the tourism industry to develop a *Made in Ontario Action Plan*.
- Provide municipalities with the tools and resources to transition those in encampments to more appropriate supports, when deemed necessary
- Commit to funding the appropriate services these individuals need, community by community where there are gaps in the system. Including an immediate increase in detox and rehabilitation beds for those looking to get the health support they need, on their own.
- Invest in 24/7 Community Hubs / Crisis Centres across the province to relieve pressure on emergency centres and first responders

Background Information on the Crisis

OBCM Advocacy

- The 'Solve the Crisis' campaign is a culmination of years of advocacy from Ontario's Big City Mayors on the mental health, addictions and homelessness crisis across Ontario, including our white paper released in 2021, most recently developing our health and homelessness strategy in 2023 and an update to that strategy included in this campaign (see OBCM advocacy timeline below)

A Growing Crisis

- Over the years we have seen this crisis develop to include a growing number of unhoused residents and encampments in many of our communities:
 - Of 72 communities surveyed, 68 reported encampments with an estimated 14-23% of the homeless population staying in encampments - [Infrastructure Canada National Survey on Homeless Encampments](#)
 - In 2023 there were at least 1,400 homeless encampments in communities across the province. Many of the residents of these encampments suffer from mental health or substance abuse challenges. - [The Association of Municipalities \(AMO\)](#)



- **London** - as of March 31, 2024 1758 individuals experiencing homelessness and there were 56 active encampments - [Housing and Homelessness Snapshot, City of London](#)
- **Kingston** - 1,924 clients received some type of service in relation to Homelessness in 2023 this includes (outreach, shelter, housing support services, such as housing loss prevention and housing application assistance) - [Housing and Homelessness Report, City of Kingston](#)
- **Region of Waterloo** - current estimates are that 1,000 people are experiencing homelessness across the region including 450 people experiencing Chronic homelessness - [Encampments Report - City of Waterloo](#)
- **Hamilton** - As of January 31 2024, 1,592 Homeless people, with 585 having been homeless for more than 6 months and, 1007 for less than 6 months - [City of Hamilton](#)
- **Windsor** - 468 Individuals experienced chronic homelessness in 2023 up 19% from 2022 - [Housing and Homelessness Report - City of Windsor](#)
- Ontario residents are frustrated with the impact of this crisis on their communities and want to see the government take action. In a recent survey conducted by [CMHA Ontario](#)
 - More than 8 in 10 Ontarians would prefer solutions for the ongoing opioid and drug poisoning crisis which focus on healthcare and social services support rather than punishments
 - 73% percent of Ontarians are concerned the opioid crisis is getting worse
 - 56% report that opioid addiction is an issue of concern in their community
 - 71% believe government should prioritize addressing the crisis

There Are Solutions

- Municipalities along with community partners have developed programs and spaces that are providing effective solutions to this crisis including:
 - **London** - from October 2023 - March 2024, as part of a partnership between London Cares and LHSC, the House of Hope has been operating 25 highly supportive units at 362 Dundas Street.
 - Residents have seen significant health improvements including a 74% reduction in emergency department visit volumes in the first three months compared with the same time period and the same cohort in 2022 - [City of London](#)
 - **Toronto** - the city's Street to Homes (S2H) and its outreach partners helped transition 654 people to permanent housing throughout the pandemic - [City of Toronto](#)
 - **Kingston** - the affordable rental housing capital funding program has provided financial assistance from municipal, provincial and federal sources to create over 510 units to get people housed and off the streets



- These include - Addiction Mental Health Housing Stabilization Program-18 beds, Supportive/ Transitional Youth Housing - 48 units, Transitional housing for vulnerable women - 17 beds and more - [City of Kingston](#)
- **Oshawa** recently introduced **Mission United**, a collaborative social service and primary health care HUB for those experiencing homelessness.
 - This program seeks to assist those with high acuity and tri morbidity achieve long term stabilization by providing low barrier, wrap-around supports with a point in time model.
 - Through partnerships with various community agencies, they provide specialized person-centred services through a singular access point.
- **Windsor-Essex** - funded by the city and community organizations the Homelessness & Housing Help Hub (H4) is a “one-stop” multidisciplinary service hub. The H4 works towards the community’s goals to reduce homelessness by delivering housing focused, homelessness resolution programs that provide a variety of wrap-around supports for persons experiencing homelessness.
 - 133 people have been housed through supports provided at H4, 93 people were assisted by a family physician and 180 by a nurse practitioner through the Shelter Health Initiative
 - The Essex County Homelessness Hub has also housed 47 people through their support program - [Home Together Annual Report - Windsor Essex](#)

Timeline of OBCM Advocacy Work on Health and Homelessness

- **June 2021** - OBCM released a white paper entitled - *Working Together to Improve our Wellness: Recommendations from Ontario's Big City Mayors to improve mental health and addiction services in Ontario* - including recommendations for:
 - Structural recommendations to ensure more Ontarians get the help they need, when they need it, and where they need it.
 - Support that helps improve and connect municipal services with community mental health services
 - Legislative and regulatory changes that reduce the harm of substance use and support system change
 - Municipal leadership opportunities
 - Full paper found on our website here - [OBCM White Paper 2021](#)
- **June 2022** - OBCM Calls for an Emergency Meeting with Province to Address the Chronic Homelessness, Mental Health, Safety and Addictions Crisis Overwhelming Our Communities
 - This meeting to accelerate solutions to address chronic homelessness, mental health, safety, and addictions issues in our communities as our most

marginalized and vulnerable populations have been disproportionately impacted by the pandemic

- Working alongside the Ontario BIA Association (OBIAA) we emphasized the impact this crisis was having on downtowns and small and medium sized businesses who were still struggling from the impact of the pandemic
- [OBCM Call for Emergency Meeting](#)
- **August 2022** - at a joint meeting with the Mayors and Regional Chairs of Ontario (MARCO) OBCM reiterated our call for an emergency meeting on this issue with the support of key stakeholders who signed on to attend, these groups include the Ontario Chamber of Commerce, Ontario Association of Business Improvement Areas, Ontario Association of Chiefs of Police, AMO, Canadian Mental Health Association Ontario and the Ontario Tourism Industry Association.
 - [OBCM Reiterates Call for Emergency Meeting with Stakeholders](#)
- **February 2023** - OBCM adopts our Health and Homelessness Strategy including five recommendations for the Ontario government to make an immediate impact on the mental health, addictions and homelessness crisis. These recommendations were developed using information gathered through consultation with local health partners to identify services required to ensure there is a health care continuum and appropriate response to this crisis affecting our cities.
 1. Centralized and integrated intake and dispatch process
 2. More provincial investment in low barrier hubs
 3. More stabilization and treatment beds with experienced staff to support those in their treatment journey
 4. More flexible and predictable funding for supportive housing
 5. More provincial ministry and agency collaboration to reduce red tape and duplication
- Full motion and strategy can be found here - [OBCM Health and Homelessness Strategy 2023](#)
- **April 2023** - OBCM meets with Minister Jones and staff, along with partners from the Canadian Mental Health Association Ontario, Ontario Association of Chiefs of Police, Ontario Chamber of Commerce, the Kingston Health Sciences Centre and the Association of Municipalities of Ontario.
 - Discussed the new funding recently announced in the budget of \$202 million each year to the Homelessness Prevention Program (HPP) and Indigenous Supportive Housing Program, and over half a billion dollars to support mental health and addictions.
 - Presented our Health and Homelessness Strategy, including recommendations to address the growing crisis in Ontario's cities
 - [OBCM Meets with Minister Jones](#)
- **August 2023** - OBCM representatives have a special "Multi Minister Meeting" on our Health and Homelessness Strategy at the AMO Conference with Minister Parsa (Children, Community and Social Services), Associate Minister Nina Tangri (Housing), Associate Minister Tibollo (Mental Health), Associate Minister Charamine Williams (Women's Social and Economic Opportunity)



- OBCM representatives present our Health and Homelessness plan as well as various programs and facilities that are making a difference in our communities
- **June 2024** - at the OBCM June meeting in Chatham-Kent, members discuss updating the Health and Homelessness Strategy to push for various additional supports/asks from the province, especially as the issue of encampments has now grown and approves a communication campaign leading into the 2024 AMO Conference
 - [OBCM Updated Health and Homelessness Strategy, 2024](#)

Overview of Ontario's Investments in Mental Health and Addictions **(from CMHA)**

- Through the [Roadmap to Wellness](#), Ontario is investing \$3.8 billion over 10 years to fill gaps in mental health and addictions care, create new services and expand programs.
- The government invested \$396 million over three years to improve access and expand existing mental health and addictions services and programs as part of Budget 2024.
- This investment includes:
 - \$124 million over three years to support the continuation of the Addictions Recovery Fund. The fund supports:
 - Maintaining 383 addictions treatment beds for adults who need intensive supports, helping to stabilize and provide care for approximately 7,000 clients each year;
 - Three Mobile Mental Health Clinics to provide a suite of mental health and addictions services to individuals living in remote, rural and underserved communities; and
 - Three police-partnered Mobile Crisis Response Teams to support individuals in a mental health or addictions crisis.
- Ongoing support for the [Ontario Structured Psychotherapy Program](#)
- Between 2020 and 2023, Ontario established a provincial network of 22 [Youth Wellness Hubs](#) which have connected 43,000 youth and their families to mental health, substance use, and wellness services, accounting for over 168,000 visits.
- As part of Budget 2024, Ontario committed \$152 million over the next three years to support individuals facing unstable housing conditions and dealing with mental health and addictions challenges.

Regional Data Points

- **Durham Region:** As of May 31, 2024 The Region of Durham Has at least 757 people experiencing homelessness with 326 having experienced homelessness for 6 months or more.
 - Inflow into shelter system: 35 individuals became chronically homeless, 36 made contact after no contact for 60 days or more and 6 people lost housing.
 - Outflow from Shelter system: 10 people moved from shelters into housing, 6 people lost housing.
 - Durham Municipal Breakdown of active homeless population as of May 2024:
 - Ajax: 241
 - Clarington: 19
 - North Durham: 17
 - Oshawa: 362
 - Pickering: 25
 - Whitby: 58
 - Other/Unknown: 35 - [Durham Region, Built for Zero Report Card](#)

- **Halton Region** - As of October 1st 2023, 172 individuals were receiving emergency shelter from the region
 - 270 additional individuals were residing in transitional housing awaiting offers of permanent housing
 - Between 10-25 individuals sleep outside in Halton on any given night, with most actively working with the street outreach team - [Halton Region](#)
 - In 2023, 28% of all shelter placements required the use of hotels for overflow due to increased demand on services
 - Halton Region's Shelter Capacity 2023(by number of individuals): 148, overflow hotel placements required to meet demand and 99 permanent placement beds.
 - As of 2022, 2,127 emergency housing situations were resolved through outreach and funding through the housing stability fund
 - 884 residents assisted with finding affordable rental housing, and 514 clients received intensive customised supports
 - 56 chronically homeless households were assisted with permanent housing, with intensive wrap around individualized support services
 - Halton Region provided rent geared income to 3,091 households from the Halton Access to Community Housing (HATCH) - [Halton Region 2022 State of Housing](#)

- **Niagara Region** - As of March 2021, at least 665 people in the Niagara Region were experiencing homelessness in 2021
 - 121 were children aged 0-15, 76 were youth aged 16-24,
 - 47 reported staying in unsheltered locations
 - Of the 439 surveys reported in 2021:



- Almost 1 in 4 (22.6%) identified as indigenous Compared to Indigenous making up 2.8% of Niagara's Population.
 - 42 percent had been experiencing homelessness for more than 6 months
 - (Data Recording Paused During Pandemic Point In Time Counts begin again Fall 2024)
 - [Niagara Region - Point in Time Count](#)
-
- **Peel Region** - In 2023 4,800 households received one time financial assistance to prevent homelessness
 - 351 households were placed from peels centralized waiting list into subsidized community housing units
 - 16, 497 households currently using the Affordable Housing System - [Peel Region](#)
 - As of October 2023 Peels emergency shelter system was operating above 270% occupancy
 - Overflow expenses have grown significantly projected \$26.9 million for 2023 and \$42 million in 2024 exceeding approved budgets and funding - [Peel Region Report](#)
-
- **Region of Waterloo** - According to the Youth impact survey youth experiencing homelessness has increased from 8% in 2021 to 13% in 2023 - [Region of Waterloo](#)
 - As of September 21, 2021 the Region of Waterloo had 1,085 individuals experiencing homelessness
 - 412 of those are living rough (in encampments, on the street or in vehicle)
 - 335 experiencing hidden homelessness
 - 191 in emergency shelter, 84 in transitional housing, and 63 in institutions.
 - 75% of survey respondents experiencing chronic homelessness - [Region of Waterloo Point in Time Count](#)
-
- **York Region** - Housed 978 households from the 2023 subsidized housing waitlist
 - Transitioned 1,294 from emergency housing to safe housing over 5 years
 - As of 2023 15,716 households remain on the subsidized housing waitlist Net change of plus 849
 - Opened two new transitional housing sites adding 28 new units to the emergency and transitional housing system
 - Significant increases in the number of people experiencing homelessness projected, with estimates ranging from 2,100 to 2,300 individuals in the next five years.
 - Unique individuals accessing emergency housing increased 5% from 2019 - 2023



- The total number of unique people who experienced chronic homelessness during the year increased by approximately 120% from 2019 to 2023, from 124 to 473.
- 1496 unique persons experiencing homelessness in 2023 - [York Region](#)

- **District of Muskoka Lakes** - As of July, 2022 650 households are on the social housing waitlist with 357 of those waiting for a one bedroom unit and a wait time up to 8 years.
 - Median Employment income for individuals is 21% lower than the rest of the province
 - 13% of Muskoka Residents living in poverty
 - 50% of rental households spend more than 30% of their total income on shelter costs.
 - 11 unique households moved from emergency shelters into longer-term housing solutions (i.e. transitional or supportive housing)
 - 15 households were moved from unsheltered/provisionally accommodated to transitional or long-term housing
 - 6 households were supported to move from transitional to long-term housing
 - 973 requests for assistance in obtaining housing from households experiencing homelessness
 - 19,518 requests for assistance from households experiencing homelessness received supports and services (not related to accommodation)
 - 1,209 requests for assistance from households at risk of homelessness received supports and services (not related to accommodation) to support housing loss prevention, retention, or re-housing - [Muskoka 10 Year Housing & Homelessness Plan Annual Report](#)

- **South Eastern Ontario**
 - **Kingston** - As of December 2023, Approximately 127 people slept rough meaning makeshift accommodations, sleeping in street, park or vehicle an increase of 12 from august - december of 2023
 - 1,924 clients received some type of service in relation to Homelessness in 2023 this includes (outreach, shelter, housing support services, such as housing loss prevention and housing application assistance) - [City of Kingston](#)
 - **Ottawa** - As of December 31, 2023 Ottawa had 12,447 households on the centralized waitlist with 1,186 households housed from the waitlist
 - 49 New Affordable units and 57 New Supportive units were completed
 - 301 households were housed through the housing first program
 - 1,129 households housed from the shelter system
 - 988 people Chronically homeless, with 382 individuals with a history of chronic homelessness being housed
 - 13% increase in people using the shelter system



- 3% decrease in the average length of stay in shelter system, 25% increase in newcomer inflow into shelter system - [City of Ottawa](#)
- **South Western Ontario**
 - **Windsor** - In 2023, 715 households experiencing homelessness were housed
 - 95 individuals experiencing chronic homelessness were housed with supports
 - Youth Homelessness: 25 youth experiencing homelessness housed with supports
 - 1105 households assisted with rent assistance. - [City of Windsor](#)



How You Can Help SolvetheCrisis.ca A Request to Ontario Municipalities From Ontario's Big City Mayors

What is the SolvetheCrisis.ca Campaign?

