



City of Port Colborne Public Meeting Agenda

Date: Tuesday, November 5, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order
2. Adoption of Agenda
3. Disclosures of Interest
4. Statutory Public Meetings

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act. Requests to delegate virtually will be accepted until 12:00 p.m. on the day of the meeting by contacting deputyclerk@portcolborne.ca. To delegate in person, requests are appreciated, but not mandatory.

- 4.1 Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment – 242-246 West Side Road – Files D09-03-24 and D14-04-24 - 2024-201 1
 - a. Delegations
 - a. Gary Gaverluk
- 4.2 Public Meeting Report for Proposed Zoning By-law Amendment - Vacant Lot Elizabeth Street, 2024-203 24
 - a. Delegations
- 4.3 Public Meeting Report for Proposed Zoning By-law Amendment for 3077 Highway 3 – File D14-07-24, 2024-202 30
 - a. Delegations
5. Adjournment



PORT COLBORNE

Subject: Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment – 242-246 West Side Road – Files D09-03-24 and D14-04-24 - 2024-201

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2024-201

Meeting Date: November 5, 2024

Recommendation

That Development and Legislative Services Department Report 2024-201 be received for information.

Purpose

The purpose of this report is to provide Council with information regarding applications to amend the Official Plan and Zoning By-law to facilitate the development of an eight (8) storey apartment building which is proposed to contain 112 dwelling units.

Background

Location

The subject lands are located at the southwest corner of the intersection of West Side Road and the future Franklin Avenue. The lands are legally known as Lots 36 to 40 on Plan 826, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. The lands measure approximately 44.5 metres in frontage along West Side Road and 0.57 hectares in area.

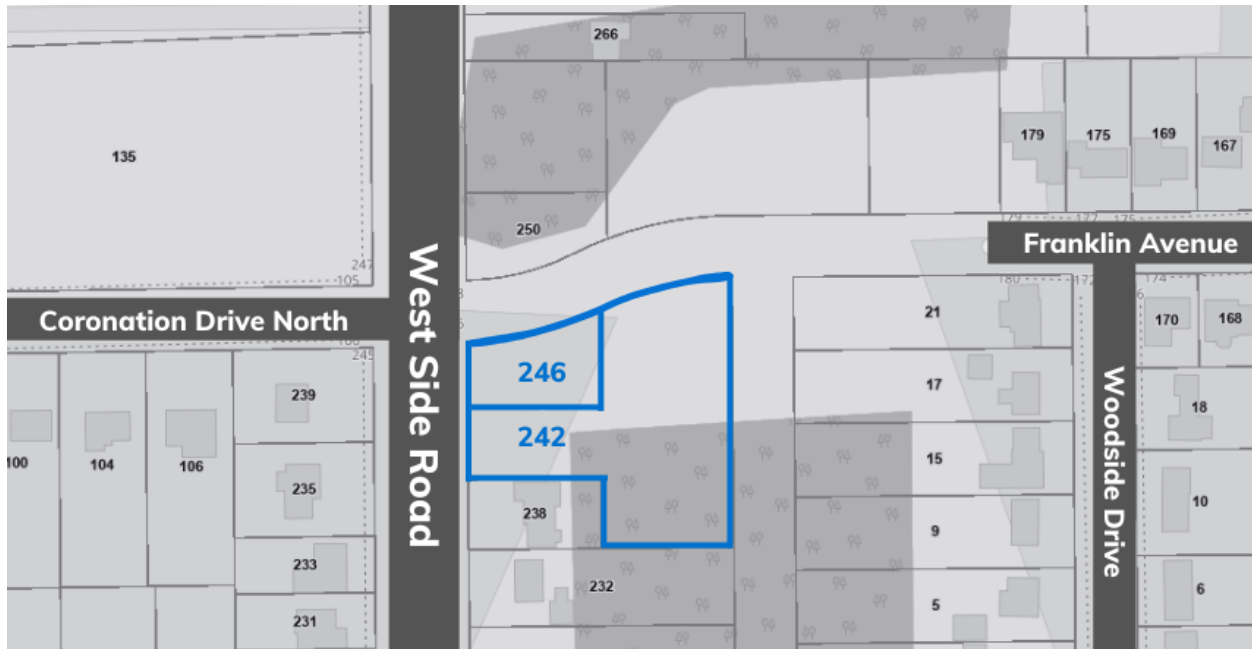


Figure 1: Location of Subject Lands (shown in blue).

Proposal

Applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were submitted by Quartek Group Inc. on May 2, 2024, to facilitate the development of a 112-unit apartment building.

The OPA proposes to permit a density of not more than 198 units per hectare, with parking on the main floor.

The ZBA proposes to change the zoning of the subject lands from the First Density Residential (R1) zone and Third Density Residential (R3) zone to a site-specific Fourth Density Residential (R4-XX) zone.

The applications were deemed complete on October 15, 2024. The following plans, studies, and reports have been submitted to help facilitate the development of the lands:

- Architectural Drawings
- Conceptual Site Servicing
- Functional Servicing Report
- Planning Justification Report
- Stage 1 and 2 Archaeological Assessments
- Transportation Impact Study
- Survey

All the plans, studies, and reports noted above are available on the City's [Current Applications webpage](#).

The architectural drawings are included as Appendix A to this report.

Internal Consultations

The applications were circulated to appropriate internal departments and to external agencies on October 16, 2024, and the following comments have been received as of the date of preparing this report:

Mississaugas of the Credit First Nation

- No objections to the proposed applications.

Enbridge

- No objections to the proposed applications.
-

Public Engagement

Public Notice of the proposal was provided in accordance with sections 22 and 34 of the *Planning Act*. As of the date of preparing this report, no comments from the public have been received.

Discussion

These applications will be reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18. A further policy review will follow when the recommendation report for these applications returns to Council for their decision.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS.

Section 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including the development and introduction of new housing options within previously developed areas.

Section 2.3.1.1 provides that settlement areas shall be the focus of growth and development. Section 2.3.1.2 adds that land use patterns within settlement areas should

be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure.

Section 2.3.1.3 provides that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) designates the subject lands as within the Built-Up Area. A full range of residential uses are permitted within the Built-Up Area. The proposal will contribute to the City's intensification target of 30% as set out within Table 2-2 of the NOP.

Section 2.2 of the NOP provides policies with the objective of accommodating growth through strategic intensification and higher densities. Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density, and a mixed range of housing options that considers the character of established residential neighborhoods as part of managing growth.

Section 2.3.1.1 of the NOP encourages the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

Section 2.3.1.4 of the NOP encourages residential intensification that is planned to mitigate and adapt to the impacts of climate change by incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

City of Port Colborne Official Plan, 2013

The subject lands are designated Urban Residential in the City of Port Colborne Official Plan (OP). Land uses in the Urban Residential designation permit residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

Section 2.2 of the OP details the City's growth management strategy. Section 2.2 (e) states that intensification and infill is supported in the Urban Residential, Hamlet, and Downtown Commercial designations. Section 2.4.3 provides detailed policies regarding intensification and infilling. Section 2.4.3.1 identifies an intensification target of 15%, while section 2.4.3.2 provides general design guidelines.

Section 2.3.1 provides that the City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost-effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by directing growth within the Urban Area Boundary to the north and west at this time, and

promoting residential intensification by encouraging a mix of housing types and densities in the urban area.

Section 3.2.1 of the OP provides policy direction for redevelopment within the Urban Residential designation. including:

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.

c) High Density Residential will:

i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;

ii) Have frontage on an arterial or collector road;

iii) Have commercial or ground-oriented residential uses on the main floor;

iv) Be oriented on the site to minimize shadows on adjacent low and medium

density residential development;

v) Be encouraged to be developed in proximity to public transit and active transportation routes; and

vi) Be subject to Site Plan Control; and

d) Neighbourhood Commercial

i) New residential development proposals shall consider the provisions of neighbourhood commercial within a lot, block or building having frontage on a collector or arterial road, and provide a neighbourhood commercial use within a five-minute walk of residential uses;

ii) New residential development proposals shall provide 150 square metres of neighbourhood commercial for every 100 housing units of residential development; and

iii) Neighbourhood commercial development is subject to Site Plan Control.

Section 3.2.3.1 of the OP provides design guidelines for the development of new residential communities, to which section 3.2.3.3 (b) adds:

b) Townhouses and multiple-unit housing should:

i) Be aligned parallel to the street from which the principal entrance should be visible and accessible;

ii) Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street façade that is composed of a consistent and attractive variety of building elements; and

iii) Be consistent with the placement and character of the surrounding built form where an infill development.

The proposed OPA is requesting the following site-specific policies:

1. Notwithstanding section 3.2.1(c)(i) of the OP, the subject lands may be developed for apartment dwellings at a density of not more than 198 units per hectare.
2. Notwithstanding section 3.2.1(c)(iii) of the OP, the subject lands may be developed for apartment dwellings with parking on the main floor.

The full proposed OPA can be found attached as Appendix B to this report.

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

The subject lands currently have two different zones established. The back portion of 242 West Side Road is zoned Third Density Residential (R3), while 246 West Side Road and the front portion of 242 West Side Road are zoned First Density Residential (R1). The ZBA application proposes to rezone the subject lands to a new site-specific Fourth Density Residential (R4-XX) zone to permit the proposed apartment building. The requested site-specific zoning provisions are as follows:

Zone Provision	Requested	Required
Minimum lot area per unit	50.6 square metres	125 square metres
Minimum corner side yard	4.11 metres	7.5 metres
Minimum rear yard	3.85 metres	6 metres
Maximum height	30.5 metres	20 metres
Minimum required parking spaces	116 (1.04 spaces per residential unit)	140 (1.25 spaces per residential unit)
Minimum unobstructed driveway width for two-way traffic	6.3 metres	7.5 metres

Minimum parking space width for standard spaces obstructed on two sides	3.1 metres	3.5 metres
Minimum parking space width for standard spaces obstructed on one side	2.6 metres	3 metres
Minimum parking space width for side-by-side accessible parking spaces	2.5 metres	2.6 metres
Minimum common space between accessible parking spaces	2.5 metres	2.6 metres
Minimum landscape buffer from a parking area with 100 or greater parking spaces to a lot line abutting a public road	3.8 metres	6 metres
Minimum landscape buffer from a parking area with 100 or greater parking spaces to a lot line abutting a residential zone	3 metres	4 metres

The full proposed ZBA can be found attached as Appendix C to this report.

Financial Implications

There are no direct financial implications associated with this report.

Strategic Plan Alignment

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion

Planning staff are not providing a recommendation on the proposed Official Plan Amendment or Zoning By-law Amendment at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. Planning staff will prepare and present a recommendation report at a future Council meeting.

Appendices

- a. Architectural Drawings

- b. Draft Official Plan Amendment
- c. Draft Zoning By-law Amendment

Prepared by,

Diana Vasu
Planner
905-228-8120
diana.vasu@portcolborne.ca

Respectfully submitted,

Craig Larmour
Planning Consultant
Craig.larmour@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.

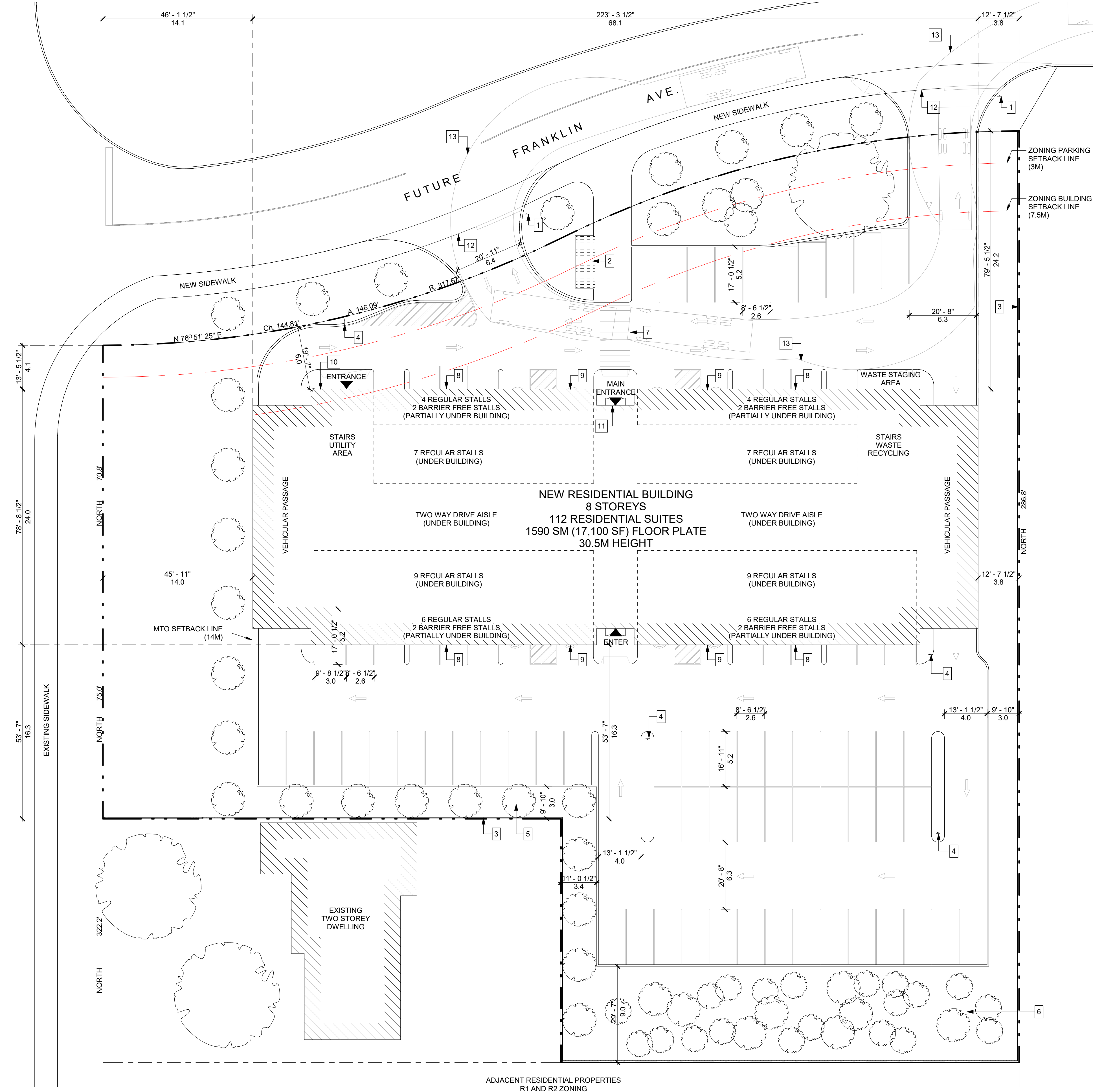


242 WEST SIDE ROAD - MULTI-FAMILY RESIDENTIAL MID-RISE

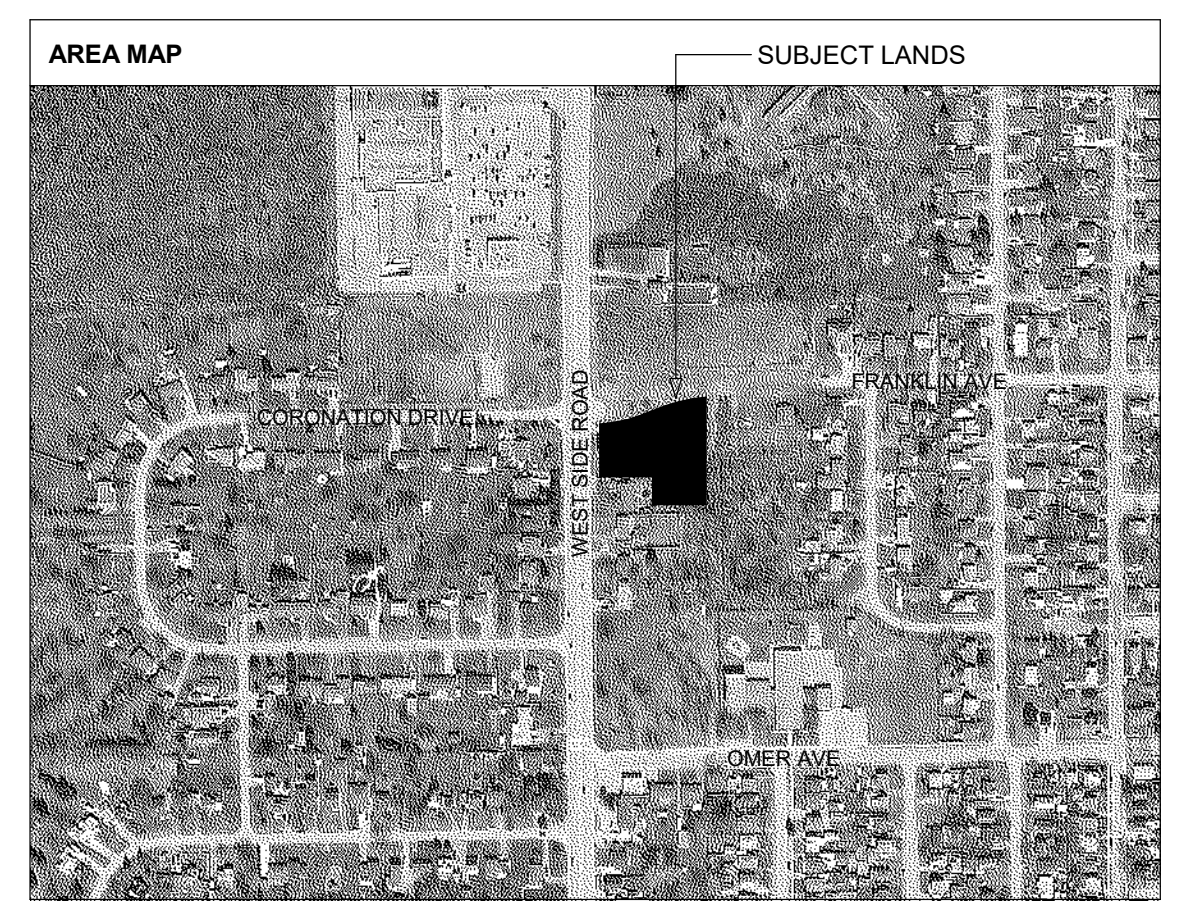
04 SEPTEMBER 2024 - ISSUED FOR ZONING BYLAW AND OFFICIAL PLAN AMENDMENT APPLICATION REV2