Ontario's Big City Mayors (OBCM) launched the [SolvetheCrisis.ca](https://www.solveethecrisis.ca) campaign in August 2024 to address the homelessness, mental health and addictions crisis happening across Ontario.

After years of advocacy we are at a turning point, the time to act is now. This crisis is growing in municipalities and regions of every size across Ontario, and we need help more than ever!

Ontario municipalities of all sizes have stepped up, putting in place programs and housing options along with community partners and other stakeholders, advocating for funding that might be provided from other levels of government but is never consistent and never enough. We cannot tackle this alone, the federal and provincial governments' must come to the table.

We launched the [SolvetheCrisis.ca](https://www.solveethecrisis.ca) Campaign with a press conference at Queen's Park including a video that can be shared and found here: [OBCM You Tube Channel](#), a social media campaign that is still underway, and a website www.solveethecrisis.ca where your residents/networks/councils & staff can watch our video, join our call to action by filling out a letter to the Premier, various Ministers, local MPPs and MPs.

How Can You Help?

There are so many ways!

- Follow us on our socials & like and reshare our posts:
 - X (formerly Twitter) [@SolvetheCrisis](#) and [@ONBigCityMayors](#),
 - LinkedIn [Ontario's Big City Mayors \(OBCM\)](#) and
 - Facebook [Ontario's Big City Mayors](#)

- Pass the draft motion attached, a more personalized version of the attached motion, or create one of your own!

- Share this call to action with your Council, Board of Directors, Membership, Networks and the public

- Share your motion and support of the SolveTheCrisis.ca campaign on social media and tag our accounts:
 - X (formerly Twitter) [@SolvetheCrisis](#) and [@ONBigCityMayors](#),
 - LinkedIn [Ontario's Big City Mayors \(OBCM\)](#) and



— **OBCM** —
Ontario's Big City Mayors

- Facebook [Ontario's Big City Mayors](#)
- Use the hashtags #solvethecrisis and tag Solve the Crisis and OBCM's socials if you can to help us track and report on engagement
- Ask residents, staff, councillors, supporters, members and even your Mayor / Warden / Chair / Head of Council to visit www.solvethecrisis.ca fill out the letter to send the message to their local representatives stating that they want action now.
 - Encourage them to share it with their networks as well.
- Read through our attached backgrounders and key messages and include them in any advocacy efforts you may undertaking on this issue
- Draft an op-ed or article specific to your municipality or region to push out to your local media (see OBCM Chair Meed Ward's Op-Ed here - [Toronto Star - August 17th](#))
- Contact us at solvethecrisis@obcm.ca for more information

2025 LEGISLATIVE SCHEDULE OF REGULAR MEETINGS

JANUARY						
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*BRCOTW meeting at 4:00 p.m.

OCTOBER						
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Council	Stat Holiday	Budget Review Committee of the Whole
Committee Week	March Break	Workshop - Budget
Committee of the Whole	Regional Chair's Golf Tournament	

AMO Conference - August 17 - 20, 2025 Ottawa, ON	FCM Conference - May 29 - June 1, 2025 Ottawa, ON
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Meeting Times

- Council**
- Committee of the Whole, Budget Review Committee of the Whole**
- Public Works Committee**
- Public Health and Social Services Committee**
- Corporate Services Committee**
- Planning & Economic Development Committee**

- Thursdays at 6:30 p.m.
- Thursdays at 6:30 p.m.
- Tuesdays at 9:30 a.m.
- Tuesdays at 1:00 p.m.
- Wednesdays at 9:30 a.m.
- Wednesdays at 1:00 p.m.

Approved by Regional Council on September 26, 2024



AORS

PROMOTING KNOWLEDGE. PURSUING EXCELLENCE.

September 18, 2024

City of Port Colborne
Attn: Mayor William Steele
66 Charlotte St.
Port Colborne, ON L3K 3C8

Attention: Mayor William Steele and Council

Re: Ian Matthew Roberts CRS

Dear Mayor and Council Members:

On behalf of the Association of Ontario Road Supervisors (AORS), I would like to congratulate your employee, **Ian Matthew Roberts** for their recent **Certified Road Supervisor** certification. As well, thank you for supporting your employee and we encourage you to publicly acknowledge this achievement.

AORS has been serving public works professionals since 1961. In 1996 AORS was granted – by Provincial Legislation – the exclusive right to use the designation ‘Certified Road Supervisor’ (CRS). The four levels of Certification – Associate, CRS, Intermediate and Senior – have mandatory experience and education criteria established by the AORS Education Committee and Certification Board. Certified individuals may publicize their credential by using initials after their names and we would certainly encourage your employee to do so.

Certification is important for your Municipality because it increases corporate ‘professionalism’, accountability and morale. Certified Road Supervisors use their broad base of knowledge to make confident decisions and therefore serve Council and public more effectively.

AORS is committed to the training and development of experienced, reliable and efficient personnel for the construction and maintenance of public roads in rural and urban municipalities across Ontario.

Thank you again for supporting AORS and for helping us meet our objectives.

Yours truly,

John Maheu, M.A.Sc., P.Eng.
Executive Director

cc. Ian Matthew Roberts CRS 268 Maiden Lane, Suite 206, P.O. Box 2669, St. Marys, ON N4X 1A4
Tel: 226.661.2002 • Fax: 226.661.2003 • admin@aors.on.ca • www.aors.on.ca



The Corporation of the Town of Cobourg

Resolution

Honourable Doug Ford, Premier of Ontario
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Town of Cobourg
55 King Street West,
Cobourg, ON, K9A 2M2
clerk@cobourg.ca

Delivered via email

Doug.fordco@pc.ola.org
premier@ontario.ca

October 4, 2024

RE: Motion from Mayor Lucas Cleveland regarding Support of Involuntary Care for Individuals with Severe Mental Health and Addictions Issues

Please be advised that the Town of Cobourg Council, at its meeting held on September 25, 2024, passed the following resolution:

WHEREAS the Province of British Columbia has announced the creation of highly secure facilities to provide involuntary care for individuals with severe mental health and addictions issues under the Mental Health Act, including dedicated mental health units in correctional centres and regional secure care facilities; and

WHEREAS the Town of Cobourg, along with municipalities across Ontario, are facing growing challenges in addressing the complex needs of individuals with severe mental health and addictions issues, which place a significant strain on local emergency services, healthcare systems, community resources, and public safety; and

WHEREAS individuals experiencing severe mental health and addictions issues often cannot voluntarily seek the care they need, and involuntary care, provided with compassion and appropriate safeguards, can ensure they receive the necessary treatment to help stabilize their condition and improve community safety.

NOW THEREFORE BE IT RESOLVED THAT the Town of Cobourg supports the BC government's approach to providing secure, involuntary care for individuals with severe mental health and addictions challenges, as a compassionate and necessary intervention for those unable to seek help on their own; and

FURTHER THAT the Town of Cobourg urges the Province of Ontario to implement similar measures to ensure that individuals with severe mental health and addictions issues in Ontario have access to secure, involuntary care when necessary; and



The Corporation of the Town of Cobourg

Resolution

FURTHER THAT this motion be forwarded to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), The Premier, Honourable David Piccini, MPP, all other Members of Provincial Parliament and all Ontario municipalities to seek their endorsement and support.

Sincerely,

A handwritten signature in black ink that reads "Kristina Lepik".

Kristina Lepik
Deputy Clerk/Manager, Legislative Services

cc. Association of Municipalities of Ontario (AMO);
the Federation of Canadian Municipalities (FCM);
Honourable, David Piccini, Minister of Labour, Immigration, Training and Skills
Development and Northumberland – Peterborough South MPP;,
All other Members of Provincial Parliament; and
All Ontario Municipalities

April 5, 2024

SENT VIA EMAIL ONLY

To Whom It May Concern:

RE: Motion – Exotic Animals

At its meeting of April 2, 2024, the Council for The Corporation of the Town of Kirkland Lake resolved the following:

*“Moved by: Mayor Stacy Wight
Seconded by: Councillor Rick Owen*

WHEREAS Ontario has more private non-native (“exotic”) wild animal keepers, roadside zoos, mobile zoos, wildlife exhibits and other captive wildlife operations than any other province;

AND WHEREAS the Province of Ontario has of yet not developed regulations to prohibit or restrict animal possession, breeding, or use of exotic wild animals in captivity;

AND WHEREAS exotic wild animals can pose very serious human health and safety risks, and attacks causing human injury and death have occurred in the Province;

AND WHEREAS the keeping of exotic wild animals can cause poor animal welfare and suffering, and poses risks to local environments and wildlife;

AND WHEREAS owners of exotic wild animals can move from one community to another even after their operations have been shut down due to animal welfare or public health and safety concerns;

AND WHEREAS municipalities have struggled, often for months or years, to deal with exotic wild animal issues and have experienced substantive regulatory, administrative, enforcement and financial challenges;

AND WHEREAS the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), and the Municipal Law Enforcement Officers' Association (MLEOA) have indicated their support for World Animal Protection's campaign for provincial regulations of exotic wild animals and roadside zoos in letters to the Ontario Solicitor General and Ontario Minister for Natural Resources and Forestry;

THEREFORE BE IT RESOLVED THAT *The Corporation of the Town of Kirkland Lake hereby petitions the provincial government to implement provincial regulations to restrict the possession, breeding, and use of exotic wild animals and license zoos in order to guarantee the fair and consistent application of policy throughout Ontario for the safety of Ontario's citizens and the exotic wild animal population;*

AND FINALLY THAT *a copy of this resolution be forwarded to the Premier of Ontario, Ontario's Solicitor General, Ontario's Minister for Natural Resources and Forestry, MPP Timiskaming-Cochrane, AMO, AMCTO, MLEAO, Timiskaming Municipal Association (TMA), the Federation of Northern Ontario Municipalities (FONOM), and all municipalities within the District of Timiskaming.*

CARRIED"

As so directed, a copy of Council's resolution has been supplied above for your reference.

Please do not hesitate to contact me if I can provide clarification in this regard.

Yours truly,

A handwritten signature in black ink, appearing to read 'A. Spilman', with a long horizontal flourish extending to the right.

Amberly Spilman
Deputy Clerk/Lottery Licensing Officer

Municipality of Tweed Council Meeting
Council Meeting



Resolution No. 229
Title: Councillor P. Valiquette
Date: Tuesday, April 23, 2024

Moved by P. Valiquette
Seconded by J. Palmateer

WHEREAS it is apparent that the Ontario Government has overlooked the needs of small rural Ontario;
AND WHEREAS Ontario's small rural municipalities face insurmountable challenges to fund both upfront investments and ongoing maintenance of their capital assets including roads, bridges, water/wastewater and municipally owned buildings including recreational facilities, libraries and other tangible capital assets;

AND WHEREAS small rural Ontario's operating needs consume the majority of property tax revenue sources;

AND WHEREAS small rural municipalities (of 10,000 people or less) are facing monumental infrastructure deficits that cannot be adequately addressed through property tax revenue alone;

AND WHEREAS in 2015 the provincial government moved to standardized billing for all non-contract J.P.P. (5.1) locations;

AND WHEREAS the Ontario Government has committed \$9.1 billion to Toronto alone to assist with operating deficits and the repatriation of the Don Valley and Gardner Expressway; and \$534 million to Ottawa for the repatriation of Hwy 174;

AND WHEREAS the annual cost of the Ontario Provincial Police, Municipal Policing Bureau for small rural non-contract (5.1) municipalities is approximately \$428 million;

AND WHEREAS this annual cost is significantly less than the repatriation costs of the Gardiner Express Way, the Don Valley Parkway and Highway 174 (Ottawa Region) but provides a greater impact to the residents of the Province overall;

AND WHEREAS this will afford relief to small rural municipalities for both infrastructure and operating needs while having a minimal impact on the provincial budget;

NOW THEREFORE BE IT RESOLVED THAT The Municipality of Tweed call on the Ontario Government to immediately implement sustainable funding for small rural municipalities by reabsorbing the cost of the Ontario Provincial Police Force back into the provincial budget with no cost recovery to municipalities;

AND FURTHER, that Council direct staff to circulate this resolution to Premier Doug Ford (premier@ontario.ca), Minister of Solicitor General, Minister of Finance, and to the Association of Municipalities of Ontario (amo@amo.on.ca) and all Municipalities in Ontario.

Carried

October 10, 2024

Honourable Doug Ford, Premier of Ontario
Via Email

Re: Provincial Updates to the Municipal Elections Act

Please be advised that Council of the Town of Halton Hills at its meeting of Monday, October 7, 2024, adopted Resolution No. 2024-0168 regarding Provincial Updates to the Municipal Elections Act.

Attached for your information is a copy of Resolution No. 2024-0168.

Respectfully,



Melissa Lawr, AMP
Deputy Clerk – Legislation

cc. Minister of Municipal Affairs and Housing
Minister of Education
Minister of Public and Business Service Delivery
Minister of Finance
Halton MPPs
Association of Municipalities of Ontario (AMO)
Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO)
All Ontario Municipalities



THE CORPORATION
OF
THE TOWN OF HALTON HILLS

Resolution No.: 2024-0168

Title: Provincial Updates to the Municipal Elections Act

Date: October 7, 2024

Moved by: Councillor A. Hilson

Seconded by: Mayor A. Lawlor

Item No. 12.1

WHEREAS elections rules need to be clear, supporting candidates and voters in their electoral participation and election administrators in running elections;

AND WHEREAS legislation needs to strike the right balance between providing clear rules and frameworks to ensure the integrity of the electoral process;

AND WHEREAS the legislation must also reduce administrative and operational burden for municipal staff ensuring that local election administrators can run elections in a way that responds to the unique circumstances of their local communities;

AND WHEREAS the Municipal Elections Act, 1996 (MEA) will be 30 years old by the next municipal and school board elections in 2026;

AND WHEREAS the MEA sets out the rules for local elections, the Assessment Act, 1990 and the Education Act, 1990 also contain provisions impacting local elections adding more places for voters, candidates, and administrators to look for the rules that bind the local democratic process in Ontario;

AND WHEREAS with rules across three pieces of legislation, and the MEA containing a patchwork of clauses, there are interpretation challenges, inconsistencies and gaps to fill;

AND WHEREAS the Act can pose difficulties for voters, candidates, contributors and third-party advertisers to read, to interpret, to comply with and for election administrators to enforce;

AND WHEREAS while local elections are run as efficiently and effectively as can be within the current legislative framework, modernization and continuous improvement is needed to ensure the Act is responsive to today's needs and tomorrow's challenges;

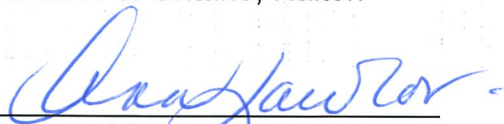
AND WHEREAS to keep public trust and improve safeguards the Act should be reviewed considering the ever-changing landscape which impacts elections administration including privacy, the threats of foreign interference, increased spread of mis-disinformation and the increased use of technologies like artificial intelligence and use of digital identities;

AND WHEREAS the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) reviewed the Act and has provided several recommendations including modernizing the legislation, harmonizing rules, and streamlining and simplifying administration;

AND WHEREAS AMCTO put forward recommendations for amendments ahead of the 2026 elections and longer-term recommendations for amendments ahead of the 2030 elections;

THEREFORE BE IT RESOLVED THAT Council for the Town of Halton Hills calls for the Province to update the MEA with priority amendments as outlined by AMCTO before Summer 2025 and commence work to review and re-write the MEA with longer-term recommendations ahead of the 2030 elections;

AND FURTHER THAT this resolution be forwarded to all municipalities in Ontario for support and that each endorsement be then forwarded to the Minister of Municipal Affairs and Housing, the Minister of Education, the Minister of Public Business Service Delivery, Ministry of Finance, the Premier of Ontario, Halton MPPs, AMO and AMCTO.



Mayor Ann Lawlor

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to establish fees and charges for various services and to repeal by-law 7155/97/23 and any amendments thereto

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides a municipality may pass by-laws imposing fees or charges on any class or persons; and

Whereas subsection 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended allows municipalities to adopt By-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control; and

Whereas the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended provides a municipality may pass by-laws imposing fees and charges; and

Whereas the *Cemeteries Act (Revised), R.S.O. 1990, c. C.4*, as amended, provides a municipality may pass by-laws imposing fees and charges; and

Whereas the *Planning Act, R.S.O. 1990, c. P.13*, as amended, provides a municipality may pass by-laws imposing tariffs, fees and charges; and

Whereas at its meeting of October 22, 2024 the Council of The Corporation of the City of Port Colborne approved the recommendation of Corporate Services Finance Division Report No. 2024-183, Subject: 2025 Proposed Fees and User Charges.

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

1. That the fees and charges, outlined in Schedules "A to P" attached hereto and forming part of this by-law, be enacted.
2. If the City performs a service for a third party that is not outlined in Schedules "A to P" attached hereto, that the Chief Administrative Officer be delegated authority to set the fees and charges for the service provided the fees and charges cover the cost of the service.
3. Unless otherwise identified, that staff be delegated authority to set the price for goods purchased for resale (including insurance for activities held within City facilities). Provided that the price is higher than the cost to purchase the goods.
4. That staff be approved to waive any fee up to \$2,000 on compassionate grounds or when related to a charity or related fundraiser. This waiver shall be applied only once per event.
5. That staff be given delegated authority to set advertising and rental rates not specified in Schedules "A to P" and for sponsorships less than \$50,000.
6. That if a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

7. That should this by-law conflict with any other by-law or resolution of Council, or any staff report approved by Council, in relation to fees and charges imposed under the *Municipal Act, Planning Act, Building Code Act* or any other act, this by-law shall take precedence, unless specifically stated to the contrary.
8. That By-law No. 7155/97/23, and any amendments thereto, are hereby repealed.
9. That this by-law come into force and take effect on the day of passing.

Enacted and passed this 22nd day of October, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

APPENDIX A: Engineering & Operations

Engineering & Operations Service Fees						
Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Commemorative	Park Bench	Installation of a bench within a City park.	\$3,325.00	-	\$3,500.00	-
Commemorative	Promenade Bench	Installation of a bench on the West Street promenade.	\$2,294.00	-	\$2,450.00	-
Commemorative	Muskoka Chair	Installation of a Muskoka chair.	\$1,772.00	-	\$1,900.00	-
Commemorative	Tree Planting	Planting of a single native species tree on City property.	\$895.00	-	\$1,000.00	-
Commemorative	Pet Waste Station	Installation of a pet waste station.	\$1,291.00	-	\$1,400.00	-
Commemorative	Plaque Replacement	Replacement plaque for a previously purchased commemorative item.	\$261.49	-	\$275.00	-
Drainage	Drainage Apportionment Agreement	Cost for the Drainage Superintendent to complete a drainage apportionment agreement due to the severance of a parcel. Fee is for up to 5 parcels, more than 5 parcels will be completed by an appointed Engineer and fees (actual cost) will be charged accordingly.	Actual Cost	-	Actual Cost	-
Engineering	Water Model	Running a proposed development through the water model to determine if existing infrastructure is sufficient or if upgrades are required.	Actual Cost	-	Actual Cost	-
Water/Sewer/Storm	Service Decommissioning	Decommissioning of a water service, sanitary or storm lateral.	\$2,726.00/service	-	\$2,865.00/service	-
General	Rock Removal	Removal of Rock for Trench Work.	\$181.00/hour	minimum 4 hours plus \$100.00 disposal fee	\$195.00/hour	minimum 4 hours plus \$105.00
General	Street Sweeping*	Street sweeping for general cleanliness of the roadways.	\$207.00/hour	minimum 4 hours plus \$100.00 disposal fee	\$220.00/hour	minimum 4 hours plus \$105.00
General	Street Cleaning	Removal and recovery of debris including mud, and rock left within the roadway with means other than a street sweeper.	\$156.79/hour	minimum 4 hours plus \$100.00 disposal fee	\$165.00/hour	minimum 4 hours plus \$105.00 disposal fee
General	Cart Retrieval Fee	Retrieval and storage of a single cart.	\$78.00/cart	-	\$85.00/cart	

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
General	On-Call Supervisor Call Out	Request for Supervisor inspection found to be caused by private property issue afterhours, Monday to Saturday. Only charged if deemed to be a private issue, no charge for City issue.	\$136.80/Hour	minimum 4 hours	\$145.00/hour	minimum 4 hours
General	On-Call Supervisor Call Out	Request for Supervisor inspection found to be caused by private property issue on Sundays and statutory holidays. Only charged if deemed to be a private issue, no charge for City issue.	\$171.38/Hour	minimum 4 hours	\$180.00/hour	minimum 4 hours
Parks	Trail Closure*	To be charged per application for each trail closure. Accommodates one section of trail to be closed with two barricades and road closed signage. Closures beyond one section of trail (entrance to entrance) are subject to job specific pricing.	\$125.62	-	\$135.00	-
Parks	Parade and Event Services *	Services to clear City owned waste bins at a higher frequency than the standard level of service during Parades and Events.	\$352.73	-	\$370.00	-
Parks	Park & Pavilion Services*	Electrical and Water connections when requested from renters. Connections only available at select locations.	\$75.00	-	\$80.00	-
Roads	Driveway Culvert	Install HDPE driveway culvert up to 600mm in diameter; includes stone backfill and compaction to grade.	\$485.00/meter	-	\$510.00/meter	-
Roads	Driveway Culvert	Install HDPE driveway culvert over 600mm in diameter; includes stone backfill and compaction to grade.	Actual Cost	-	Actual Cost	-
Roads	Asphalt Driveway Apron Installation	Includes preparation and installation of a residential asphalt driveway apron to City standards.	\$65.00/square meter	\$195.00	\$70.00/square meter	\$205.00
Roads	Curb Cut	Cut existing curb to accommodate a new entrance.	\$149.79/meter	\$449.37	\$160.00/meter	\$475.00
Roads	Curb Installation	Install curb to match existing area. One cost for standard curb & gutter, barrier curb or mountable curb.	\$202.94/meter	\$405.87	\$215.00/meter	\$430.00
Roads	Sidewalk Repair	Replace existing sidewalk panels.	\$169.11/square meter	\$338.23	\$180.00/square meter	\$360.00

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Roads	Road Closure*	To be charged per application for each road closure. Accommodates one block of roadway to be closed with two barricades and road closed signage. Closures beyond one block are subject to job specific pricing.	\$251.16	–	\$265.00	
Roads	Traffic Control	Traffic control on primary roadways for City construction activities generated through Municipal Consent and Building Permits. Fee accommodates a 4 hour operation during regular business hours. Fee to be doubled for an 8 hour operation. Work beyond regular business hours is subject to job specific pricing.	\$972.23	–	\$1,025.00	–
Roads	Traffic Control	Traffic control on secondary roadways for City construction activities generated through Municipal Consent and Building Permits. Fee accommodates a one day lane shift. Work beyond regular business hours is subject to job specific pricing.	\$298.10	–	\$315.00	–
Roads	New Granular Driveway Installation	New installation of a granular driveway including excavation and placement of granular to a minimum area of 40 square meters. Cost per square meter to be charged above the flat fee of 40 square meters.				
Roads	Tree Trimming per By-law 6175/01/15	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	\$202.63/hour	–	\$215.00/hour	–
Roads	Tree Removal per By-law 6175/01/16	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	\$202.63/hour	–	\$215.00/hour	–
Roads	Stump Removal per By-law 6175/01/17	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	\$280.44/hour	–	\$295.00/hour	–

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Roads	Stump Reinstatement per By-law 6175/01/18	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	\$410.00	–	\$430.00	–
Roads	Tree Replacement per By-law 6175/01/18	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	\$848.00	–	\$890.00	–
Roads	Arborist Tree Inspection per By-law 6175/01/19	Maintenance and removal of trees on or affecting property of the City of Port Colborne.	Actual Cost	–	Actual Cost	–
Sewer	Sewer Rodding	Sewer rodding during Operations regular hours.	Actual Cost	–	Actual Cost	–
Sewer	Sewer Rodding	Sewer rodding outside of Operations regular hours.	Actual Cost	–	Actual Cost	–
Sewer	Review of inspection and testing plans for private sanitary sewers, forcemains, maintenance holes and/or chambers	Review of inspection and testing plans for sanitary sewers, forcemains, maintenance holes and/or chambers required under Province's Design Criteria for Sanitary Sewers, Storm Sewers and Forcemains for Alterations Authorized under Environmental Compliance Approval that will connect to the City's wastewater collection system.	\$240.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.	\$255.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.
Sewer	Witness inspection and testing activities for sanitary sewers, forcemains, maintenance holes and/or chambers	Witnessing all required inspection and testing activities for sanitary sewers, forcemains, maintenance holes and/or chambers that will connect to the City's wastewater collection system.	\$67.60/hour	minimum 4 hours	\$72.00/hour	minimum 4 hours
Water	Water Service Turn On/Off	One fee to turn off and back on, during Operations regular business hours for a valve up to 100mm. Additional fee will apply if water is turned back on a different day, or after regular business hours.	\$79.00/event	–	\$85.00/event	
Water	Water Service Turn On/Off	One fee to turn off and back on, during Operations regular business hours for a valve 100mm and larger. Additional fee will apply if water is turned back on a different day, or after regular business hours.	\$159.00/event	–	\$170.00/event	
Water	Water Service Turn On/Off	One fee to turn off and on, outside of Operations regular business hours. Four hour window to have water turned back on. Additional fee will apply if water is turned back on after four hours, or on a different day.	\$405.00/event	–	\$430.00/event	

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Water	Unscheduled Water Meter Reading	Water meter reading as requested by user.	\$104.00/event	–	\$110.00/event	
Water	Water Service Tapping	Watermain tapping for water service up to 50mm.	\$423.00 per tap	Contractor responsible for preparing and securing site for tapping. If not ready to tap staff will not proceed, but will charge the fee, plus another fee when return to perform the tap. If staff are required to wait hourly rate of \$70/hour/staff member will apply, on top of the fee.	\$445.00 per tap	Contractor responsible for preparing and securing site for tapping. If not ready to tap staff will not proceed, but will charge the fee, plus another fee when return to perform the tap. If staff are required to wait hourly rate of \$70/hour/staff member will apply, on top of the fee.
Water	Water Service Upgrade	Upgrading an existing water service to a larger diameter, up to 50mm as per City standards.	Actual Cost	\$5,000.00	Actual Cost	\$5,250.00
Water	Water service (100mm +) commissioning plan review	Review of commissioning plans required under the Provincial Watermain Disinfection Procedure for water services 100mm+.	\$240.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.	\$255.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.
Water	Private Watermain Commissioning Plan review	Review of commissioning plans required under the Provincial Watermain Disinfection Procedure for watermains that will be connected to the City's water system.	\$240.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.	\$255.00	1 fee for initial review, 1 "free" resubmission with required edits, fee applies again to any additional edits.
Water	Water Service (100mm +) commissioning activities - witness and sampling	Witnessing of the commissioning activities for water services 100mm+. All required sampling activities.	\$62.40/hour	minimum 4 hours	\$70.00/hour	minimum 4 hours

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Water	Private Watermain Commissioning Activities - witness and sampling	Witnessing of the commissioning activities for private watermains (i.e. new subdivisions, watermains that technically fall under the Building Code but must meet requirements of Watermain Commissioning Protocol) that will be connected to the City's water system. All required sampling activities.	\$62.40/hour	minimum 4 hours	\$70.00/hour	minimum 4 hours
Water	Laboratory Analysis of Water Samples required under commissioning plans	Analysis of all samples required under the commissioning plans (water service 100mm+ or private watermains).	\$36.04/sample	-	\$40.00/sample	
Water	Oversee Final Connections (private watermain or service)	Time for an Operator-in-Charge to review the watermain/service connection plan to establish flush and sample points and to directly oversee the connection, in accordance with the City's Watermain Commissioning Protocol and with the Provincial Watermain Disinfection Procedure.	\$62.40/hour	minimum 4 hours	\$70.00/hour	minimum 4 hours
Water	Development flushing	Flushing fees for maintaining water quality in active development with not enough demand. This would be part of the Subdivision flushing agreement to maintain water quality.	\$75.00 per hour, plus per cubic metre charge for the water used	minimum 1 hour, minimum 5 cubic metres per event	\$80.00 per hour, plus per cubic metre charge for the water used	minimum 1 hour, minimum 5 cubic metres per event
Water/Sewer/Storm	Inspection of water service and/or sewer lateral install.	When outside contractors perform new installation of water service and/or sewer lateral our fee for the inspection. (hourly rate)	\$62.40/hour	minimum 4 hours	\$70.00/hour	minimum 4 hours
Water/Sewer/Storm	Inspection of water service and/or sewer lateral install. (after hours/emergency)	When outside contractors perform new installation of water service and/or sewer lateral our fee for the inspection, and the inspection is outside normal operating hours. (hourly afterhours rate - emergency call out is 4 hour minimum)	\$124.80/hour	emergency call out - 4 hour minimum \$499.20	\$135.00/hour	emergency call out - 4 hour minimum \$525.00
Water/Sewer/Storm	Inspection of service disconnect	When outside contractors perform a disconnect of water service and/or sewer lateral our fee for the inspection. (hourly rate)	\$62.40/hour	minimum 4 hours	\$70.00/hour	minimum 4 hours

Service Type	Name	Description	2024 Fee (plus HST as applicable)	2024 Minimum Fee	2025 Proposed Fee (plus HST as applicable)	2025 Proposed Minimum Fee
Water/Sewer/Storm	Inspection of service disconnect (After hours/emergency)	When outside contractors perform a disconnect of water service and/or sewer lateral our fee for the inspection, and the inspection is outside normal operating hours. (emergency call out is a 4 hour minimum)	\$124.80/hour	emergency call out - 4 hour minimum \$499.20	\$135.00/hour	emergency call out - 4 hour minimum \$525.00
Water/Sewer/Storm	Review of Form 1, Form SS1 (or equivalent) for watermains, sanitary sewers and/or storm sewers	Review to ensure the Form 1, Form SS1, or equivalent, submitted to the City for watermains, sanitary sewers and/or storm sewers that will connect to the City's water system, wastewater collection system and/or stormwater system, are in compliance with the requirements of the City's Drinking Water Works Permit and/or the City's Consolidated Linear Infrastructure Environmental Compliance Approval.	\$75.00	One fee for each form (i.e. if submit for water, sani and storm - 3 fees) for initial review. If all 3 forms submitted in one package, will only charge 2 fees. One "free" resubmission with required edits, fee applies again to any additional edits.	\$80.00	One fee for each form (i.e. if submit for water, sani and storm - 3 fees) for initial review. If all 3 forms submitted in one package, will only charge 2 fees. One "free" resubmission with required edits, fee applies again to any additional edits.