Report 2024-201
Appendix A

WEST SIDE ROAD



CIVIC ADDRESS
 242 WEST SIDE ROAD
 PORT COLBORNE, ONTARIO
 L3K 5K9



PARKING SUMMARY

	REQUIRED	PROPOSED
RESIDENTIAL SUITES	112 X 1.25 = 140 STALLS	116 STALLS
BARRIER FREE	4 ACCESSIBLE PARKING STALLS	8 ACCESSIBLE PARKING STALLS
BICYCLE PARKING STALLS	10 STALLS	10 STALLS

ZONING MATRIX

EXISTING ZONING	RESIDENTIAL R2 ZONING			
	REQUIRED R1 (EXISTING)	REQUIRED R2 (EXISTING)	REQUIRED R4 APARTMENT (FOR REF)	PROPOSED (SITE SPECIFIC)
MIN LOT FRONTAGE	15 M	12 M	18 M	18 M
MIN LOT FRONTAGE - CORNER	17 M	15 M	N/A	14M
MIN LOT AREA	0.05 HA	0.04 HA	125 SM / UNIT	5667 SM (0.566 ^{HA}) 50.65M ² UNIT
MIN FRONT YARD	6.5 M	6.5 M	9 M	14 M
MIN INTERIOR SIDE YARD	1.5 M	1 M	3 M	16 M
MIN CORNER SIDE YARD	3.5 M	3.5 M	7.5 M	4.11 M
MIN REAR YARD	7 M	6 M	6 M	3.85 M
MAX LOT COVERAGE	40%	50%	40%	28%
MAX HEIGHT	11 M	11 M	20 M	30.5 M
MIN LANDSCAPE AREA	25%	25%	25%	1685 SM 29%
MIN FLOOR AREA FOR UNIT	N/A	N/A	50 SM	51 SM (MIN UNIT)
3.11 MIN LANDSCAPE BUFFER FOR A PARKING AREA WITH 100 OR GREATER PARKING SPACES ABUTTING A PUBLIC ROAD	6M	6M	6M	3M
3. OBSTRUCTION PROJECTING INTO SIDE OF PARKING STALLS	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	PERMITTED UP TO 0.2M ON ONE OR BOTH SIDES OF STALL

- KEYNOTES**
- NEW STOP SIGN FOR VEHICULAR TRAFFIC
 - NEW BICYCLE RACK. 16 STALLS TOTAL. 0.3M X 1.8M STALL SIZE SHOWN.
 - NEW 6'-0" (1.83M) HIGH FENCE, TRANSITION TO 3'-3" (1M) HIGH AT FRONT YARD
 - NEW NO ENTRY SIGN FOR VEHICULAR TRAFFIC
 - NEW TALL INDIGENOUS TREES ADJACENT TO NEIGHBORING FOR PRIVACY
 - PORTION OF NATURAL FOLIAGE ADJACENT TO SOUTH PROPERTY LINE TO REMAIN UNDISTURBED
 - HATCHED AREA DELINEATING NEW PEDESTRIAN CROSSING
 - PARKING STALLS NEAR BUILDING PARTIALLY COVERED BY BY OVERHANGING BUILDING
 - BARRIER FREE PARKING STALLS PARTIALLY COVERED BY BY OVERHANGING BUILDING. BARRIER FREE PARKING SIGNAGE PER ZONING.
 - FIRE DEPARTMENT CONNECTION AND FIREFIGHTING ACCESS TO STAIRS
 - RESIDENTIAL FRONT ENTRANCE AND FIRE FIGHTER ANNUNCIATOR PANEL IN LOBBY
 - NEW/REHABILITATED SIDEWALK EXTENDS CONTINUOUSLY OVER DRIVEWAY
 - NIAGARA REGION WASTE COLLECTION TRUCK SWEEP PATH

C FOR ZBA/OPA R1	04SEP2024	MT
B FOR ZBA/OPA	29APR2024	MT
A FOR ZBA/OPA COORD	01APR2024	MT
Issue	Issued for	Date

FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.
 Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.
 All construction to be in accordance with the current Ontario Building Code and all applicable Ontario regulations.
 All drawings and related documents remain the property of Quartek Group Inc., all drawings are protected under copyright and under contract.



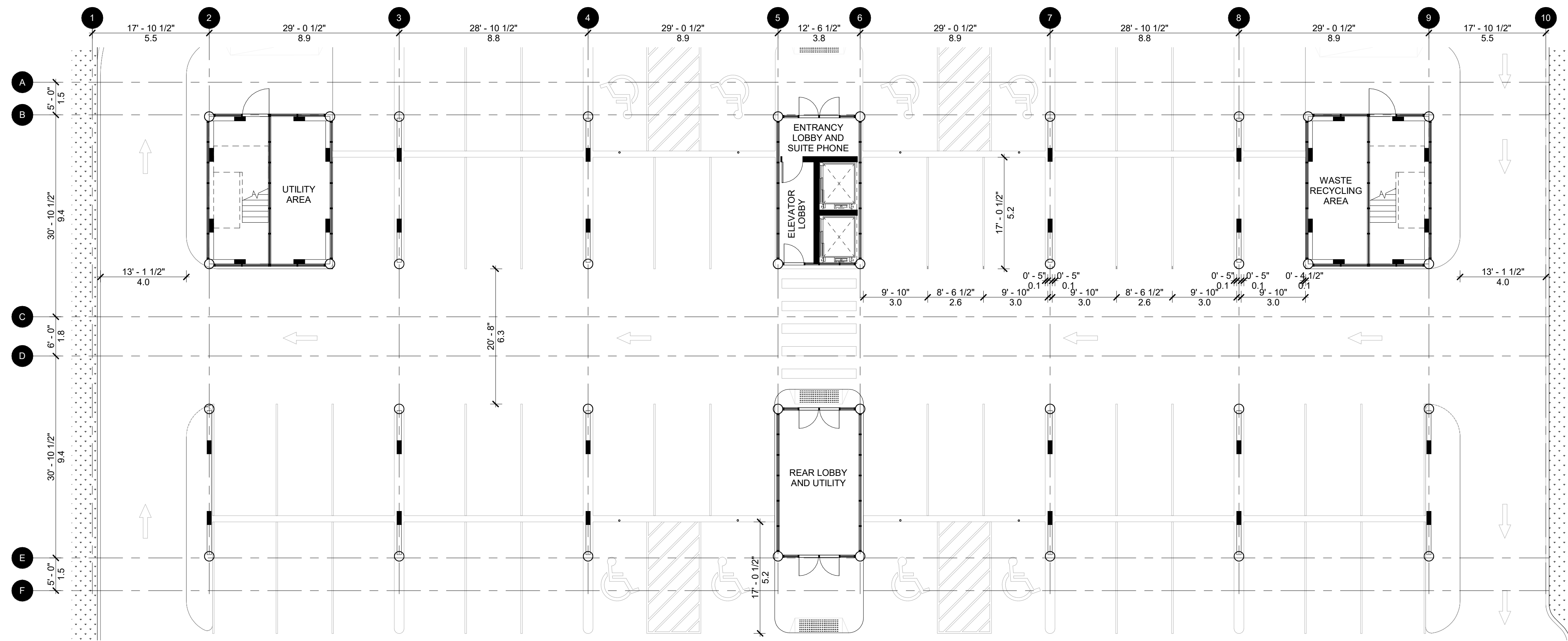
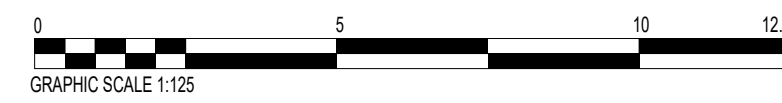
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WEST SIDE ROAD INFILL LOFTS
 242 WEST SIDE ROAD
 PORT COLBORNE, ON

Drawing Title
SITE PLAN

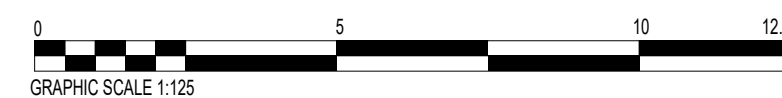
Drawn	Designed by
MT	MT
Scale	Date Created
As Indicated	29 MAR 2023
Job Number	Issue
22138	C
Drawing Number	
	A1



1 LEVEL 02
A2 1: 125



2 MAIN FLOOR PLAN
A2 1: 125



C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
A	FOR ZBA/OPA COORD	01APR2024	MT
Issue	Issued for	Date	INT

FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

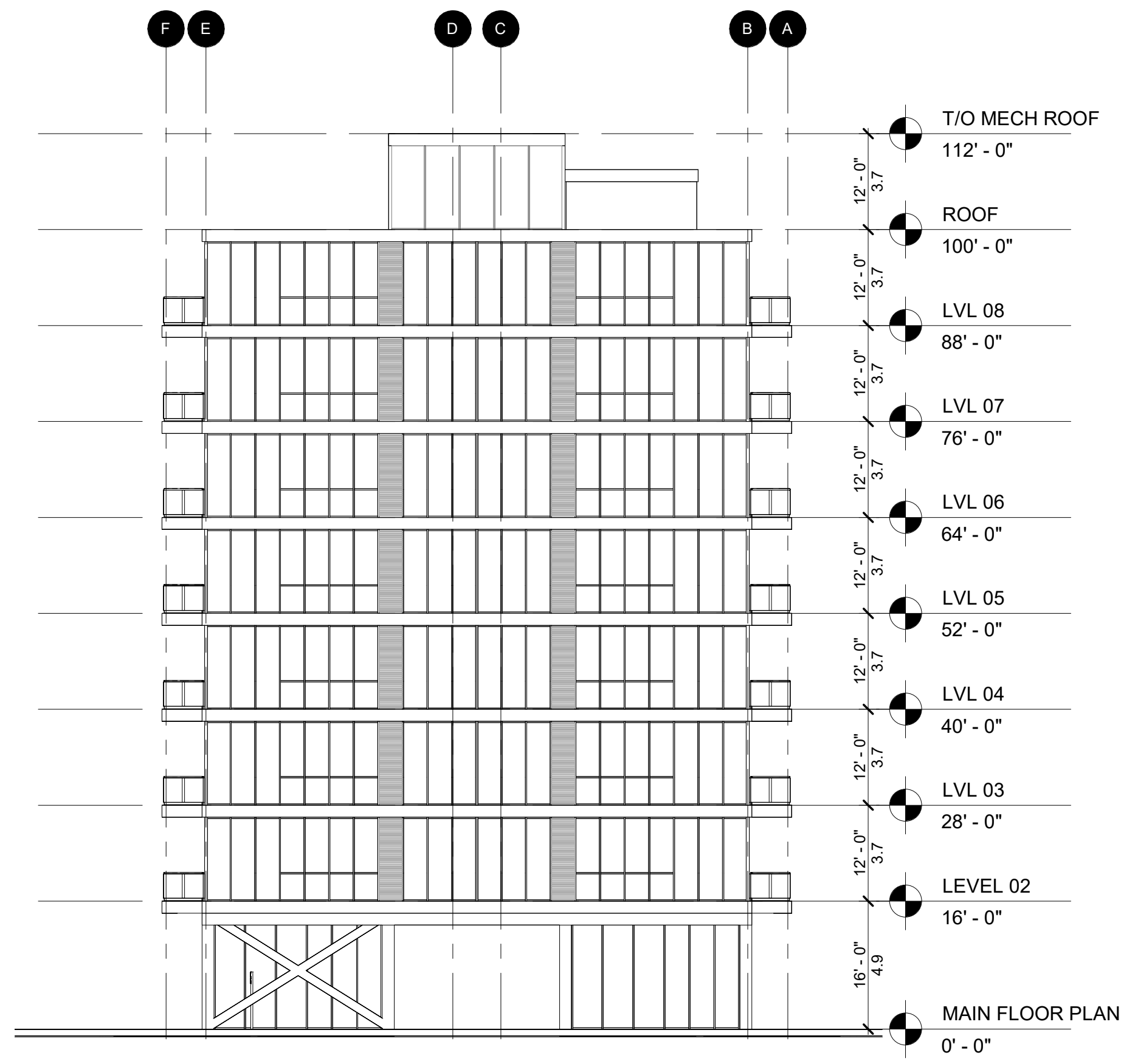
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Quartek
 Architects • Planners
 Engineers • Project Managers
 T: 905 984 8676
 89 - 91 St. Paul Street, Suite 100,
 St. Catharines, ON L2R 3M3
 www.quartekgroup.com

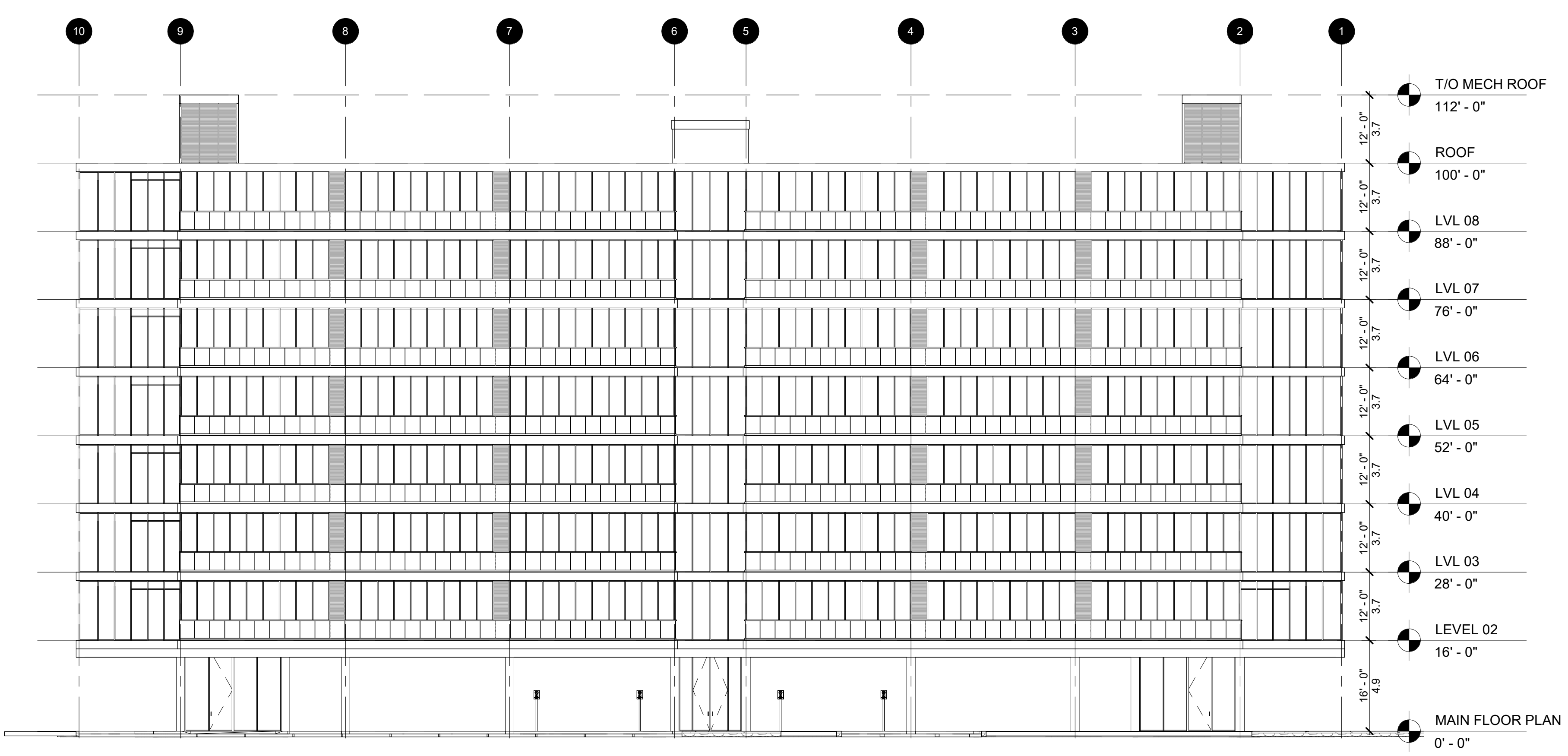
Project Title
WEST SIDE ROAD INFILL LOFTS
 242 WEST SIDE ROAD
 PORT COLBORNE, ON