Notes:

1. The Municipal Consent permit is applicable for all occupancy within the road allowance and on City property.

APPENDIX B: Dog Licensing

Dog Licensing **	2024 Fee	2025 Proposed Fee
1. Early purchase discount rate on or before March 15th of each year:		
Licence, Neutered/Spayed dog*	\$18.00	\$20.00
Licence, Un-Neutered/Un-Spayed dog	\$33.00	\$35.00
Vicious Dog	\$124.00	\$135.00
2. After March 15th of each year where sections 3 and 4 of this Schedule are not applicable:		
Licence, Neutered/Spayed dog*	\$33.00	\$35.00
Licence, Un-Neutered/Un-Spayed dog	\$45.00	\$50.00
Vicious Dog	\$124.00	\$135.00
3. Replacement Tag – verification of original tag purchase required	\$6.00	\$7.00
4. Application for Hearing – non refundable	\$231.00	\$245.00

Kennel Licensing	2024 Fee	2025 Proposed Fee
Kennel License	\$101.00	\$110.00

Notes:

* Proof is required

** No HST is applicable

APPENDIX C: Fire and Emergency

All fees identified with an asterisk will be billed using the applicable MTO Rate at the time of billing.

Emergency Response	2024 Fee	2025 Proposed Fee
* Nuisance false alarms and nuisance deployments: First false alarm in any calendar year	Nil	Nil
* Nuisance false alarms and nuisance deployments: Subsequent false alarms in calendar year	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched
Billing for firefighting services using a third party, as necessary.	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched
Failure to Extinguish Open Air Burning (liable for costs under Section 2.5 By-Law 6280/106/15). Owner responsible for any and all additional expenses - to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation.	Actual Costs	Actual Costs
Hourly Rate of Personnel	Current	Current

***Motor vehicle accident/vehicle fire and providing firefighting or other emergency services to a non-resident:**

a) * For the first hour or any part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched
b) * For each additional one half hour or part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched

Note: MTO Rates are applicable to residents when Fire Department services are provided on Hwy. No's 3, 58 and 140.

Response to fires on or beside rail lines caused by Railway Company - owner responsible for any and all additional expenses - to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an	Actual Costs	Actual Costs
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***For attending a natural gas incident**

a) * For the first hour or any part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched
b) * For each additional one half hour or part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched

Extraordinary expenses - Owner responsible for any and all additional expenses that the Fire Chief or Deputy Fire Chief determines-to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation.	Actual Costs	Actual Costs
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*For responding to non-emergency requests		
a) * For the first hour or any part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched
b) * For each additional one half hour or part thereof	Applicable MTO Rates, Per apparatus dispatched	Applicable MTO Rates, Per apparatus dispatched

Fire Prevention	2024 Fee (plus HST)	2025 Proposed Fee (plus HST)
Commercial (GROUP A, D&E OCCUPANCY)		
Refreshment Vehicle	\$151.00	\$160.00
Inspect base building, less than 3,000 sq. ft. (gross area)	\$303.00	\$320.00
- Plus inspect each additional 3,000 sq. ft.	\$151.00	\$160.00
- Plus inspect each suite in addition to base building	\$30.00	\$35.00
Day Care: Home Day Cares with less than 5 children	\$91.00	\$100.00
Day Care: Licenced Day Cares with occupant load of 40 or less	\$182.00	\$195.00
Day Care: Licenced Day Cares with occupant load of more than 40	\$303.00	\$320.00
Repeat follow-up inspections on a violation	\$91.00	\$100.00

Institutional (GROUP B) or Residential (GROUP C containing a Care Facility)		
Inspect base building, less than 3,000 sq. ft. (gross area)	\$333.00	\$350.00
- Plus inspect each additional 3,000 sq. ft.	\$151.00	\$160.00
- Plus each dwelling/unit/sleeping room in addition to base	\$12.00	\$15.00
Repeat follow-up inspections on a violation	\$91.00	\$100.00

Residential (GROUP C, Not Including Care Facilities) (includes Hotels, Motels, Apartments and Bed and Breakfast)		
Small building – 3,000 sq. ft. or less – containing single dwelling units	\$91.00	\$100.00
Small building – 3,000 sq. ft. or less – containing two dwelling units	\$363.00	\$385.00
Large building – more than 3,000 sq. ft. OR contains:		
- 3 to 5 dwelling units/suites of residential occupancy	\$606.00	\$640.00
- 6 to 18 dwelling units/suites of residential occupancy	\$908.00	\$955.00
- More than 18 dwelling units/suites of residential occupancy	\$1,817.00	\$1,910.00

Repeat follow-up inspections on a violation	\$91.00	\$100.00
Bed and Breakfast – up to four (4) sleeping rooms	\$333.00	\$350.00

Industrial (GROUP F OCCUPANCY)

Inspect base building, less than 3,000 sq. ft. (gross area)	\$212.00	\$225.00
- Plus inspect each additional 3,000 sq. ft.	\$91.00	\$100.00
- Plus inspect each suite in addition to base building	\$30.00	\$35.00
Repeat follow-up inspections on a violation	\$91.00	\$100.00

Miscellaneous Inspections/Application Reviews/Permits

Open Air Burning Site Inspection and Clearance	\$91.00	\$100.00
Fireworks Vendor-Site Inspection	\$91.00	\$100.00
Propane Licence Application Review (Basic)	\$113.00	\$120.00
Propane Licence Application Review (Complex)	\$73.00/hour	\$78.00/hour
Marijuana Grow-Op/Drug Lab Compliance Inspection	\$303.00	\$320.00
Review of Site Plans	\$73.00/hour	\$78.00/hour
Sale of Consumer Fireworks Vendor Permit	\$121.00/annually	\$130.00/annually
Display Fireworks Discharge Permit	\$182.00/per event	\$195.00/per event

Fire Department Assistance	2024 Fee (plus HST)	2025 Proposed Fee (plus HST)
Fire Watch	\$73.00/hour	\$78.00/hour
Securing Buildings	\$73.00/hour	\$78.00/hour
Fire Prevention Assistance	\$73.00/hour	\$78.00/hour
Training Assistance	\$73.00/hour	\$78.00/hour

File Reports and File Searches	2024 Fee (plus HST)	2025 Proposed Fee (plus HST)
File Search/File Reports - Environmental Issues	\$303.00	\$320.00
File Search/File Reports - Information	\$212.00	\$225.00
Letters and Produce Incident Reports to Insurance Companies	\$212.00	\$225.00
LLBO - Letters of Compliance	\$212.00	\$225.00

Smoke and Carbon Monoxide Alarm Installations	2024 Fee (plus HST)	2025 Proposed Fee (plus HST)
Installation of Smoke Alarm	\$30.00 each	\$35.00 each
Installation of Plug-In Carbon Monoxide Alarm	\$40.00 each	\$45.00 each
Installation of Combination Alarm	\$50.00 each	\$55.00 each
Installation of Wireless Interconnected Smoke Alarm	\$65.00 each	\$70.00 each

Installation of Wireless Interconnected Combination Alarm	\$100.00 each	\$105.00 each
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Fire Department Services	2024 Fee (plus HST)	2025 Proposed Fee (plus HST)
Refilling of Air Cylinders	\$15.00 each	\$16.00 each
Fire Extinguisher Rentals	\$12.00 each	\$13.00 each
Photographs	\$6.00 each	\$7.00 each
I.D. Photos	\$12.00 each	\$13.00 each
Meeting Room Rental*	\$150.00 daily	\$160.00 daily
911 Sign Installation	\$121.00 daily	\$130.00 daily
911 Sign Replacement	\$61.00 each	\$65.00 each
Emily Sign Installation	\$120.00 daily	\$130.00 daily

*Includes applicable User Group Liability Insurance premium

APPENDIX D: Vale Health and Wellness Centre

Arena	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Prime and Non-Niagara Rate* (Based on average of Niagara municipal ice rates at time rates approved)	Per hour	\$226.00	\$229.00
Non-Prime* (Based on average of Niagara municipal ice rates at time rates approved)	Per hour	\$135.00	\$138.00
Junior B - Hockey Game (Based on Average of Adult and Minor Sport Prime)	Per hour	\$188.00	\$192.00
Minor Sports & School Games (Based on average of Niagara municipal ice rates at time rates approved)	Per hour	\$148.00	\$155.00
Minor Sports (including Junior B) Non-Prime (Based on average of Niagara municipal ice rates at time rates approved)	Per hour	\$95.00	\$100.00
School Non-Prime (Based on 50% of Minor Sports Prime rate)	Per hour	\$74.00	\$80.00
Individual Training (half ice) Non-Prime* (Per player w/one coach; Available non-prime time only; Based on 50% of Minor Sports)	Per hour	\$78.00	\$85.00
Last Minute Ice Prime* (Same Day Ice) (Based on 75% of Prime)	Per hour	\$175.00	\$178.00
Last Minute Ice Non-Prime* (Same Day Ice) (Based on 75% of Non-Prime)	Per hour	\$105.00	\$108.00

- Leagues are charged the rate in effect at the time their ice rental agreement are made for the duration of the agreement.

Family and Public Ice Skating/Roller-skating	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Students	Per session	\$3.54	\$3.54
Adults	Per session	\$4.42	\$4.42
Seniors	Per session	\$3.54	\$3.54
Seniors Pay-As-You-Play	Per session	\$4.42	\$4.42
Pay-As-You-Play	Per session	\$4.42	\$4.42
Stick and Puck (Adult and 1 child)	Per session	\$4.42	\$4.42
Stick and Puck (Each additional child)	Per session	\$3.54	\$3.54
Tots and Adults	Per session	\$4.42	\$4.42
Public Skate Group Pass (Max 5 people. Min 1 adult 18+)	Per session	\$10.62	\$12.00
Summer Arena Floor/Facility Rental (No Ice)*	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Rink 2 – Floor ** (Non-Profit; Youth Sport Groups)	Per hour	\$60.54	\$65.00
Rink 2 – Floor** (Adult Sport Group; Commercial – Trade Show/Event)	Per hour	\$88.86	\$95.00

*Does not include associated staging and removal costs and access to the Golden Puck Community Room

**Excludes applicable User Group Liability Insurance premium

Golden Puck Community Room (GPCR) (Includes 2 6ft tables and 12 chairs)	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
For Profit/Commercial Use (Full Room)**	Daily	\$341.00	\$360.00
	Hourly	\$78.00	\$82.00
Not for Profit/Community Groups (Full Room)**	Daily	\$172.00	\$182.00
	Hourly	\$44.00	\$48.00
For Profit/Commercial Use (Half Room)**	Daily	\$172.00	\$185.00
	Hourly	\$41.00	\$44.00
Not for Profit/Community Groups (Half Room)**	Daily	\$88.00	\$95.00
	Hourly	\$24.00	\$26.00

*Tournaments and Trade Shows will have access with floor/facility booking at negotiated rates

**Excludes applicable User Group Liability Insurance premium

Other Rates	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Upper or Lower Lobby** Not for Profit/Community Group	Hourly	\$23.05	\$25.00
Upper or Lower Lobby** For Profit/Commercial	Hourly	\$38.98	\$42.00
Dressing Room (special events/tournaments)	Each/Daily	\$36.28	\$39.00
Swipe Card (Replacement)	Each	\$13.27	\$14.00
Keys (Additional)	Each	\$13.27	\$14.00
Power Cart & Hydro	Each	\$19.47	\$21.00

**Excludes applicable User Group Liability Insurance premium

Staffing	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Assistant Arena Attendant Chargeback (Trade shows, tournaments, large scale events, etc.)	Per hour	\$7.08	\$16.50

APPENDIX E: Parks and Pavilions

Park Pavilions	Term	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Pavilion – Large*	Per Booking Per Day	\$68.59	\$75.00
Pavilion – Small*	Per Booking Per Day	\$62.39	\$70.00
Bandshell	Per Booking Per Day	\$59.29	\$65.00
Hydro	Per Booking Per Day	\$6.19	\$8.00
Washroom Rental Rate: (non-public, after hours before Victoria Day Weekend or after Thanksgiving)	Per Booking Per Day	\$53.10	\$56.00
Park Permit (events less than 100 or not for profit) Note: Park permit does not include pavilion fee	Per Booking Per Day	\$88.50	\$95.00
Park Permit Groups of 100 + (Daily rate, plus out of pocket expenses such as: extra staff, equipment, park reinstatement and garbage pickup) Note: Park permit does not include pavilion fee	Per Booking Per Day	N/A	\$300.00
Park Permit Groups of 500 + or Special Event Request	Per Booking Per Day	N/A	Job Specific Costing

*Plus applicable User Group Liability Insurance premium

APPENDIX F: Playing Fields and Sport Courts

Playing Fields and Sport Courts	Unit	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Soccer Fields – Youth*	Per game (2 hours)	\$10.36	\$11.00
Soccer Fields – Youth Tournament**	Per field/Per hour	\$8.85	\$10.00
Soccer Fields – Adult*	Per game (2 hours)	\$65.22	\$70.00
Soccer Fields – Adult Tournament**	Per field/Per hour	\$30.97	\$33.00
Baseball/Softball Diamonds – Youth*	Per game (2 hours)	\$10.36	\$11.00
Baseball/Softball Diamonds – Youth Tournament**	Per field/Per hour	\$8.85	\$10.00
Baseball/Softball Diamonds – Adult*	Per game (2 hours)	\$65.22	\$70.00
Baseball/Softball Diamonds – Adult Tournament**	Per field/Per hour	\$30.97	\$34.00
Lighting (soccer field or baseball/softball diamond)	Add/Per field	\$17.70	\$20.00
Lining (soccer field or baseball/softball diamond)	Add/Per field	\$17.70	\$20.00
Floating	Add/Per field	\$17.70	\$19.00
Tennis Courts* (Cedar Bay Centennial or West Side Tennis Courts)	Per court/Per hour	\$6.03	\$7.00
Volleyball Courts*** (Cedar Bay Centennial Park)	Per court/Per hour	\$13.01	\$15.00
Horse Paddock Skateboard & BMX Park	Sanctioned OR Un-Sanctioned Competitions terms to be negotiated.		