SAMPLE FLOOR PLATE

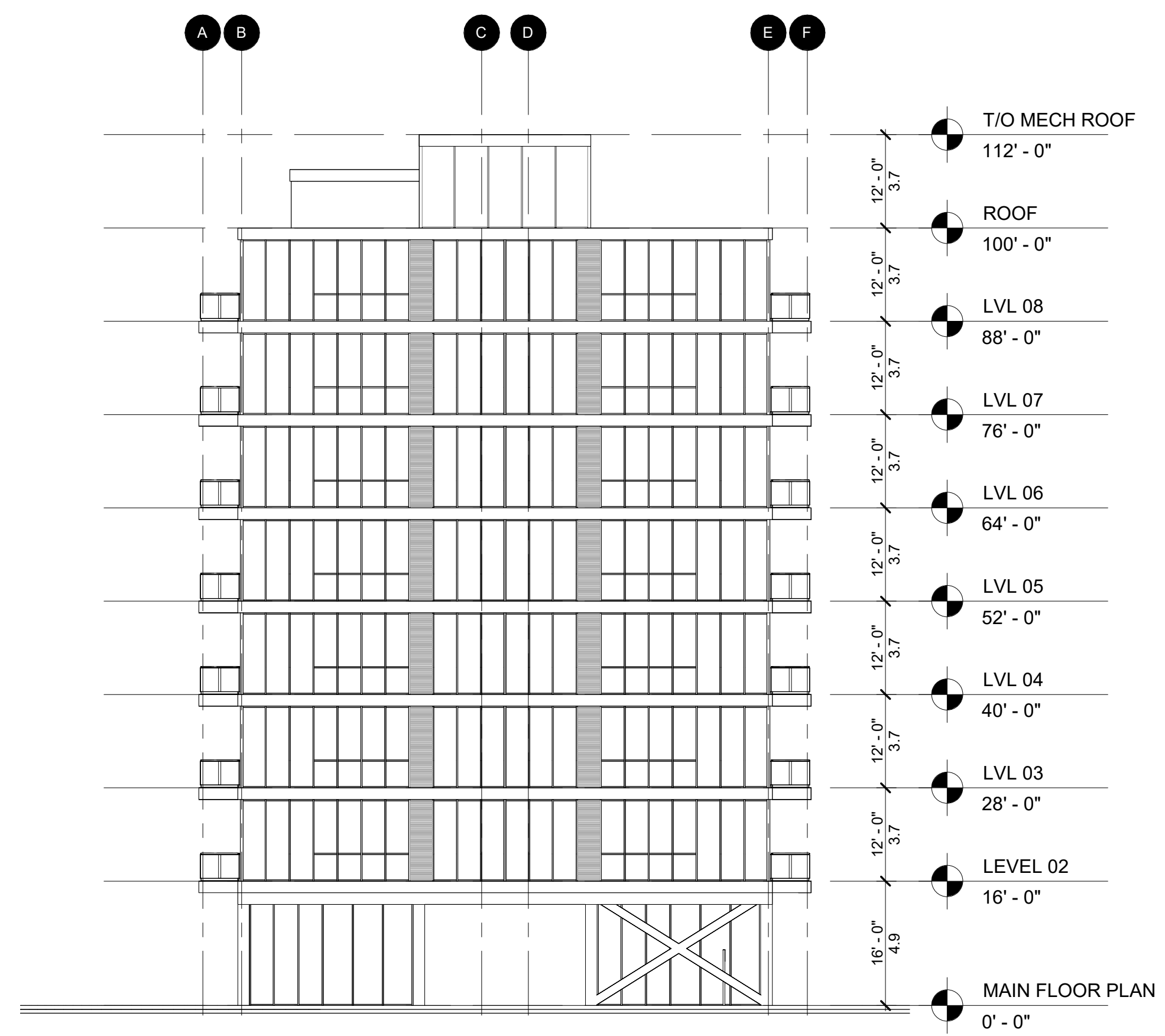
Drawn	Designed by
MT	MT
Scale	Date Created
1: 125	29 MAR 2023
Job Number	Issue
22138	C
Drawing Number	
	A2



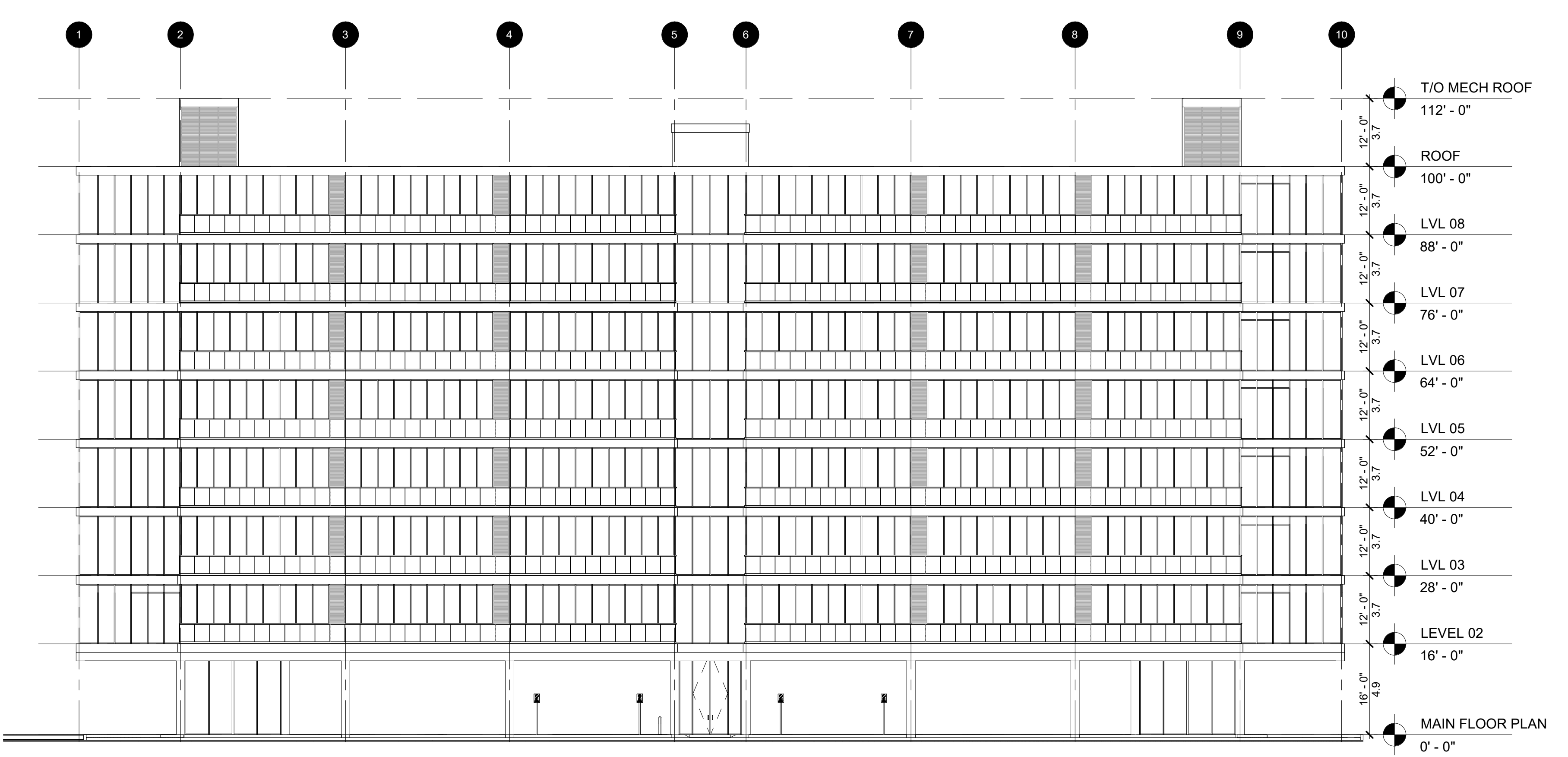
2 EAST ELEVATION
A3 1 : 175



1 NORTH ELEVATION
A3 1 : 175



4 WEST ELEVATION
A3 1 : 175



3 SOUTH ELEVATION
A3 1 : 175

C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
A	FOR ZBA/OPA COORD	01APR2024	MT
Issue	Issued for	Date	Int

FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.

Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.

All construction to be in accordance with the current Ontario Building Code and all applicable Ontario regulations.

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Quartek

Architects • Planners
Engineers • Project Managers

T: 905 984 8676
89 - 91 St. Paul Street, Suite 100,
St. Catharines, ON L2R 3M3
www.quartekgroup.com

Project Title

WEST SIDE ROAD INFILL LOFTS
242 WEST SIDE ROAD
PORT COLBORNE, ON

EXTERIOR ELEVATIONS

Drawn	Designed by
MT	MT
Scale	Date Created
1 : 175	29 MAR 2023
Job Number	Issue
22138	C
Drawing Number	
	A3

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The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to adopt amendment no. XX to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore the Council of The Corporation of the City of Port Colborne under section 17(22) of the *Planning Act*, hereby enacts as follows:

1. That Official Plan Amendment no. XX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ___ day of _____, ____.

William C Steele
Mayor

Charlotte Madden
City Clerk

**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

PREPARED BY:

**CITY OF PORT COLBORNE
DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT**

**AMENDMENT NO. X
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. X
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the *Planning Act R.S.O. 1990*, c. P.13, as Amendment No. 8 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. XX
TO THE OFFICIAL PLAN FOR THE
PORT COLBORNE PLANNING AREA

INDEX

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Minutes of the Public Meeting

2. Development and Government Relations Department Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to amend land use designations on Schedule A – CityWide Land Use of the Port Colborne Official Plan to facilitate the development of the subject properties, shown on the attached Schedule, as apartment dwellings.

Location

The lands affected by this amendment are legally described as Lots 36 to 40, Registered Plan No. 826 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. A detailed map of the subject properties is attached as Schedule “A” to this Official Plan Amendment No. XX.

Basis

The subject properties are designated “Urban Residential”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By-law for the subject properties to provide for and permit a 112 dwelling unit apartment building. The proposed density is 198 units per hectare.

The development provides residential intensification at a location serviced by existing services and infrastructure. The location for the proposed intensification of the subject properties is suitable because they are surrounded by compatible residential, commercial, and institutional land uses.

It is intended to also approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing First Density Residential (R1) Zone, in part abutting Highway 58 / West Side Road and Third Density Residential (R3) Zone to an “R4-XX Site-specific Fourth Density Residential Zone”.

The proposal is consistent / conforms with:

- The Provincial Planning Statement (2024) by promoting growth within a settlement area;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City’s intensification target and promoting growth within the Built-Up Area.

PART B - THE AMENDMENT

All of this part of the document entitled **PART “B”** – “The Amendment” consisting of the following text and map designated Schedule “A” constitutes Amendment No. X to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Introductory Statement

This part of the document entitled Details of the Amendment, consisting of the following text and map designated Schedule “A” constitutes Amendment No. XX to the Official

Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows: Land shown on Schedule A is redesignated from Urban Residential to Special Policy Area to provide for apartment dwellings at a density of 198 units per hectare.