*Includes applicable User Group Liability Insurance premium

**Plus applicable tournament insurance premium (please contact)

***Tournaments on request

APPENDIX G: Beaches

Nickel Beach					
Pass/Permit Type	Classification	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)	Percentage Change	Notes
<i>Zone 1 Reserved Daily Pass per vehicle : Prime Season</i>	Weekday (Monday-Thursday)	\$40.00	\$40.00	0%	Hourly Fees based off market rates with regional beaches
	Weekend (Friday-Sunday)	\$50.00	\$50.00	0%	
<i>Zone 2 Hourly Fee per vehicle: Prime Season</i>	Weekday (Monday-Thursday) - Available all day	NA	\$4.00		
	Weekend (Friday-Sunday) - Option starts After 4pm	NA	\$5.00		
<i>Zone 2 Daily Pass per vehicle: Prime Season</i>	Weekday (Monday-Thursday)	\$20.00	\$20.00	0%	
	Weekend (Friday-Sunday)	\$30.00	\$30.00	0%	
<i>Zone 1 and 2 Hourly Fee per vehicle: Off Season, Free with Port Pass</i>	Hourly	NA	\$2.00		
<i>Zone 3 Overflow Daily Pass per vehicle: Prime Season</i>	Weekday (Monday-Thursday)	\$20.00	\$20.00	0%	
	Weekend (Friday-Sunday)	\$30.00	\$30.00	0%	
<i>Zone 3 Overflow Hourly Fee per vehicle: Prime Season</i>	Weekday (Monday-Thursday) - Available all day	NA	\$4.00		
	Weekend (Friday-Sunday) Option starts after 4pm	NA	\$5.00		
<i>Season Passes</i>	PORTicipate Pass (Port Colborne Residents Only) -Zones 2 and 3 all year -PS: Zone 1, Sunrise to 8:30 AM*	FREE	FREE		
	Gold Pass: -Mon - Thurs: Zones 2 and 3, Sunrise to Dusk -Fri - Sun: Zones 2 and 3, 4 PM to Dusk -PS: Zone 1 Sunrise to 8:30 AM* -OS: All Zones, Sunrise to Dusk**	\$150.00	\$200.00	33%	
	Morning Leisure Pass: Zone 1, Sunrise to 9 AM	N/A	\$120.00		

Prime Season*: Defined as between Victoria Day and Thanksgiving.

Off Season**: All other Days of the year. Beach parking lots not maintained through winter.

Centennial – Cedar Bay Beach					
Pass/Permit Type	Classification	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)		
<i>Daily Pass per vehicle, Free with Port Pass</i>	Weekday (Monday-Thursday)	\$20.00	\$20.00	0%	
	Weekend (Friday-Sunday)	\$30.00	\$30.00	0%	
<i>Hourly Rate per vehicle: Free with Port Pass Option starts after 4pm</i>	Weekday (Monday-Thursday)	NA	\$4.00		
	Weekend (Friday-Sunday)	NA	\$5.00		
<i>Hourly Fee per vehicle offseason, Free with Port Pass</i>	Weekday (Monday-Thursday)	NA	\$2.00		
	Weekend (Friday-Sunday)	NA	\$2.00		
Beach Fines					
Prohibited Items		\$75.00	\$80.00	7%	
Unauthorized use/transfer of day passes or seasonal passes or Port Pass		\$75.00	\$80.00	7%	
Open Alcohol		\$75.00	\$80.00	7%	

APPENDIX H: Sugarloaf Marina

Seasonal Dock Rates		
Docking Options	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Boats 16 - 19 ft (unserviced)	\$57.75/ft	\$57.75/ft
Boats 20 - 26 ft (optional service)	\$70.00/ft	\$73.50/ft
Boats 27 - 34 ft (serviced)	\$82.77/ft	\$86.90/ft
Boats 35 - 60 ft (serviced)	\$86.51/ft	\$90.83/ft
Power Options	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Use of 15A/110V Power	\$110.00	\$115.00
Use of 30 Amp shore power	\$291.50	\$306.00
Second Boat (Must be owned by same owner with valid proof of insurance.)	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
On J Run (16 ft dock)	\$291.50	\$306.00
On Dock #3 (17 ft dock)	\$319.00	\$335.00
Discounted Rates	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Early Bird Discount - Based on payment in full for winter storage fees by September 1, and summer launch/mooring fees by February 15 annually.	5% of applicable rates	5% of applicable rates
Tournament/Regatta Discount: (Only with proof of registration)	40% of applicable rates	40% of applicable rates
First time seasonal customer incentive: (One time only, paid in full by February 15)	10% of seasonal rate	10% of seasonal rate
Same Slip/Non Designated Space Discount *	50% of 1st dock fee	50% of 1st dock fee

* Only available for use directly beside oversized vessels or non-designated docking spaces. Must be preapproved by

Transient & Boat Ramp Rates		
Transient Rates (per foot)	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Daily	\$2.47	\$2.47
Canal Days Daily Rates (Monday-Monday)	\$4.12	\$3.00
Weekly	\$13.75	\$13.75
Monthly	\$33.55	\$33.55
Launch Ramp Rates	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Daily Launch Pass	\$20.00	\$20.00
Seasonal Pass	\$125.00	\$125.00
**Non-Display Fine - Missing Ramp Pass	\$35.39	\$35.93

** Customer is still subject to the By-Law Parking Enforcement Fine as well

Miscellaneous Fees		
Additional Fees	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Seasonal Dock Box Rental (Limited Availability)	\$110.00	\$115.00
PWC Port	N/A	\$400.00
Workplace Passport (Based on satisfaction of all required registration documents)	\$265.00	\$265.00
Non Registered Boat Fee (Daily) ***	\$1.65/ft	\$1.65/ft
Missed appointment/unprepared Fee****	\$125.00	\$125.00
Administrative/Cancellation Fee	\$25.00	\$25.00
Dock Hold Deposit (To hold same space for following season)	20% of current dock rate	20% of current dock rate
Interest Charges - Balances owing (Monthly)	1.25%	1.25%
Security Card Deposit	\$10.00	\$20.00

*** For any boat found in a slip or storage that is without proper registration with marina office or has balances owing.

**** Applied to customers who are not prepared at time of scheduled service appointments, or miss scheduled

Storage and Boat Yard Rates				
Winter Storage - All Inclusive (Includes fall haul out, powerwash*, blocking/cradle setup)	2024 Fee (plus HST as applicable)		2025 Fee (plus HST as applicable)	
	\$2.89/sq. ft	\$1050 minimum fee	\$3.03/sq. ft	\$1100 minimum fee
Winter Storage - Trailerable Only (Own trailer, no marina services)	2024 Fee (plus HST as applicable)		2025 Fee (plus HST as applicable)	
	\$1.80/sq. ft	\$500 minimum fee	\$1.89/sq. ft	\$525 minimum fee
Winter Storage - Non Seasonal Boater	2024 Fee (plus HST as applicable)		2025 Fee (plus HST as applicable)	
	\$6.03/sq. ft		\$6.33/sq. ft	
Summer Storage	2024 Fee (plus HST as applicable)		2025 Fee (plus HST as applicable)	
	N/A		N/A	
Full Season (April 15-October 15) - Seasonal Customer*	\$6.03/sq. ft	\$500 minimum fee	\$3.03/sq.ft	\$1100 minimum fee
Full Season (April 15-October 15) - Non Seasonal Customer			\$6.33/sq. ft	\$1100 minimum fee
Monthly	\$1.07/sq. ft		\$1.12/sq. ft	
Weekly	\$0.27/sq. ft		\$0.28/sq. ft	
*Eligible with payment in full on dock and winter storage from previous season, and deposit on dock for following season.				
Boat Handling & Yard Fees	2024 Fee (plus HST as applicable)		2025 Fee (plus HST as applicable)	
	Seasonal Slip Holder***	Non-Seasonal Slip Holder	Seasonal Slip Holder***	Non-Seasonal Slip Holder
Travel Lift (Haul Out/Launch) Minimum \$225 charge	\$10.18/ft	\$10.90/ft	\$10.68/ft	\$11.44/ft
Travel Lift (per hour after first hour)	\$80.00/hour	\$100.00/hour	\$84.00/hour	\$105.00/hour
Block & Stand Rental (per season)	\$5.75/ft	\$6.90/ft	\$6.03/ft	\$7.24/ft
Power Washing Hull Bottom**	\$2.75/ft	\$3.15/ft	\$2.88/ft	\$3.30/ft
Yard Equipment Fee	\$125.00/hour	\$145.00/hour	\$125.00/hour	\$145.00/hour
Yard Labour Fee	\$80.00/hour	\$100.00/hour	\$84.00/hour	\$105.00/hour
Mast Stepping - Length Overall (LOA)	\$4.15/ft	\$6.40/ft	\$4.15/ft	\$6.40/ft
Mast Storage (per season) - Length Overall (LOA)	\$1.81/ft	\$3.45/ft	\$1.81/ft	\$3.45/ft
Trailer/Cradle Storage (per season)	\$115.00	\$200.00	\$115.00	\$200.00
Pump-out (Transients)	N/A	\$15.00	N/A	\$15.00

* Based on payment in full prior to haul out.

** Powerwash only free for boats with anti-fouling paint on hull. Oversized boats (>42 ft in length), or non anti-fouling on hull may result in applicable extra charges.

*** Based on payment in full for dockage during current season.

Marina Pavilion Rates**

Organization		2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
		Flat Rate	Flat Rate*
Event with 1 to 100 participants with no alcohol	Seasonal boater	\$254.00	\$254.00
	General Public	\$429.00	\$429.00
Event with 1 to 100 participants with alcohol	Seasonal boater	\$335.00	\$335.00
	General Public	\$510.00	\$510.00
Event with 101 to 250 participants with no alcohol	Seasonal boater	\$308.00	\$308.00
	General Public	\$483.00	\$483.00
Event with 101 to 250 participants with alcohol	Seasonal boater	\$443.00	\$443.00
	General Public	\$618.00	\$618.00
Additional charges:		Flat Rate	Flat Rate
Clean-up fee is charged		\$30.00	\$30.00
Damage deposit (refundable w/o damage to property)		\$200.00	\$200.00
Chairs (per chair)		\$5.75	\$5.75
Tables (per table)		\$13.00	\$13.00

*Includes applicable User Group Liability Insurance premium

Non-Motorized Recreation Rental Fees

Rates	2024 Fee (plus HST as applicable)	2025 Fee (plus HST as applicable)
Kayak	\$13.27/hour	\$13.27/hour
Stand Up Paddleboard (SUP) or Canoe	\$17.69/hour	\$17.69/hour
Refundable Security Deposit	\$100.00	\$100.00
Children under 13 years of age	FREE with Adult Purchase	FREE with Adult Purchase
PORTicipate Pass/Seasonal Slip Holder Fee	50% of all applicable fees	50% of all applicable fees
Punch Pass (15 hours)	\$125.00	\$125.00

APPENDIX J: Procedures for Tax Registration and Tax Sales

Whereas Section 385 of the *Municipal Act, 2001* provides that a municipality may fix a scale of costs to be charged as reasonable costs of proceedings under Part XI of said Act, the scale of costs per property shall be as follows:

Procedure	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Tax Registration (per address)	Actual Cost for 3rd Party Services	Actual Cost for 3rd Party Services
Tax Sale (per address)	Actual Cost for 3rd Party Services	Actual Cost for 3rd Party Services
Administration Processing Fee	\$520.00	\$750.00
Proceed to booked Tax Sale		\$750.00
Extension Agreement Prepare Extension Agreement and present to	\$286.00	\$305.00
Other direct incidental costs: Costs for other direct incidental items not considered above to be established as incurred based on invoice cost, plus ten percent (10% Administration Fee).		

APPENDIX J: Corporate Services

Service	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Tax Arrears Certificate (includes water arrears)	\$52.00	\$60.00
Drainage balance certificate (add-on to Tax Arrears Certificate)	\$26.00	\$30.00
Paper Copy - Tax Inquiry / Water Inquiry Returned	\$7.00	\$8.00
Cheque Charge	\$35.00	\$40.00
New Account Fee - Ownership Change	\$52.00	\$55.00
New Account Fee - New Roll Creation	\$52.00	\$55.00
New Account Fee - Water	\$52.00	\$55.00
Transfers to Tax for Over Due Accounts	\$52.00	\$55.00
POA Add to Tax Administration Fee	\$52.00	\$55.00
Administration Fee Accounts Sent to Collections	\$52.00	\$55.00
Marriage License	\$130.00	\$140.00
Civil Ceremony at City Hall for Port Colborne resident [^]	\$250.00	\$325.00
Civil Ceremony at City Hall for non-resident [^]	N/A	\$650.00
Civil Ceremony held at location other than City Hall* Port Colborne resident [^]	\$365.00	\$425.00
Civil Ceremony held at location other than City Hall* non-resident [^]	N/A	\$850.00
Commissioner for Taking Affidavits (including HST)**	\$20.00	\$25.00
Death Registrations	\$25.00	\$30.00
Photocopying (per page)	\$0.25	\$0.30

* \$100.00 non-refundable fee due upon initial consultation with the officiant

** per oath or declaration (City business and pensions exempt)

[^] After hours ceremony requests, to be considered on a case by case basis and subject to additional fees

APPENDIX K: Port Colborne Historical and Marine Museum, Roselawn, and Archives

Museum	Term	2024 Fee (plus HST as	2025 Proposed Fee (plus HST as
Retrieval Fees:			
Artifact/ Photograph - (Appointment Required)	Per item	\$20.00	\$22.00
Tours:			
Group Tours (Minimum 5 people)	Per person	\$5.00	\$5.00
School Tours	Per student	\$5.00	\$5.00
Off Site Tours – Cemetery, West St Humberstone, etc.	Per person	\$5.00	\$5.00
Admission Fees:			
Museum & Village		Donation Box	Donation Box
Canal Days		Sponsored	Sponsored
Christmas Festival		By Donation	By Donation
Membership Fees:			
Students/Seniors (60+)		\$5.00	\$5.00
Individual		\$8.00	\$8.00
Family		\$10.00	\$10.00
Life Patron		\$100.00	\$100.00
Sustaining (Corporate)		By Donation	By Donation

Roselawn Centre (Rental rates are based on a 6 hour event use.)	Term	2024 Fee (plus HST as	2025 Proposed Fee (plus HST as
President’s Room Rental (no alcohol)*		\$327.00	\$345.00
President’s Room Rental (with alcohol)*		\$354.00	\$375.00
Roselawn - All Rooms (no alcohol)*		\$597.00	\$630.00
Roselawn - All Rooms (with alcohol)*		\$624.00	\$660.00
Roselawn - All Rooms (no alcohol) 12 hour		N/A	\$1,260.00

Roselawn - All Rooms (with alcohol) 12 hour		N/A	\$1,320.00
Daily Dishwasher Fee (Dish rental)		\$50.00	\$55.00
Table Linens	Per table	\$5.50	\$6.00
Linen Napkins	Per napkin	\$2.50	\$3.00
Cruiser Tables	Per table	\$2.60	\$3.00
Outdoor Garden (Tents, tables and chairs are not supplied)		\$198.00	\$210.00
Door Open Fee (plus staff time) (Wedding Pictures, Event Set-up, etc.)		\$55.00	\$60.00

***Includes applicable User Group Liability Insurance premium**

Archives	Term	2024 Fee (plus HST as	2025 Proposed Fee (plus HST as
Research Fees: (The following applies to research conducted by Museum staff for others.)			
Commercial Use	Per Hour	\$60.00	\$65.00
Personal Use	Per Hour	\$20.00	\$22.00
Student Use	Per Hour	\$10.00	\$12.00
Unassisted Research		By Donation	By Donation
Retrieval Fees: Artifact/ Photograph - (Appointment Required)	Per Item	\$20.00	\$22.00
Photo Reproduction Fees: Copyright Restrictions Apply and a Reproduction Agreement must be signed:			
Commercial Use	Per Image	\$50.00	\$54.00
Personal Use	Per Image	\$30.00	\$32.00
Publication (print, digital)	Per Image	\$100.00	\$106.00

Photocopies:			
*Copyright Restrictions Apply			
Black & White 8 x 10 copy paper	Per Copy	\$0.25	\$0.30
Black & White > 8 x 10 copy paper	Per Copy	\$0.50	\$0.60
Colour Copy	Per Page	\$1.00	\$1.10
(Retrieval fees may apply)			
Rental Fees for MacDonald Conference Hall:*			
Daily Rental up to 8 hours (Requires signed contract)	Daily	\$150.00	\$160.00

*Includes applicable User Group Liability Insurance premium

APPENDIX L: By-Law Enforcement

Miscellaneous Fees		
Schedule of Fees	2024 Fee	2025 Proposed Fee
Fence By-Law		
Fence Variance (non-refundable)	\$573.00	\$605.00
Fence By-Law Order to Comply – application fee	\$259.00	\$275.00
Boulevard and of Snow Removal By-Law		
Snow clearing - per meter	\$13.00	\$15.00
Snow and Ice Removal By-Law Order to Comply – application fee	\$250.00	\$265.00
Regulate Noise By-Law		
Noise Variance – Private function taking place on private property (non-refundable)	\$190.00	\$200.00
Noise Variance – Private function taking place on City property (non-refundable)	\$127.00	\$135.00
On Street Parking Permits		
Initial Fee (per vehicle)	\$34.00	\$40.00
Replacement Fee (per vehicle)	\$52.00	\$55.00
Fail to display permit prominently	\$34.00	\$40.00
Park without permit	\$64.00	\$70.00
Encroachment Agreements		
Application	\$437.00	\$460.00
Annual	\$124.00	\$135.00
Discharge of Firearm		
Discharge of Firearm Variance	\$118.00	\$125.00

Maintenance of Property and Land(Lot Maintenance By-law)		
Schedule of Fees	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Re-inspection fee*	\$200.00	\$210.00
Minimum maintenance fee	\$250.00	\$300.00
Administration fee	Add 15%	n/a
Mailing fee	\$34.00	n/a
*Re-inspection fee is payable where violation still exists.		

Cutting Grasses and Weeds(Lot Maintenance By-law)		
Lot Size	2024 Fee	2025 Proposed Fee
1 to 7,500 square feet	Actual Costs	Actual Costs
7,501 to 15,000 square feet	Actual Costs	Actual Costs
15,001 to 30,000 square feet	Actual Costs	Actual Costs
30,000 square feet to 1 acre	Actual Costs	Actual Costs
> 1 acre to 1.5 acres	Actual Costs	Actual Costs
> 1.5 acres to 2 acres	Actual Costs	Actual Costs
Each additional acre	Actual Costs	Actual Costs

Erection and Maintenance of Signs and Other Advertising Devices (Sign By-law)				
Sign Type	Size	Term	2024 Fee	2025 Proposed Fee
Awning	Each		\$64.00	\$68.00
Banner	Not exceeding 6.7 square meters	Per 15 days	\$19.00	\$20.00
Banner	Exceeding 6.7 square meters	Per 15 days	\$40.00	\$42.00
Billboard	Maximum 50 square meters	Per square meter	\$7.00	\$8.00
Facia	Maximum 15 square meters	Per square meter	\$7.00	\$8.00
Ground	Maximum 10 square meters		\$64.00	\$68.00
Mall		Per square meter	\$7.00	\$8.00
Pole / Pylon	Maximum 20 square meters	Per square meter	\$7.00	\$8.00
Portable	Maximum 9 square meters	Per 15 days	\$19.00	\$20.00
Projecting	Maximum 10 square meters		\$64.00	\$68.00
Roof	Maximum 50 square meters	Per square meter	\$7.00	\$8.00

Sign Variance By-law		
Type	2024 Fee	2025 Proposed Fee
Sign Variance (non-refundable)	\$891.00	\$940.00
Order to Comply – administration fee	\$259.00	\$275.00

Pool Variance By-law		
Type	2024 Fee	2025 Proposed Fee
Pool Variance (non-refundable)	\$495.00	\$520.00
Order to Comply – administration fee	\$259.00	\$275.00

Respecting the Keeping of Animals (Exotic Animals By-law)

Schedule of Fees	2024 Fee	2025 Proposed Fee
For the first animal of each species	\$24.00	\$30.00
For the second and third animal of each species	\$3.00	\$5.00
For each species the aggregate of which exceed three in	\$2.00	\$5.00
Maximum Licensing fee*	\$6,364.00	\$6,685.00
*regardless of the number of animals, animal species or sub-species held in a single location		

Note: Beach and Marina enforcement penalties are noted in their respective appendices

Vacant Building Registry

Schedule of Annual Registration Fees	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Residential (excluding R4 Zoned Properties)	\$1,250.00	\$1,315.00
Commercial and R4 Zoned Properties	\$2,000.00	\$2,100.00
Institutional and Industrial	\$3,000.00	\$3,150.00

Maintenance and Occupancy of Property (Property Standards By-law)

Schedule of Fees	Unit	2024 Fee	2025 Proposed Fee
Issuance of Certificate of Compliance			
Certificate of Compliance	Per Certificate	\$127.00	\$135.00
Inspection Fees			
Discharge an Order registered in the Land Registry Office (includes original registration of Order)	Per Order	\$325.00	\$345.00
Appeal Fees			
File a Notice of Appeal (non-refundable)	Per Appeal	\$500.00	\$525.00
Other Fees			
Order to Comply		\$300.00	\$315.00

APPENDIX M: Cemeteries of the City of Port Colborne

Resident		
Opening and Closing Fees and Charges	2024 Fee** (plus HST)	2025 Proposed Fee (plus HST)
Burial (weekday)	\$1,700.00	\$1,805.00
Burial (weekend or holiday)		
Child Burial (weekday)*	No Charge for Port Colborne Residents under the age of 12 years old	No Charge for Port Colborne Residents under the age of 12 years old
Child Burial (weekend or holiday)*		
Infant Burial (weekday)*		
Infant Burial (weekend or holiday)*	\$875.00	\$930.00
Cremation/Columbarium (weekday)		
Cremation/Columbarium (weekend or holiday)		

Cemetery Services and Interment Rights Prices	2024 Fee** (plus HST)	2025 Proposed Fee (plus HST)
Single Lot or Grave	\$2,880.00	\$3,055.00
Infant Lot or Grave*	No Charge for Port Colborne Residents under the age of 12 years old	No Charge for Port Colborne Residents under the age of 12 years old
Cremation Plot	\$1,460.00	\$1,550.00
Columbarium, each crypt	\$3,310.00	\$3,510.00
Pouring Foundation (per cubic foot of concrete)	\$45.00	\$50.00
Perpetual care markers (owner supplied)	\$100.00	\$110.00
Perpetual care markers (owner supplied) <48" high	\$200.00	\$215.00
Perpetual care markers (owner supplied) >48" high	\$400.00	\$425.00
Disinterment (opening fee plus actual cost to disinter)	\$1,500.00	\$1,590.00
Ownership Transfer Fee	\$115.00	\$125.00

* Regular Single Lot or Grave fees apply for non-residents of Port Colborne.

** Rates previously calculated at full cost recovery.

Non-Resident		
Opening and Closing Fees and Charges	2024 Fee** (plus HST)	2025 Proposed Fee (plus HST)
Adult Burial (weekday)	\$1,880.00	\$2,000.00
Adult Burial (weekend or holiday)		
Child Burial (weekday)*	No Charge for Port Colborne Residents under the age of 12 years old	No Charge for Port Colborne Residents under the age of 12 years old
Child Burial (weekend or holiday)*		
Infant Burial (weekday)*		
Infant Burial (weekend or holiday)*		
Cremation/Columbarium (weekday)	\$900.00	\$955.00
Cremation/Columbarium (weekend or holiday)		

Cemetery Services and Interment Rights Prices	2024 Fee** (plus HST)	2025 Proposed Fee (plus HST)
Single Lot or Grave	\$4,470.00	\$4,740.00
Infant Lot or Grave*	No Charge for Port Colborne Residents under the age of 12 years old	No Charge for Port Colborne Residents under the age of 12 years old
Cremation Plot	\$2,000.00	\$2,120.00
Columbarium, each crypt	\$4,290.00	\$4,550.00
Pouring Foundation (per cubic foot of concrete)	\$60.00	\$65.00
Perpetual care markers (owner supplied)	\$100.00	\$110.00
Perpetual care markers (owner supplied) <48" high	\$200.00	\$215.00
Perpetual care markers (owner supplied) >48" high	\$400.00	\$425.00
Disinterment (opening fee plus actual cost to disinter)	\$1,660.00	\$1,760.00
Ownership Transfer Fee	\$130.00	\$140.00

* Regular Single Lot or Grave fees apply for non-residents of Port Colborne.

** Rates previously calculated at full cost recovery.

APPENDIX N: Planning and Development

Application	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Official Plan		
Official Plan Amendment	\$5,296.00	\$12,300.00
Adjournment of an Official Plan Amendment (at applicant's request)	\$842.00	\$1,700.00
Zoning By-Law		
Zoning By-Law Amendment	\$4,694.00	\$13,700.00
Adjournment of a Zoning By-Law (at owner's request)	\$842.00	\$1,700.00
Removal of a Holding Symbol	\$1,203.00	\$2,100.00
Temporary Use By-Law	\$4,694.00	\$6,100.00
Preparation of a Temporary Use Agreement	\$2,165.00	\$3,000.00
Extension of a Temporary Use	\$1,805.00	\$2,900.00
Plan of Subdivision		
Draft Plan Approval of Subdivision	\$7,822.00 base fee plus \$52.00 per lot/ block to a maximum of	\$15,650 base fee plus \$55.00 per lot/block.
Redline Revisions/Change of Conditions to Draft Plan	\$3,447.00	\$8,500.00
Extension to Draft Plan Approval	\$1,805.00	\$1,900.00
Final Plan Approval	\$2,845.00	\$3,200.00
Amendment to Subdivision Agreement	\$2,407.00	\$4,200.00
Part Lot Control	\$1,203.00	\$2,200.00
Deeming By-Law	\$480.00	\$1,500.00
Discharge of a Subdivision Agreement	\$1,203.00	\$2,450.00
Plan of Condominium		
Draft Plan Approval of Condo	\$7,822.00 base fee plus \$52.00 per lot/ block to a maximum of	\$15,650 base fee plus \$55.00 per lot/block.
Redline Revisions/Change of Conditions to Draft Plan	\$3,447.00	\$8,300.00
Extension to Draft Plan Approval	\$1,805.00	\$1,900.00
Final Plan Approval	\$2,845.00	\$3,200.00
Condominium Conversion	\$7,822.00	\$9,700.00
Amendment to Condominium Agreement	\$2,407.00	\$4,850.00

Application	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Discharge of a Condominium Agreement	\$1,203.00	\$2,450.00
Condominium Exemption Request	\$1,736.00	\$5,300.00
Site Plan Control		
Site Plan Control Approval (agreement)	\$5,131.00	\$10,400.00
Site Plan Control Approval (no agreement)	\$2,080.00	\$4,300.00
Amendment to Site Plan Agreement	\$2,117.00	\$4,500.00
Discharging of a Site Plan Agreement	\$1,203.00	\$1,675.00
Committee of Adjustment		
Minor Variance/Expansion of Non-Conforming Use	\$1,383.00	\$1,900.00
Minor Variance (Building without a Permit)	\$1,805.00	\$2,505.00
Consent (new lot)	\$1,926.00	\$2,900.00
Easement	\$1,323.00	\$1,850.00
Lot Addition/Boundary Adjustment	\$1,323.00	\$1,850.00
Adjournment of a Consent or Variance (at applicant's request)	\$601.00	\$700.00
Changes to Consent Conditions	\$601.00	\$750.00
Final Certification Fee	\$240.00	\$400.00
Validation of Title	\$1,083.00	\$1,500.00
Miscellaneous		
Quarry/Pit Establishment or Expansion	\$72,203.00	\$76,000.00
Telecommunication Facilities Consultation Process	\$1,805.00	\$1,900.00
Compliance Letter Express (within 3 days)	\$216.00	\$300.00
Development Agreement	\$2,888.00	\$3,400.00
Discharging of a Development Agreement	\$1,083.00	\$1,140.00
Front Ending Agreement	\$1,805.00	\$1,900.00
OMB Subpoena - first day	\$722.00	\$760.00
OMB Subpoena - thereafter	\$480.00	\$505.00
Zoning Verification Small Projects (pool, signs, decks, etc)	N/A	\$60.00

Application	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Zoning Verification Large Projects (dwellings)	N/A	\$80.00
Pre-consultation Meetings (Major - OPA/ ZBLA/ Subdivision/ Condominium)*	\$520.00	\$1,700.00
Pre-consultation Meetings (Minor - minor variance & consent)*	\$260.00	\$900.00
Combined Applications		
Consent & Minor Variance	\$2,528.00	\$3,800.00
Consent & Development Agreement	\$4,211.00	\$5,850.00
Minor Variance & Development Agreement	\$3,610.00	\$5,100.00
Engineering		
Municipal Consent Permit Fee**	\$364.00	\$385.00
Lot Grading Plan Review	\$104.00	\$110.00
Final Lot Grading Review		\$110.00
Development Sanitary & Water Modelling Analysis for Draft Plan of Subdivision		\$4,200 (Water or Wastewater Only) \$7,500 (Water AND Wastewater)
Development Sanitary & Water Modelling Analysis for Site Plans/ Draft Plan of Condominium		\$2,600 (Water or Wastewater Only) \$5,000 (Water AND Wastewater)
Site Alteration Permit Inspections**		
Site Alteration Permit (< 1,000m³): Permit application fee to be applied where the being removed or placed exceeds the following limits per lot size: <ul style="list-style-type: none"> - 0.1 hectares or less/maximum of 10m³ - > 0.1 to 0.2 hectares/maximum of 50m³ - > 0.2 to 0.5 hectares/maximum of 100m³ - > 0.5 hectares or larger/maximum of 500m³ - > 500m³ but less than 1,000m³ 	\$520.00	\$550.00