Details of the Amendment

1. The land illustrated on "Schedule A to Official Plan Amendment No. XX", is redesignated from Urban Residential to Special Policy Area and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, apartment dwellings at 198 units per hectare with ground floor parking may be provided on the land illustrated on Schedule "A" to this Official Plan Amendment.

IMPLEMENTATION AND INTERPRETATION

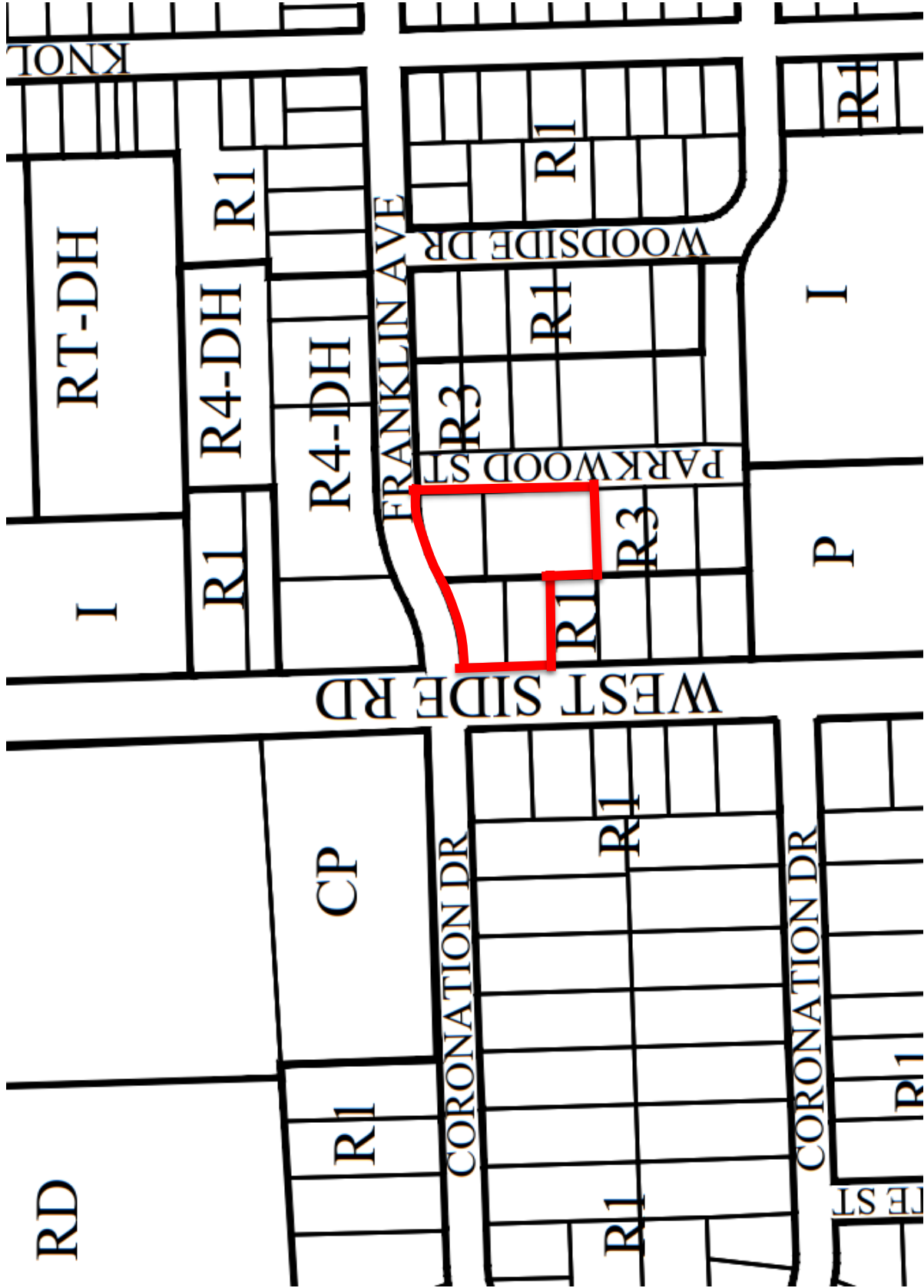
The implementation and interpretation of this amendment shall be in accordance with the policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject properties.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. XX but are included as information to support the Amendment.

APPENDIX I – Draft Minutes of the Public Meeting

APPENDIX II – Development and Government Relations Department Report 2024-201



The Corporation of the City of Port Colborne

By-law No _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Lots 36 to 40, Registered Plan No. 826 City of Port Colborne, Regional Municipality of Niagara

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from:

Residential Third Density (R3) Zone to Residential Fourth Density (R4-XX) Site-Specific Zone

Residential First Density (R1) Zone to Zone to Residential Fourth Density (R4-XX) Site-Specific Zone

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

R4-XX

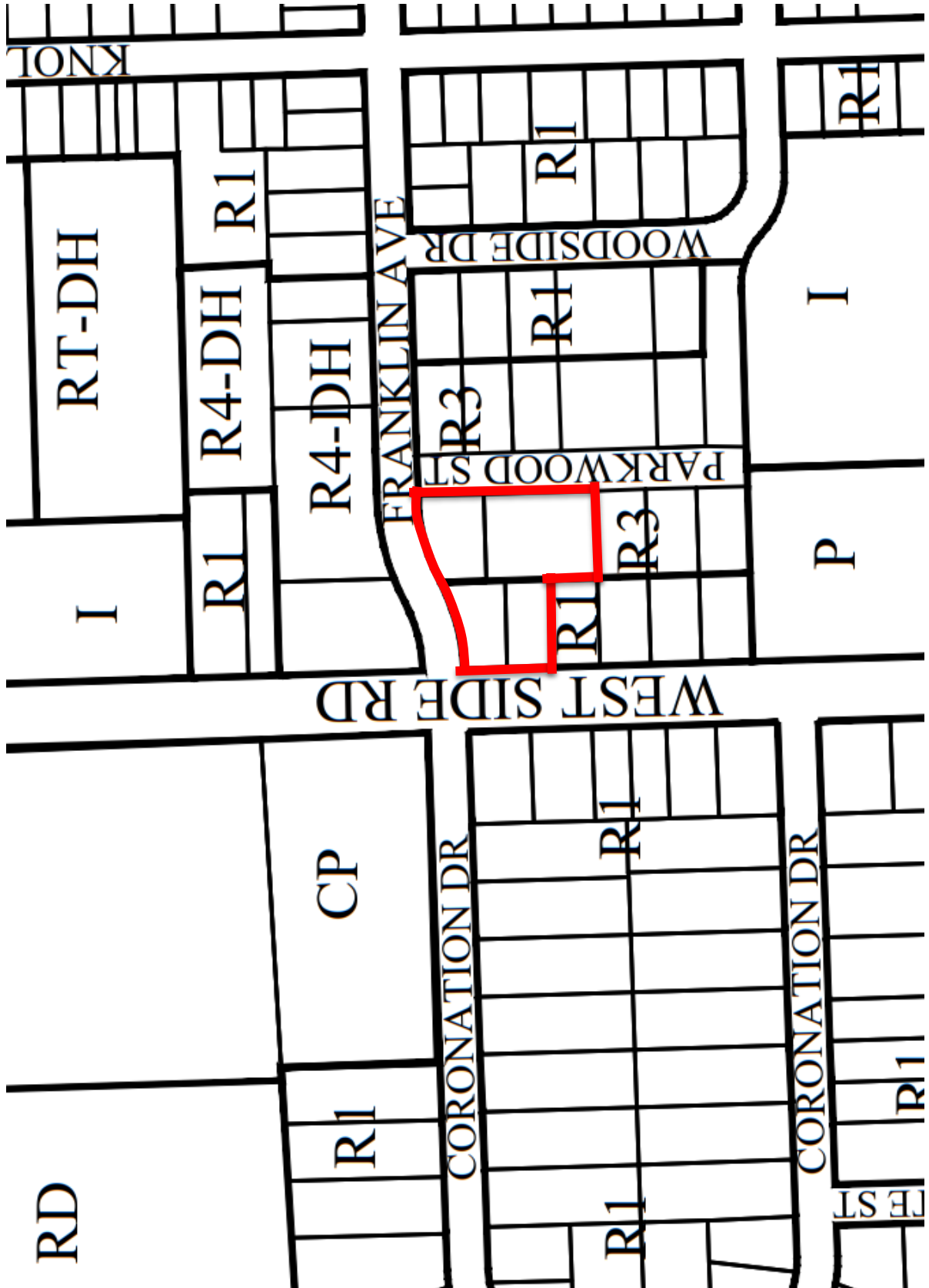
Notwithstanding the provisions of the Residential Fourth Density Zone, the minimum lot area required in the Residential Fourth Density R4-XX (Residential and Nonresidential) is 50 square meters per dwelling unit.

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

Enacted and passed this _____ day of _____, 2024.

William C Steele
Mayor

Charlotte Madden
City Clerk





Subject: Public Meeting Report for Proposed Zoning By-law Amendment - Vacant Lot Elizabeth Street

To: Council - Public Meeting

From: Development and Government Relations Department

Report Number: 2024-203

Meeting Date: November 5, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-203 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding an application initiated by the City of Port Colborne for the lands legally known as Concession 1, Part of Lots 23 and 24, being Part 1 on Plan 59R-10294 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as vacant City-owned lands on Elizabeth Street north of the Friendship Trail.

Background:

The application for Zoning By-law Amendment proposes to change the zoning on a portion of the lands from Residential Development (RD) to Environmental Protection (EP) to recognize the flood hazard.

This application has been initiated by the City of Port Colborne in response to previous comments received from the Niagara Peninsula Conservation Authority (NPCA) with respect to these City-owned lands, and the lands directly north, which are subject to an approved Draft Plan of Subdivision and previous Zoning By-law Amendment.

As part of the previous applications, the NPCA identified areas within the City-owned lands which are subject to their flood hazard policies. NPCA policies require that lands within flood hazards be restricted from development and be placed in a suitable Environmental Protection zone.

Discussion:

These applications will be reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

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

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary” and “Built-Up Area”. Policies within the NOP generally encourage development within the Urban Area and Built-up Area.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation predominantly include residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas. Additionally, the land is located within the Built Area, based on Schedule A1.

The Official Plan is not proposed to be changed through this application as the flood storage area has been identified as a result of the adjacent residential development in the area. The City-owned lands will continue to be used for existing stormwater management purposes, serving the residential subdivisions in the neighbourhood.

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

The subject lands are currently zoned Residential Development (RD). The majority of the lands will remain in the RD zone, with the exception of the area subject to the flood hazard.

Internal Consultations:

The applications were circulated internally to applicable departments and external agencies on October 16, 2024, and no comments have been received as of the date of preparing this report.

Financial Implications:

There are no financial implications at this time.

Public Engagement:

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

Strategic Plan Alignment:

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

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Zoning By-law Amendment at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

Appendices:

- a. Draft Zoning By-law Amendment

Prepared and submitted by,

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 respecting the land legally known as Concession 1, Part of Lots 23 and 24, being Part 1 on Plan 59R-10294 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as vacant City-owned lands on Elizabeth Street, north of the Friendship Trail.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) to Environmental Protection (EP).
3. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this day of , 2024.


William C Steele
Mayor

Charlotte Madden
City Clerk

Schedule "A"



Legend

 - Lands to be rezoned to EP

This is Schedule "A" to By-law No _____
Passed _____, 2024
Mayor _____
Clerk _____



Subject: Public Meeting Report for Proposed Zoning By-law Amendment for 3077 Highway 3 – File D14-07-24

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2024-202

Meeting Date: November 5, 2024

Recommendation:

That Development and Government Relations Department Report 2024-202 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding an application for a proposed Zoning By-law Amendment submitted by Thomas Lawrence for the lands legally known as Concession 1 Part of Lot 12, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 3077 Highway 3. The Zoning By-law Amendment is being requested to facilitate a future consent application.

Background:

Location

The subject lands are within the Hamlet Official Plan designation. They are in the Hamlet Development (HD) and Hamlet Residential (HR) zones of Zoning By-law 6575/30/18 and have an area of approximately 16.98 hectares. 3077 Highway 3 is currently being used for a residential and agricultural use.

The surrounding lands are zoned HR and a special provision of the Hamlet Commercial (HMC-23) to the north, HD to the east, Rural (RU) to the south, and HR, Hamlet Commercial (HMC), and a special provision of the Hamlet Commercial (HMC-22), to the west. The surrounding land uses consist primarily of single detached dwellings and commercial uses.

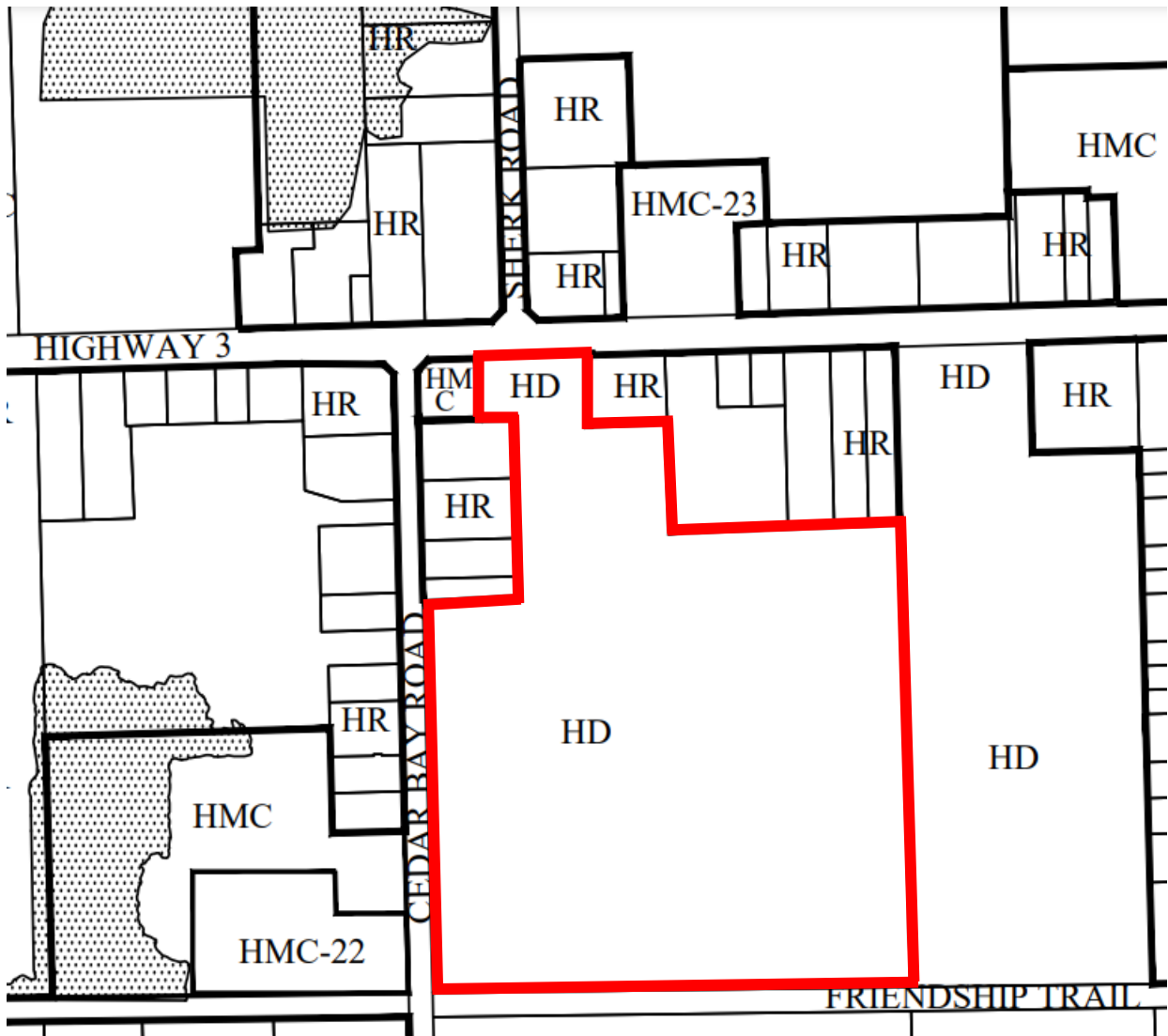


Figure 1: Current Zoning of Subject Lands (shown in red) from Schedule A4 of Zoning By-law 6575/30/18.

Proposal

An application for a Zoning By-law Amendment (ZBA) was submitted by Thomas Lawrence on September 30, 2024. The application for Zoning By-law Amendment proposes to change the zoning from Hamlet Development (HD) to Hamlet Residential (HR) to permit a severance for future residential purposes.

The application was deemed complete on October 15, 2024. A severance sketch was submitted as part of this application. The sketch is included as Appendix A to this report and is available on the City's [Current Applications webpage](#).

Internal Consultations:

The application was circulated to appropriate internal departments and to external agencies on October 16, 2024, and the following comments have been received as of the date of preparing this report:

Mississaugas of the Credit First Nation

- No objections to the proposed applications.

Enbridge

- No objections to the proposed applications.
-

Public Engagement:

Public Notice of the proposal was provided in accordance with section 34 of the *Planning Act*. As of the date of preparing this report, no comments from the public have been received.

Discussion:

This application will be reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18. A further policy review will follow when the recommendation report for this application returns to Council for a decision.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “rural settlement area” according to the PPS.

Section 2.5.1 of the PPS states that healthy, integrated, and viable rural areas should be supported by building upon rural character and leveraging rural amenities and assets, accommodating an appropriate range and mix of housing in rural settlement areas, and using rural infrastructure and public service facilities efficiently.

Section 2.5.2 of the PPS provides that rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Accordingly, section 2.5.3 states that, when directing development in rural settlement areas, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) designates the subject lands as within the Rural Settlement of Gasline. The NOP recognizes that a limited amount of development will occur outside of urban area boundaries. Rural Settlements identified on Schedule B of the NOP shall be the focus of development outside of urban area boundaries.

Section 2.2.3.3 of the NOP states that developments in rural settlements should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area, ensure adequate amenities to serve the needs of rural residents, consider the inclusion of active transportation infrastructure, protect the Region's natural environment system in accordance with the policies of section 3.1 of the NOP, and encourage increased resilience to climate change in accordance with section 3.5 of the NOP. Rural settlements are to be serviced by sustainable private water and wastewater treatment systems in accordance with section 5.2 and must have at least 1 acre of useable area.

The subject lands are mapped as an Area of Archaeological Potential on Schedule K in the NOP. Section 6.4.2.6 states any development within an area of archaeological potential requires the submission of a Stage 1 Archaeological Assessment prepared by a licensed archaeologist. Accordingly, final approval of this amendment to the Zoning By-law will require a Stage 1 Archaeological Assessment (at minimum).

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of other wetlands near the south lot line. Section 3.1.9.7 requires the completion of an Environmental Impact Study (EIS) when development may negatively impact other wetlands. Accordingly, final approval of this amendment to the Zoning By-law Amendment will either require an EIS to be completed, or confirmation from Regional staff that the proposal will not negatively impact the wetland feature.

City of Port Colborne Official Plan, 2013

The subject lands are in the Hamlet of Gasline designation as per the mapping in Schedule A3 of the City of Port Colborne Official Plan (OP). Land uses in the Hamlet designation permit residential uses.

Section 2.2 (d) of the OP recognizes that a small amount of development may occur in the hamlet areas. Section 2.3.1 (b) further provides that the growth in hamlets areas will be limited, compact, on private servicing, as appropriate, and in keeping with applicable Provincial and Regional policies.

While no development has been proposed at this time beyond this zoning amendment and a future severance application, section 3.3 of the OP provides policy guidance for any development that may follow, should these applications be approved.

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

The subject lands currently have two different zones established: a portion to the northeast of the property is zoned HR, while the rest of the parcel is zoned HD. The ZBA application proposes to rezone the portion of the subject lands that are zoned HD to HR to permit a future application for consent to sever. The proposed ZBA can be found attached as Appendix B to this report.

Financial Implications:

There are no direct financial implications associated with this report.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Zoning By-law Amendment at this time to allow all agency, public, and Councillor comments to be received and considered prior to a decision being made. Planning staff will prepare and present a recommendation report at a future Council meeting.

Appendices:

- a. Architectural Drawings
- b. Draft Zoning By-law Amendment

Prepared by,

Diana Vasu

Planner

905-228-8120

diana.vasu@portcolborne.ca

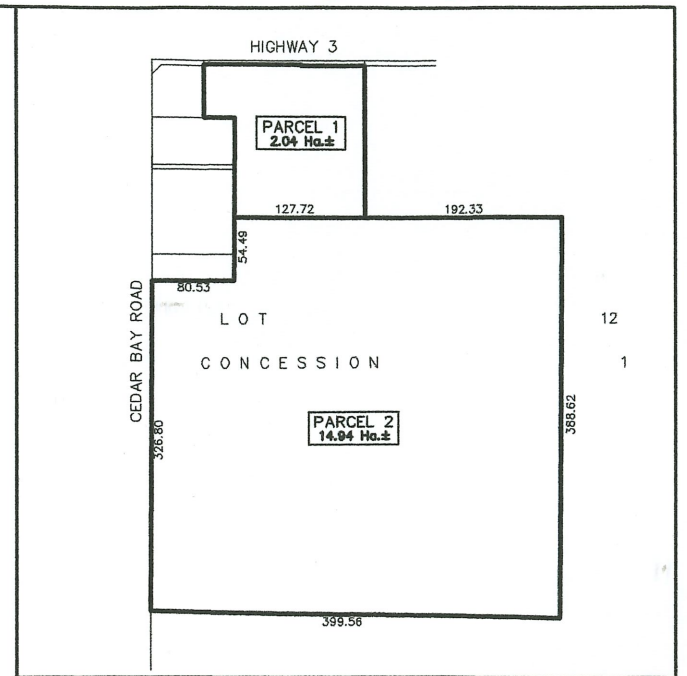
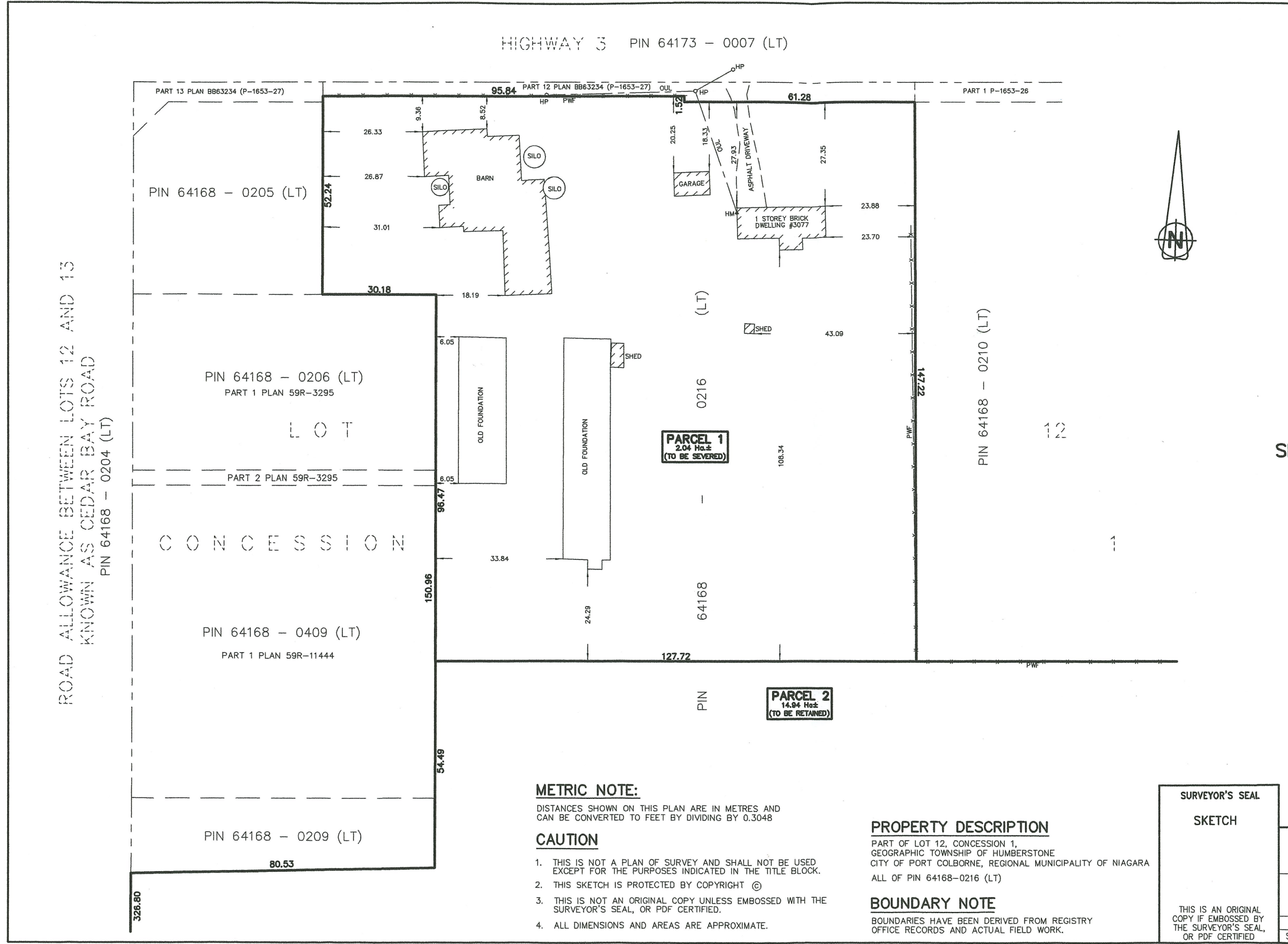
Respectfully submitted by,

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.

Revised SEPT. 23 2024



SKETCH FOR SEVERANCE APPLICATION
3077 HIGHWAY 3
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

0 25 50 75m
SCALE 1 : 750
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
© COPYRIGHT, RASCH & HYDE LTD., 2023

LEGEND & NOTES

- HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - PWF DENOTES POST AND WIRE FENCE
- N=NORTH, S=SOUTH, E=EAST, W=WEST
DISTANCES AND AREAS ARE APPROXIMATE

METRIC NOTE:

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

CAUTION

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4. ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

PROPERTY DESCRIPTION

PART OF LOT 12, CONCESSION 1,
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA
ALL OF PIN 64168-0216 (LT)

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

SURVEYOR'S SEAL
SKETCH
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SEPTEMBER 23, 2024
Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.
SCALE 1 : 750 SURVEY : 23F053 DRWN BY : T. Matheson

The Corporation of the City of Port Colborne

By-law No. _____

Concession 1 Part of Lot 12, in the City of Port Colborne, Regional Municipality
of Niagara, municipally known as 3077 Highway 3

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

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

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

1. This amendment shall apply to those lands described on Schedule "A"
attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A4" forming part of By-law
6575/30/18 is hereby amended by changing those lands described on
Schedule A4 from Hamlet Development (HD) to Hamlet Residential (HR).
3. That this by-law shall come into force and take effect on the day that it is
passed by Council, subject to the provisions of the *Planning Act*.
4. The City Clerk is hereby authorized and directed to proceed with giving
notice of the passing of this by-law, in accordance with the *Planning Act*.

That this by-law shall come into force and take effect on the day that it is passed
by Council, subject to the provisions of the *Planning Act*.

Enacted and passed this day of , 2024.

William C Steele
Mayor

Charlotte Madden
City Clerk

The lands subject to this by-law are outlined in red.