Application	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Site Alteration Permit (> 1,000m³): Permit application fee to be applied where the fill being removed or placed is greater than 1,000m ³ .	\$1,040.00	\$1,100.00
Site Alteration Permit Renewal/Extension (within limits): Fee to be applied when a renewal/extension is granted two (2) months prior to the expiration of the Site Alteration Permit issued. <u>Note:</u> A renewal/extension occurring after expiration of, or within two (2) months prior to the expiration of, the Site Alteration Permit issued is considered a new application and subject to new application fees.	\$520.00	\$550.00
Site Alteration Permit Renewal/Extension (exceeded limits): Fee to be applied when a Site Alteration Permit (< 1,000m ³) permit has been issued and subsequently, the amount of material has exceeded the allowable limits, and the renewal/extension is granted two (2) months prior to the expiration of the Site Alteration Permit issued. <u>Note:</u> A renewal/extension occurring after expiration of, or within two (2) months prior to the expiration of, the Site Alteration Permit issued is considered a new application and subject to new application fees.	\$780.00	\$820.00
Post Site Alteration Permit Issuance Reviews: Engineering or zoning review or other changes after Site Alteration Permit has been issued.	\$1,040.00	\$1,095.00
Haul route inspections: Haul route inspections prior to, during and after issuance of a Site Alteration Permit).	\$104/inspection	\$110.00/inspection
Post-Commencement Permit Surcharge: Fees to be applied for any Site Alteration Permit application which has been made post-commencement of activities.	150% of applicable fees	150% of applicable fees

Application	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
<p>Site Alteration Violation Investigation: This fee shall be applied in any situation where work or activities have been undertaken for which a Site Alteration Permit is required but not obtained. This fee is in addition to all other fees, charges and securities applicable under this By-law.</p>	<p>100% of applicable application fee (each occurrence)</p>	<p>100% of applicable application fee (each occurrence)</p>

* The application fee is reduced by the amount paid for pre-consultation if the application is submitted within 18 months of the pre-consultation meeting date.

** A \$1000.00 security deposit is required. The funds will be returned after final inspection if all works have been completed to the satisfaction of the City. The City has the right to use the funds if damage is not repaired or reinstated to the satisfaction of the City.

Refund of Fees

If an application is withdrawn before circulation to commenting agencies, ninety percent (90%) of the fee will be refunded . If withdrawn after circulation, but before notice of the public meeting is given, fifty percent (50%) of the fee will be refunded and if withdrawn after the notice of public meeting is given, but before the Planning and Development Services division Recommendation Report is prepared, twenty five percent (25%) of the fee will be refunded.

Reactivation

Any application which has been withdrawn and/or has been inactive for one year shall be considered abandoned and a full fee shall be required to activate a new application.

Notes:

Additional fees for most applications are required for Niagara Regional Development Services and the Niagara Peninsula Conservation Authority review. Applicants are recommended to contact each agency for their respective Fee Schedule. If fees are required, applicants must make out separate cheques payable to each agency at the time of application submission to the City.

APPENDIX O: Permits for Construction, Demolition, Occupancy and Change of Use, Transfer of Permits and Inspections

Construction				
New Building Construction and Additions^{6,8}		2024 Fee	2025 Proposed Fee	
Minimum Fee for all Building Permits ⁹		\$145.00	\$155.00	
Major Occupancy⁷		Permit Fee Details¹⁻¹⁶	2024 Fee	2025 Proposed Fee
Group A – Assembly Occupancies <i>Examples: School, church, restaurant, daycare, hall, transit, recreation facility, other</i>		Per square foot	\$2.26	\$2.38
Group B – Institutional Occupancies <i>Examples: Hospital, retention facility, nursing home, other</i>		Per square foot	\$2.45	\$2.58
Group C – Residential Occupancies <i>Single detached dwelling</i> <i>Semi-detached dwelling, duplex dwelling</i> <i>Townhouse</i> <i>Multiple unit dwellings, apartment building, townhouse</i> <i>Hotels, motels</i> <i>Other residential</i>		Per square foot	\$1.67	\$1.76
Group D – Business/Personal Services Occupancies <i>Examples: Office, bank, medical, police station, other</i>		Per square foot	\$2.08	\$2.20
Group E – Mercantile Occupancies <i>Examples: Store, shopping mall/plaza, shop, market, retail, other</i>		Per square foot	\$1.95	\$2.06
Group F – Industrial Occupancies <i>Examples: Industrial mall/plaza/garage, plant, factory, warehouse, other</i>		Per square foot	\$1.44	\$1.52
<i>Industrial buildings with no partitions, no plumbing and no mechanical</i>		Per square foot	\$1.09	\$1.16

New Building Construction and Additions^{6,8 (continued)}	Permit Fee Details¹⁻¹⁶	2024 Fee	2025 Proposed Fee
<i>Special Categories/Occupancies</i>			
Farm building, greenhouse	Per square foot	\$0.38	\$0.40
Park Model Trailer		\$254.79	\$270.00
Tent, temporary fabric structure	Each	\$254.79	\$270.00
Renewable Energy Projects		See note 12 (Min. \$200)	
<i>Houses and Accessory to Houses: ¹⁴</i>			
Garage, carport	Per square foot	\$0.93	\$1.00
Covered deck/porch	Per square foot	\$0.60	\$0.64
Uncovered deck/porch	Per square foot	\$0.60	\$0.64
Sunroom/solarium, 3-Season Room, Add-A-Room (on Park Model Trailers)	Per square foot	\$0.93	\$1.00
Shed/accessory building	Per square foot	\$0.93	\$1.00
<i>Alterations</i>			
Alterations			
Unfinished basement (new or replaced foundation)	Per square foot	\$0.36	\$0.38
Under pinning foundation		See note 12 (Min. \$200)	
Roof structure	Per square foot	\$0.20	\$0.22
Fireplace, woodstove, chimney		\$159.06	\$170.00
<i>Interior Alterations:</i>			
Interior alterations, all occupancies, except finished basements	Per square foot	\$0.79	\$0.85
Finishing basement	Per square foot	\$0.79	\$0.85
Other minor alteration		See note 12	

Partial Permit/Staged Construction¹¹	2024 Fee	2025 Proposed Fee
All partial permits subject to a surcharge applied to the stage permit value	50%	50%
Foundation Stage¹¹		
Complete to grade including or excluding underground services within building	15%	15%
Building Shell Stage¹¹		
Completed structural shell stage	40%	40%
Completed architectural shell stage	80%	80%
Building Completion Stage¹¹		
Includes completed building stage	100%	100%

Plumbing Only	Permit Fee Details¹⁻¹⁶	2024 Fee	2025 Proposed Fee
Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other	Each	\$11.82	\$12.50
All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe	Per linear loot	\$1.59	\$1.70
Water distribution pipe inside a building	Each	\$159.06	\$170.00
Residential¹⁴			
Replace buried water service, sanitary drains or storm drains (single fee applies if multiple services are replaced at the same time)	Each	\$255.00	\$270.00

Mechanical HVAC Only	Permit Fee Details¹⁻¹⁶	2024 Fee	2025 Proposed Fee
Group A, B, C (except houses), D E	Per square foot	\$0.12	\$0.15
Houses		\$159.06	\$170.00
Group F	Per square foot	\$0.12	\$0.15
Commercial type Kitchen Exhaust		See note 12	

Pool	2024 Fee	2025 Proposed Fee
Public pool	\$438.72	\$465.00
Private pool	\$185.57	\$195.00

Designated Structure	2024 Fee	2025 Proposed Fee
As defined in the Ontario Building Code	See note 12	See note 12

Demolition		Permit Fee Details ¹⁻¹⁶	2024 Fee	2025 Proposed Fee
Houses ¹⁴ and buildings less than 3,000 square feet (gross area)		Each	\$198.82	\$210.00
Other demolitions		Per square foot	\$0.12	\$0.15
Conditional ¹⁵			2024 Fee	2025 Proposed Fee
Surcharge			50%	50%
Change of Use			2024 Fee	2025 Proposed Fee
Permit for the change of use of a building or part thereof (additional fees apply where construction is proposed)			\$166.00	\$175.00
Occupancy			2024 Fee	2025 Proposed Fee
Permit to allow occupancy				
Houses, semi-detached dwellings, townhouses		Each	\$166.00	\$175.00
Other buildings		Each	\$166.00	\$175.00
Permit to allow partial occupancy				
For area of building to be occupied		Per square foot gross floor space to be occupied	\$0.09	\$0.10
Review of proposed application		Per hour	\$123.00	\$130.00
Transfer			2024 Fee	2025 Proposed Fee
Transfer of permit to a new owner			\$166.00	\$175.00
Deposits Required for Permits			2024 Fee	2025 Proposed Fee
New Main Buildings		Houses	\$1,092.00	\$1,150.00
		Other than Houses	\$546.00	\$575.00
Additions, Accessory		Houses	\$546.00	\$575.00
		Other than Houses	\$546.00	\$575.00
Alterations		Houses	\$546.00	\$575.00
		Other than Houses	\$546.00	\$575.00
Demolitions		Main Building	\$2,184.00	\$2,295.00
		Accessory, Partial	\$546.00	\$575.00
Pools		In ground and On-Ground	\$546.00	\$575.00
Other			\$546.00	\$575.00

New Main Buildings, Additions and Renovations	Industrial, Commercial Institutional and	\$1,092.00	\$1,150.00
Lot Grading Deposit	All categories of construction (as necessary)	\$2,184.00	\$2,295.00

Notes for Deposits:

1. No deposit is required for the following:
 - a) Uncovered decks on piers
 - b) Tents and fabric structures
2. "Houses" includes single detached, semi-detached, duplexes, triplexes and townhouses.
3. "Other than Houses" includes Plumbing only, Mechanical HVAC only, Designated Structures, etc.
4. The requirement for a new deposit may be waived where the City already holds a deposit with an owner on the same property with respect to an open permit file with the City, provided:

Additional Fees and Charges	2024 Fee	2025 Proposed Fee
Discharge of an Order from property title	\$1,004.00	\$1,055.00
Submitting an application for Permit	\$145.00	\$155.00
Work Without Permit - Percentage increase in applicable fees from this schedule will apply where	100%	100%
<i>Alternative Solution</i> application (per hour, minimum 4 hours)	\$166.00	\$175.00

Refund of Permit Fees	2024 Fee	2025 Proposed Fee
Permit Issued. Administration functions only have been performed. No field inspections have been performed.	50%	50%
Additional deduction from eligible refund for each field inspection that had been performed.	\$63.00	\$70.00

Notes for Refunds:

General Notes:

1. Permit fee is \$/square foot, \$/linear foot, or \$ (flat rate).
2. Square foot is gross of all floors above grade measured from the outer face of exterior walls, unless noted otherwise. Mezzanines, lofts, habitable attics and dwelling units below grade are included as floor areas for permit fee calculations.
3. Where there is no floor or exterior walls for the project, square foot is the greatest horizontal area of the structure. For example, buildings or structures supported by posts or columns.
4. \$145.00 paid at time of application plus \$57.00 for each additional inspection in excess of one where the building is not ready for occupancy and which must be paid prior to issuance of Occupancy Permit.
5. There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, etc
6. Cellars, unfinished basements and crawl spaces are not used in the fee calculation for new construction.
7. Major occupancy is based upon the Ontario Building Code.
8. New construction and additions include plumbing, HVAC and all other regulated building services/components.

- 9.** Minimum permit fee is \$145.00 and is addition to the per square foot fee.
- 10.** Revision or amendment to an open permit is a minimum \$57.00 fee plus \$57.00 per hour of administration time.
- 11.** For a Partial Permit, the percentage shown for the applicable stage of construction (minus the percentage for any previous Partial Permits) must be multiplied by the applicable permit application fee shown for new construction and then increased by a 50% administrative surcharge to obtain the
- 12.** If the work regulated by the permit cannot be described otherwise, the permit application fee shall be \$16.02 for each \$1,000.00 value of work proposed.
- 13.** Houses in Special Categories and Alterations includes semi-detached, duplexes, triplexes, and townhouses.
- 14.** See “Deposits Required for Permits” for applicable deposits.
- 15.** The fee for a Conditional Permit is equal to the regular permit fee described above plus an additional administrative surcharge of 50% of the regular permit fee. If the Conditional Permit also happens to be a Partial Permit, the Partial Permit fee already increased by 50% must be increased by an additional 50% to obtain the required total fee.
- 16.** A 50% reduction in the fees payable will be applicable to all properties that are located within the project area boundaries of the Olde Humberstone Main Street Community Improvement Plan, the Downtown Central Business District Community Improvement Plan, Brownfield Community Improvement Plan and East Waterfront Community Improvement Plan. No fee reduction will be applied where the 'Work Without Permit' fee is applicable.
- 17.** Third Party Review of applications are undertaken at the discretion of the Chief Building Official and may be required for very large or complex developments. The Chief Building Official may require that the estimated or actual costs associated with the third party review be payable at any time prior to permit issuance.

APPENDIX P: Filming Fees

Service	2024 Fee (plus HST as applicable)	2025 Proposed Fee (plus HST as applicable)
Film Permit - Municipal Property	\$175.00	\$185.00
Staff Time - Film Liason	\$85.00	\$90.00
Security Deposit	\$2,500.00 minimum for low impact filming projects \$5,000.00 minimum for medium to high impact filming projects	\$2,500.00 minimum for low impact filming projects. \$5,00.00 minimum for medium to high impact filming projects.

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law of The Corporation of the City of Port Colborne with Respect to
Development Charges

Whereas section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the Act") enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality for increased capital costs required because of the need for services arising from development in the area to which the by-law applies; and

Whereas the Council of the Corporation of the City of Port Colborne (hereinafter called "the Council"), at its public meeting of September 24, 2024, approved a report dated August 23, 2024, entitled "City of Port Colborne, 2024 Development Charge Background Study", which report was prepared by Watson & Associates Economists Ltd., as amended October 11, 2024; and

Whereas the Council has given Notice in accordance with Section 12 of the *Development Charges Act, 1997* of its development charge proposal and held a public meeting on September 24, 2024; and

Whereas the Council has heard all persons who applied to be heard in objection to, or in support of, the development charge proposal at such public meeting; and

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

1. In this by-law,

DEFINITIONS

"Act" means the Development Charges Act, as amended, or any successor thereof;

"accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“affordable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.

“agricultural use” means use or intended use for bona fide farming purposes:

- a) including (but not limited to):
 - i. cultivation of crops whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, grains, field crops, sod trees, shrubs, flowers, and ornamental plants;
 - ii. raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
 - iii. animal husbandry, dairying, equestrian activities, horticultural, fallowing, pasturing, and market gardening;
- b) but excluding:
 - i. winery activities;
 - ii. retail sales activities; and
 - iii. cannabis production facilities.

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor, and includes a stacked townhouse;

“attainable residential unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 of the Act.

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“Building Code Act” means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

“cannabis” means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has in it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marihuana shall have the same definition.

“cannabis production facility” means a facility structure for the cultivation, processing, packaging and shipping where cannabis is produced by a federally licensed producer and can be for the production of medical or recreational cannabis.

“capital cost” shall have the same meaning as described in Section 5 of the *Development Charges Act, 1997*, as amended.

“City” means the Corporation of the City of Port Colborne;

“class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, and does not include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the City;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (1) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of part walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (2) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

- (1) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- (2) loading facilities above or below grade; and
- (3) a part of the building or structure below grade that is used for the parking or motor vehicles or for storage and other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly or raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional development” means development of a building or structure that meets the criteria set out in section 11.1(2) of O.Reg. 82/98 to the Act;

“interest rate” means the annual rate of interest as set out in section 26.3 of the Act;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City of Port Colborne or any part of parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the City, as amended and approved;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“park model trailer” means is a recreational unit that meets the following criteria:

- (i) It is built on a single chassis mounted on wheels;
- (ii) It is designed to facilitate relocation from time to time;
- (iii) It is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- (iv) It has a gross floor area, including lofts, not exceeding 50m² (538ft²) when in the set-up mode, and has a width greater than 2.6m (8.5ft) in the transit mode.

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

“service” means a service designated in Schedule “A” to this by-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the City relative to the provision of municipal service to specified land within the City;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care facilities” means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building;

“special care/special dwelling” includes a park model trailer, and the residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- ii. Which may or may not have exclusive sanitary and/or culinary facilities;
- iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (1) Services Related to a Highway;
- (2) Public Works (Facilities and Fleet);
- (3) Fire Protection Services;
- (4) Parks and Recreation Services;
- (5) Library Services;
- (6) Growth Studies;
- (7) Wastewater Services; and

(8) Water Services.

2.2 The components of the services designated in Section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this by-law where:

(1) the lands are located in the area described in Section 3.2; and

(2) the development of the lands requires any of the approvals set out in Subsection 3.4(1).

Area to Which By-law Applies

3.2 Subject to Section 3.3, this by-law applies to all lands in the City of Port Colborne whether or not the land or use thereof is exempt from taxation under s.13 or the Assessment Act.

3.3 Notwithstanding Clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(1) the City or a local board thereof;

(2) a board of education;

(3) the Corporation of the Region of Niagara or a local board thereof;
or

(4) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (1) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
 - (2) the approval of a minor variance under Section 45 of the Planning Act;
 - (3) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (4) the approval of a plan of subdivision under Section 51 of the Planning Act;
 - (5) a consent under Section 53 of the Planning Act;
 - (6) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (7) the issuing of a permit under the Building Code Act in relation to a building or structure.
- (2) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structure to which this by-law applies even though two or more of the actions described in Subsection 3.4(1) are required before the lands, buildings or structures can be developed.
- (3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:

(1) an enlargement to an existing dwelling unit;

(2) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
- b) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- c) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit
- b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use,

other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

- c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to non-profit residential development;

3.9 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, the following shall be exempt from Development Charges as per Section 4.1 of the Act:

- i. Affordable Residential Units:
 - i. Affordable Residential Owned Units;
 - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

3.11 Notwithstanding any other provision of this By-law, the Development Charges payable for Residential Developments, where the Dwelling Units are intended as Rental Housing, will be reduced based on the number of bedrooms in each Dwelling Unit in accordance with section 26.2(1.1) of the Development Charges Act, as follows:

- i Three (3) or more Bedrooms – 25% reduction;
- ii Two (2) Bedrooms – 20% reduction; and
- iii Fewer than two (2) Bedrooms – 15% reduction.

3.12 Exemption for Industrial Development:

3.12.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

3.12.2 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

(i) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

(ii) Subject to subsection 3.12.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

(A) the gross floor area of the existing industrial building, or

(B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

(C) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and

(D) divide the amount determined under subsection (A) by the amount of the enlargement

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.12.2 (ii), the cumulative gross floor area of any previous enlargements for which:

(A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.13 For the purpose of Section 3.12 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.14 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

- (1) Non-residential farm buildings for the purpose of an agricultural use except for any building constructed to accommodate an On-Farm Business which shall be considered to be an industrial building;

- (2) Industrial development shall be exempt from payment of development charges on any square footage of gross floor area constructed over 5,000 square feet; and
- (3) Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

Amount of Charges

Residential

- 3.15 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.16 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

- 3.17 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 12 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (1) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the

applicable development charge under Subsection 3.15 by the number, according to type, of dwelling units that have been demolished or will be demolished or converted to another principal use; and

- (2) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under Subsection 3.16, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Timing of Payment of Development Charges

- 3.18 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.19 Notwithstanding subsection 3.18, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.20 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within 18 months of building permit issuance, the development charges under section 3 of this by-law shall be calculated on the rates set out in Schedule "B" on the date of the receipt of a complete planning application, including interest. Where both planning applications apply development charges under section 3 of this by-law shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
- 3.21 Despite Section 3.18 and 3.19, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development

charge to be paid before or after it would otherwise be payable, in accordance with Section 27 of the Act.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under Subsections 3.15 and 3.16, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this by-law

5. INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on the anniversary date of the by-law, in accordance with the prescribed index in the Act.

6. SCHEDULES

6.1 The following schedules shall form part of this by-law:

Schedule A - Components of Services Designated in Section 2.1

Schedule B - Schedule of Development Charges

Schedule C1 - Map of East Waterfront Community Improvement Plan

Schedule C2 - Map of Downtown Community Improvement Plan

Schedule C3 - Map of Olde Humberstone Community Improvement Plan

7. CONFLICTS

7.1 Where the City and an owner or former owner have entered into an agreement with respect to land within the area to which this by-law applies, and a conflict exists between the provisions of this by-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding Section 7.1, where a development which is the subject of an agreement to which Section 7.1 applies, is subsequently the subject of

one or more of the actions described in Subsection 3.4(1), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this by-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This by-law shall come into effect at 12:01 AM on October 23, 2024.

10. DATE BY-LAW EXPIRES

10.1 This by-law shall expire at 12:01 AM on October 23, 2034, unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law No. 6733/97/19, and any amendments thereto, are hereby repealed as of the date and time of this by-law coming into effect.

12. SHORT TITLE

This by-law shall be referred to as "Port Colborne City-wide Development Charge Bylaw."

Enacted and passed this 22nd day of October 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

BY-LAW NUMBER _____

SCHEDULE "A"

DESIGNATED MUNICIPAL SERVICE UNDER THIS BY-LAW

City-Wide Services

Services Related to a Highway

Roads

Bridges, Culverts & Structures

Sidewalks and Active Transportation

Traffic Signals & Streetlights

Public Works Facilities and Fleet

Public Works Facilities

Public Works Vehicles & Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles & Equipment

Small Equipment and Gear

Parks & Recreation Services

Parkland Development

Parkland Amenities

Parkland Trails

Recreation Facilities

Parks & Recreation Vehicles and Equipment

Library Services

Library Facilities

Library Collection Materials

Growth Studies

Urban Area Services

Wastewater Services

Water Services

SCHEDULE "B"

TO BY-LAW _____ OF CITY OF PORT COLBORNE

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	2,328	1,803	1,630	1,078	893	1.12
Public Works (Facilities and Fleet)	2,444	1,893	1,711	1,131	937	1.17
Fire Protection Services	1,709	1,324	1,197	791	655	0.82
Parks and Recreation Services	5,018	3,886	3,514	2,323	1,924	0.45
Library Services	663	513	464	307	254	0.06
Growth Studies	1,101	853	771	510	422	0.53
Total Municipal Wide Services/Class of Service	13,263	10,272	9,287	6,140	5,085	4.15
Urban Services						
Wastewater Services	11,453	8,870	8,020	5,301	4,391	5.24
Water Services	5,813	4,502	4,071	2,691	2,229	2.66
Total Urban Services	17,266	13,372	12,091	7,992	6,620	7.90
GRAND TOTAL RURAL AREA	13,263	10,272	9,287	6,140	5,085	4.15
GRAND TOTAL URBAN AREA	30,529	23,644	21,378	14,132	11,705	12.05

SCHEDULE "C1"

MAP OF EAST WATERFRONT COMMUNITY IMPROVEMENT PLAN



SCHEDULE "C2"

MAP OF DOWNTOWN COMMUNITY IMPROVEMENT PLAN



SCHEDULE "C3"

MAP OF OLDE HUMBERSTONE COMMUNITY IMPROVEMENT PLAN



The Corporation of the City of Port Colborne

By-law No. _____

**Being a By-law to Amend Zoning By-law 6575/30/18
For Mixed Residential Development**

Whereas an application was received to amend the City's Comprehensive Zoning By-law 6575/30/18 as amended, for the lands referred as 281 Chippawa Road and legally described as CON 2 PT LOT 25 59R-8400; PARTS 1,2 & 3, City of Port Colborne, Regional Municipality of Niagara, and

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

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

1. That Schedule 'A6' of the City of Port Colborne Zoning By-law 6575/30/18, as amended, be amended as shown on Schedule "A" attached hereto and forming part of this By-law;
2. Notwithstanding the provisions of Section 7 Third Density Residential (R3) Zone contained in Zoning By-law 6575/30/18, as amended, the following site-specific provisions shall apply to the lands shown on Schedule "A" attached hereto:

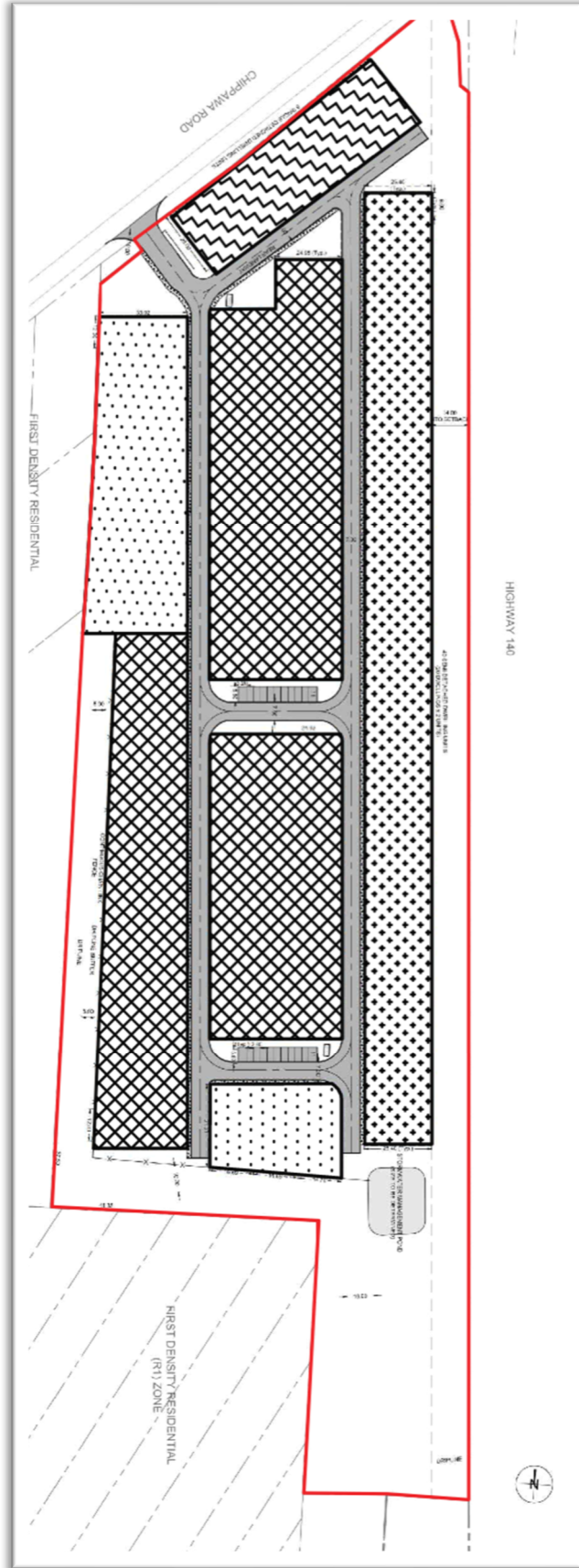
Zoning Regulations	Existing Zone Regulations (a) R2 - Section 6.3 R3 Zone - Section 7.3 & 7.7	Proposed Modification To Requested Zoning Regulations (b)
Uses Permitted	Detached dwelling Semi-detached dwelling Block townhouse	Comply
Minimum Lot Frontage	Detached Dwelling 6.3 (a) 12m & (b) corner lot-15m Semi-Detached 7.3(a) 18m Block Townhouse 7.7(a) 6m	Comply
Minimum Lot Area	Detached Dwelling 6.3 (c) 0.04 hectares (400 sqm) Semi-Detached 7.3 (b) 0.05 hectares (500 sqm) Block Townhouse 7.7 (b) 0.02 hectares (200 sqm)	Detached Dwelling (c) 0.032 hectares (320 sqm) Semi-Detached-Section 7.3 (b) 0.045 hectares (450 sqm) Block Townhouse-Section 7.7 (b) 0.015 hectares (150 sqm)
Minimum Front Yard	Detached Dwelling 6.3 (d) 6.5m Semi-Detached 7.3(c) 6.5m Block Townhouse 7.7(c) 7.5m	Detached Dwelling 6.3 (d) 4.5m Semi-Detached 7.3(c) 4.5m Block Townhouse 7.7(c) 4.5m
Minimum Exterior Side Yard	Detached Dwelling 6.3 (f) 3.5m Semi-Detached 7.3(e) 3m Block Townhouse 7.7(e) 4.5m	Detached Dwelling 6.3 (f) 2m Block Townhouse 7.7(e) 3m
Minimum Interior Side Yard	Detached Dwelling 6.3 (e) 1m Semi-Detached 7.3(d) 1.2m Block Townhouse 7.7(d) 3m	Comply
Minimum Landscaped Area	Detached Dwelling 6.3 (j) 25% Semi-Detached 7.3(i) 25% Block Townhouse 7.7(h) 25%	Comply
Maximum Lot Coverage	Detached Dwelling 6.3 (h) 50% Semi-Detached 7.3(g) 50%	Detached Dwelling 6.3 (h) 55%






Enacted and passed this ____ day of _____, 2024.

_____ MAYOR

_____ CLERK

SCHEDULE "A"



LEGEND	
Subject Site	
	 Block Townhouses
	 Semi-Detached Dwellings
	 Single Detached Dwellings with Rear Garage and Front Facing Chippawa Front
	 Single Detached Dwelling with Front Garage and Front Facing Private Road

SCHEDULE "A" TO BY-LAW 6575/30/18

MAYOR: _____

CLERK: _____

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to Adopt, Ratify and Confirm the proceedings of
the Council of The Corporation of the City of Port Colborne at its Regular Meeting
of October 22, 2024

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

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

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

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of October 22, 2024, upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.
4. That the Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 22nd day of October, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk