



**Planning
Justification Report**
484 Barrick Road

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1. INTRODUCTION

Nethery Planning Inc. has been retained by Dunsire Homes to provide planning and project management services regarding the proposed Zoning By-law Amendment. The subject lands are located at 484 Barrick Road within the City of Port Colborne, currently owned by Trustees for the Full Gospel Church. The subject lands are zoned Institutional in the City of Port Colborne Zoning By-law. The existing zoning provisions specify minimum lot frontage and lot area as "as existing," which limit the ability to sever the property.

This application seeks to establish site-specific zoning provisions for minimum lot frontage and minimum lot area to facilitate future consent applications. An Environmental Impact Statement (EIS) is currently underway to determine the appropriate location for the future lot line adjust to the woodlot. Once the EIS is completed, consent applications will be submitted to formalize the severances, creating three distinct parcels: the retained place of worship lands to the north, the newly created middle lot, and the retained woodlot to the south.

The purpose of this report is to outline the proposed Zoning By-law Amendment and evaluate the application within the policy framework of the Provincial Planning Statement (2024), the Niagara Official Plan, and the City of Port Colborne Official Plan.



Figure 1: Aerial View of subject lands

2. SITE & SURROUNDINGS

2.1 SITE DESCRIPTION

Site

The subject lands are municipally addressed as 484 Barrick Road in the City of Port Colborne. They are located on the south side of Barrick Road and east side of West Side Road. The subject lands have a combined area of approximately 19.53 acres (7.9 hectares) and are predominantly flat. The frontage on Barrick Road is 99.3 meters.

The subject lands currently contain a place of worship building and associated vacant lands. The intent is that the church will retain ownership of both the woodlot at the southern portion of the site and the property containing the existing place of worship. An easement will be required in the future to provide access to the woodlot, as access is restricted off of West Side Road.



Figure 2: Site view from West Side Road

Surroundings

The surrounding area is generally characterized as a mix of low-rise residential and institutional uses, including the existing place of worship to the north of the site. Other uses in close proximity to the subject lands include First Density Residential (R1), Third Density Residential Zone (R3), Fourth Density Residential Zone (R4), Residential Development (RD), and Institutional (I). The land uses in the vicinity of the subject lands are as follows:

North – Abutting the subject lands to the north is a residential area, with parcels zoned R1 and R3, with parcels further to the north including additional R1 and R3 designations as well as some R4 parcels.

East – Directly abutting the subject lands to the east is a residential area, consisting mainly of R4 designated parcels, with some R1 parcels, as well as RD parcels further to the east of the site.

South - Abutting the subject lands to the south is a residential area, which fronts onto Northland Avenue. These residential lots are designated primarily as R1, with some R4 and special zoning provisions such as I-36 and I-24. Other uses south of the site include Commercial Plaza and Institutional.

West - Adjacent to the subject lands to the west are more residential lots, with parcels zoned as R1 or R3. Further to the west includes a large parcel zoned for Residential Development (RD) with an Environmental Conservation overlay.

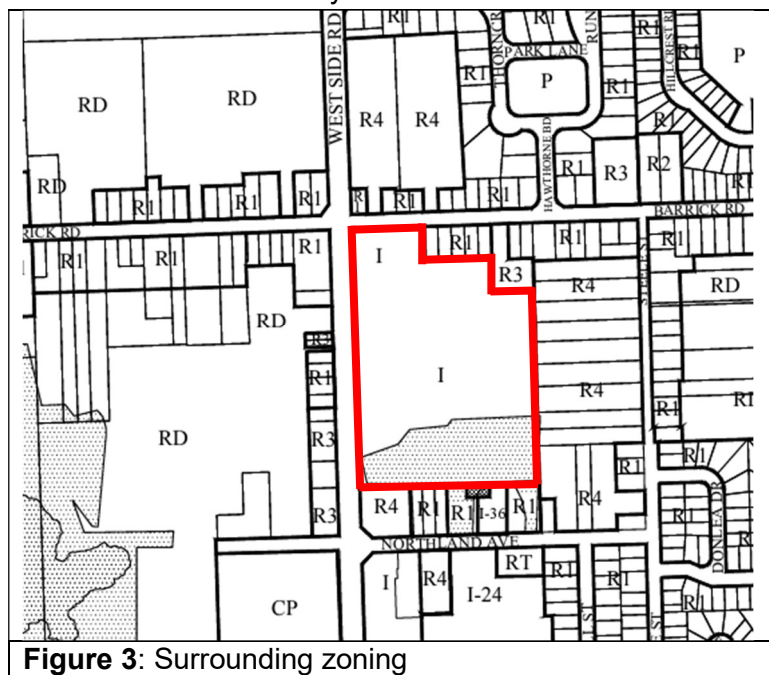


Figure 3: Surrounding zoning

2.2 TRANSPORTATION NETWORK

Road Network

The subject lands are located at the southwest corner of Barrick Road and West Side Road (Highway 58). West Side Road is a provincially owned roadway, while Barrick Road is a municipally owned road.

The property benefits from good connectivity within the City's road network. Travelling west on Barrick Road leads directly to West Side Road, while travelling east provides access to Steele Street. Both West Side Road and Steele Street offer direct connections southward to Main Street West (Highway 3), a major Regionally owned arterial road that serves as a key transportation corridor in Port Colborne.

3. PROPOSAL

3.1 DESCRIPTION OF PROPOSAL

The subject lands are zoned Institutional (I) in the City of Port Colborne Zoning By-law. The current minimum lot frontage and minimum lot area provisions are set as “as existing,” which does not accommodate the proposed severances. The owner is seeking to sever the property into three parcels, retaining the place of worship lands to the north and the woodlot to the south, while creating a new lot in the middle for future development.

To facilitate the proposed severance, a Zoning By-law Amendment (ZBA) is required to establish site-specific provisions for minimum lot frontage and minimum lot area. As an Environmental Impact Statement (EIS) is currently underway to determine the appropriate location for the future lot line for the Woodlot, the numbers provided in the ZBA provide flexibility to accommodate the final severance configuration. Once the EIS is completed, Consent applications will be submitted to formalize the lot division, creating two new lots in accordance with the study’s findings.

Importantly, this application does not propose to remove the Environmental Conservation Overlay that applies to the southern portion of the lands. The woodlot and associated environmental features will remain protected and the severance will respect the findings of the EIS and applicable environmental policies.

Finalizing these applications will define the minimum lot area and frontage of the lands, ensuring compliance with zoning regulations while allowing for future development of the middle lot. This proposal is limited to the initial Zoning By-law Amendment, which will establish the lot standards necessary to enable the consent process. The proposed concept for the future severances is illustrated in Figure 4 of this report.



Figure 4: Consent concept

3.3 REQUIRED APPROVALS

To facilitate the proposed severances, a Zoning By-law Amendment and Consent applications will be required. This application is only to establish site-specific provisions for minimum lot frontage and minimum lot area to accommodate the future severances. The current zoning provisions state "as existing," which does not permit the lot adjustments needed for the proposed land division. The amendment will define the zoning standards necessary for the consent process while maintaining compatibility with the Institutional (I) zoning designation. The Environmental Impact Statement (EIS), currently underway, will determine the appropriate location of the future lot line for the woodlot, ensuring environmental considerations are fully addressed before the severance proceeds.

Once the EIS is completed, Consent applications will be submitted to formally divide the lands into three distinct parcels: the retained place of worship lands to the north, the newly created middle lot intended for future development, and the retained woodlot to the south.

4. POLICY & REGULATORY CONTEXT

4.1 THE PLANNING ACT, R.S.O, 1990, c. P.13

The Planning Act is provincial legislation that sets out the provisions for land use planning in Ontario and provides for a land use planning system led by provincial policy.

The Planning Act promotes sustainable economic development and integrates matters of Provincial Interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Planning Statement and conform with provincial plans.

The Planning Act is provincial legislation that sets out the provisions for land use planning in Ontario - a land use planning system led by provincial policy. Section 2 of the Planning Act requires approval authorities such as the City of Port Colborne, to 'have regard to' matters of provincial interest. With respect to this proposal, relevant matters of provincial interest are as follows:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

(l) the protection of the financial and economic well-being of the Province and its municipalities;

(p) the appropriate location of growth and development;

The regulations and direction of Section 2 of the Planning Act inform the Provincial Planning Statement, 2024 and the matters of provincial interest. The Provincial Planning Statement, 2024 is detailed in the following section of this report. It is our opinion that the proposed development has regard for matters of provincial interest.

4.2 PROVINCIAL PLANNING STATEMENT (2024)

The Provincial Planning Statement also provides planning policy direction on matters of Provincial interest related to land use planning and development. As with the previous version (Provincial Policy Statement, 2020), the new document sets the policy foundation for regulating the development and use of land in Ontario. It promotes appropriate growth and long-term economic prosperity while safeguarding provincial resources and encouraging responsible forms of development.

The following is an analysis of relevant policies from the new Provincial Planning Statement, 2024:

2.3.1 General Policies for Settlement Areas

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a. *efficiently use land and resources;*
 - b. *optimize existing and planned infrastructure and public service facilities;*
 - c. *support active transportation;*
 - d. *are transit-supportive, as appropriate; and*
 - e. *are freight-supportive.*
3. *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.*

Response: The proposed Zoning By-law Amendment is consistent with the policies outlined in Section 2.3.1 of the Provincial Planning Statement, 2024 (PPS). By establishing site-specific provisions for lot area and frontage, the amendment facilitates future intensification and efficient land use within the existing built-up area, in accordance with Policy 2.3.1.1. The amendment supports a land use pattern that makes efficient use of land and existing infrastructure, consistent with Policy 2.3.1.2(a) and (b). Although no development is proposed at this time, the amendment

enables a logical framework for accommodating future growth within a serviced settlement area. This approach aligns with the PPS objective of promoting compact, efficient, and strategically managed development.

4.3 NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) was consolidated in May of 2024 and includes Amendments 1 through 3. As of July 1, 2024, the Niagara Official Plan is no longer a Regional Plan. It now functions as the Official Plan for the 12 local municipalities within Niagara, including the City of Port Colborne.

Although the NOP no longer operates as a Regional Plan, it remains in effect as a Local Plan and continues to provide policy direction for managing long-term development, the protection of Niagara's natural heritage and agricultural lands, and supporting responsible growth management and community development. This planning justification report considers the applicable policies of the Niagara Official Plan in assessing the proposed application.

The NOP designates the subject lands as "Built-up Area", which are areas planned for intensification and residential growth, as identified in Policy 2.2.2.1. Further, Policy 2.2.2.5 states that "A Regional minimum of 60 percent of all residential units occurring annually will be within built-up areas."

The proposed Zoning By-law Amendment aligns with the designation of the subject lands as "Built-up Area" under the Niagara Official Plan (NOP). Policy 2.2.2.5 establishes a Regional minimum target of 60 percent of all new residential units to be located within built-up areas annually. While no development is proposed through this application, the ZBA supports the intensification objectives by enabling a future consent process that could accommodate residential development within a designated built-up area. The amendment provides a policy-compliant framework for future land division and infill development that would optimize existing infrastructure and support compact urban form. This approach is consistent with the NOP's emphasis on responsible growth management and community development, as it facilitates strategic intensification within the urban boundary in a manner that aligns with Regional and Provincial planning policies.

4.4 CITY OF PORT COLBORNE OFFICIAL PLAN (2017)

The Official Plan for the City of Port Colborne (PCOP) was approved November 25, 2013, and was updated September 5, 2017. The PCOP provides a policy framework for decisions on planning-related matters and creates long term goals and objectives for community and physical development. The policies in this document provide guidance on community management and long-term growth, focusing on areas of social, economic, and environmental policies. Within the PCOP, the subject lands are designated as Urban Residential. The following policies apply:

3.2 Urban Residential

The areas identified on Schedule A as Urban Residential are those lands that are primarily used for residential purposes and represent the existing and planned built-up areas within the Urban Area Boundary. The predominant uses for lands designated Urban Residential shall include, but not be limited to; residential uses; neighbourhood commercial uses such as a convenience store, beauty salon, post office, and doctor's office all of limited size; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

Response: The proposed Zoning By-law Amendment aligns with the policies of the Port Colborne Official Plan for lands designated as Urban Residential. The subject lands are located within the Urban Area Boundary and are currently occupied by a place of worship and associated lands, which are considered institutional uses typically found in residential areas. The ZBA supports the intent of the Urban Residential designation by enabling the continued use of the site for institutional purposes, while introducing site-specific provisions for minimum lot frontage and area. These changes provide a framework for potential future land division without compromising the character or intent of the designation. The amendment facilitates the efficient use of land within the built-up area and maintains compatibility with the surrounding residential context.

3.2.4 Consents to Sever

The severance of lands designated Urban Residential shall be permitted subject to the following policies:

- a) A survey sketch prepared by a registered Ontario Land Surveyor is required.*
- b) Lots created through land severance shall have frontage on a public road.*
- c) Land severances on private roads are discouraged, except as provided for in the zoning by-law or except on private roads in a registered Plan of Subdivision.*
- d) Notwithstanding Policies 3.2.4 (b) and 3.2.4 (c), land severances for technical reasons will be permitted as a boundary adjustment:*
 - i) Where a part of a property is being deeded to an adjacent landowner;*
 - ii) For easements;*
 - iii) For Rights-of-Way; or*
 - iv) For any other purpose that does not create a separate lot.*
- e) Development of more than three (3) new lots will require a Plan of Subdivision.*
- f) Conditions may be imposed on the approval of land severances including but not limited to; execution of a development agreement, payment of development charges, parkland dedication, road widening, provision of water/wastewater servicing, Minimum Distance Separation requirements and/or the requirements of a commenting agency addressing a legitimate concern.*

Response: Although no consent is being requested through this application, the proposed Zoning By-law Amendment is intended to facilitate a future severance by establishing site-specific provisions for minimum lot frontage and minimum lot area. The current Institutional (I) zoning provisions list these standards as “as existing,” which does not accommodate future land division. This amendment ensures that, when a consent is pursued at a later stage, it will be supported by zoning provisions that reflect the planned configuration and will conform to the policies of Section 3.2.4 of the Port Colborne Official Plan, including requirements related to lot frontage on a public road and alignment with Urban Residential designation objectives.

11.7.2 Consent Policies

a) The plan of subdivision shall be considered as the main method of providing lots in the City. Consent for land conveyances shall only be granted where they will not compromise the orderly development of land or the general public interest.

b) Development which proposes the creation of lots requiring construction of a new public road, the execution of a development or which proposes the creation of more than two new lots should not proceed by way of consent.

c) New lots shall only be created by way of consent within:

i) The Urban Residential designation subject to the policies of Section 3.2.4;

ii) The Hamlet designation subject to the policies of Section 3.3.4;

iii) The Rural designation subject to the policies of Section 3.4.4; and

iv) The Agricultural designation subject to the policies of Section 3.5.3.

d) In commenting to the Committee of Adjustment, the City will ensure the following factors are considered:

i) Where applicable, the policies for infill and intensification, Section 2.4.3 of this Plan;

ii) The size, configuration and location of the proposed consent should be appropriate for the use proposed considering the municipal services available, or where municipal services are not available, the adequacy of potable water supply and suitability of the soil and site conditions for the installation and long-term operation of a private waste disposal system, subject to the approval of the Niagara Region Public Health Department and Niagara Region Public Works Department; and

iii) The lot size and proposed use of the proposed consent should conform to the provisions of the Zoning By-law, where applicable.

Response: While no consent application is being submitted at this time, the proposed Zoning By-law Amendment has been prepared to ensure that any future severance will align with the consent policies outlined in Section 11.7.2 of the City of Port Colborne Official Plan. The amendment

establishes site-specific provisions for minimum lot frontage and lot area, ensuring that a future lot configuration will be compatible with the surrounding area and zoning framework. The amendment also anticipates key considerations under Policy 11.7.2(d), including ensuring appropriate lot size, configuration, and access to municipal services, and maintaining conformity with the Zoning By-law.

2.2 Growth Management Strategy

The City of Port Colborne's Growth Management Strategy shall:

- a) Prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources.*
- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- d) Recognize that a small amount of development may occur in the hamlet and rural areas in accordance with municipal, regional and provincial policies.*
- e) Support infill and intensification, subject to the applicable policies, in the following designations:*
 - i) Urban Residential;*
 - ii) Hamlet; and*
 - iii) Downtown Commercial*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.*
- g) Support the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.*

Response: The proposed Zoning By-law Amendment aligns with the City of Port Colborne's Growth Management Strategy, as outlined in Section 2.2 of the Official Plan. The subject lands are located within the Urban Area Boundary, which is serviced by municipal water and sanitary services, consistent with Policy 2.2(c). Although no development or severance is proposed at this time, the ZBA supports Policy 2.2(e)(i) by enabling the potential for future infill development within the Urban Residential designation. The amendment helps facilitate compact and strategic urban growth by establishing clear and appropriate standards for lot area and frontage, ensuring compatibility with the built-up area. The proposal is also consistent with Policy 2.2(b) by directing growth in a strategic and phased manner and setting the groundwork for efficient use of infrastructure in future development scenarios.

2.4.3(c) Intensification and Infill

c) The objectives of the intensification policies of this Plan are to:

- i) Revitalize and support the Downtown by promoting intensification in the Downtown areas;*
- ii) Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;*

*iii) Provide land use policy directions for the accommodating additional growth on lands designated **Urban Residential** and Downtown Commercial;*

iv) Provide a policy framework that supports a limited amount of infilling throughout the Hamlet and Rural areas;

v) and Provide policies that allow for accessory dwelling units and garden suites.

Response: The proposal supports the objectives of the intensification and infill policies outlined in Section 2.4.3(c) of the City of Port Colborne Official Plan. The subject lands are located within the Urban Residential designation, and the proposed Zoning By-law Amendment aligns with Policy 2.4.3(c)(iii), which encourages accommodating additional growth within designated Urban Residential areas. By introducing site-specific standards for lot area and frontage, the amendment provides the necessary policy framework to support future infill in a manner that is compatible with the surrounding area and consistent with the Official Plan's intensification goals.

3.2.2 Urban Residential Intensification and Infill

Intensification will be encouraged in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, as well as the following:

a) The following methods of intensification will be permitted for an existing single-detached dwelling, subject to the applicable Design Guidelines in this Plan and the provisions of the Zoning By-law:

i) A basement apartment;

ii) An accessory apartment ;

iii) An apartment above an attached garage; or

iv) The conversion to a duplex dwelling.

b) Intensification that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted.

c) The following infill is permitted within a Registered Plan of Subdivision, subject to the provisions of the Zoning By-law:

i) The severance of one (1) existing vacant and remnant single detached residential lot to create two (2) lots for single detached dwellings or to create two (2) lots for a semi-detached dwelling.

Response: The proposed Zoning By-law Amendment aligns with the policies for Urban Residential Intensification and Infill as outlined in Section 3.2.2 of the City of Port Colborne Official Plan. While no development or severance is proposed at this time, the ZBA introduces site-specific provisions for minimum lot area and frontage that support the potential for future infill within the Urban Residential designation. The amendment indirectly supports the intent of Policy

3.2.2(a) by enabling the future creation of residential lots that could accommodate a mix of housing types, contributing to housing diversity and efficient land use.

4.5 CITY OF PORT COLBORNE ZONING BY-LAW (6575/30/18)

The subject lands are zoned as Institutional (I) in Zoning By-law 6575/30/18. Under the current zoning, the minimum lot frontage and minimum lot area provisions are listed as "as existing," meaning no specific numerical standards are identified.

The proposed Zoning By-law Amendment seeks to retain the Institutional (I) zoning but add site-specific provisions for minimum lot frontage and minimum lot area to facilitate a future severance. The amendment will establish appropriate standards to replace the existing "as existing" provisions, ensuring zoning compliance for future lot division.

Section 31: Institutional Zone

31.1 General

a) No person shall use any lot or erect, alter or use any building or structure in any Institutional (I) Zone except in accordance with the applicable provisions of Sections 2, 3 and 31.

b) In addition to Section 31.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

31.2 Permitted Uses

a) Apartment Building, Public;

b) Community Garden;

c) Cultural Facility;

d) Cemetery;

e) Day Care;

f) Dwelling, Accessory;

g) Food Vehicle;

h) Long Term Care Facility;

i) Place of Assembly/Banquet Hall;

j) Place of Worship;

k) Public Uses;

l) Social Service Facility;

m) and Uses, structures and buildings accessory thereto

31.3 Zone Requirements

a) Minimum Lot Frontage: As Existing

b) Minimum Lot Area: As Existing

c) Minimum Front Yard: 8 metres

d) Minimum Lot Depth: no minimum

e) Minimum Interior Side Yard: 4.5 metres or half the height of the building abutting a Residential use, whichever is greater

f) Minimum Corner Side Yard: 7.5 metres

g) Minimum Rear Yard: 7.5 metres

h) Maximum Lot Coverage: 40%

i) Maximum Height: 11 metres

j) Minimum Landscaped Open Space: 35 percent

Response: The subject lands are zoned Institutional (I) in the City of Port Colborne Zoning By-law 6575/30/18. The current zone requirements for minimum lot frontage and minimum lot area are listed as “as existing,” which does not allow for future land division. The proposed Zoning By-law Amendment seeks to retain the Institutional (I) zoning while introducing site-specific provisions to establish a minimum lot frontage and minimum lot area that would accommodate a future severance. The amendment is required to define these standards in advance of any consent application, as the existing provisions do not permit flexibility for changes in lot size. No changes are proposed to the list of permitted uses in the Institutional (I) Zone.

The Draft Zoning By-law Amendment is attached for review.

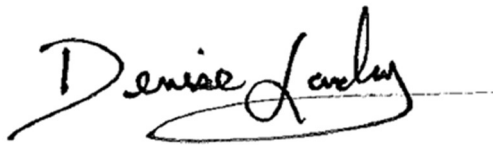
5. CONCLUSION

The proposed Zoning By-law Amendment represents a sound and responsible planning approach that aligns with Provincial, Regional, and Municipal policy objectives. By introducing site-specific provisions for minimum lot area and frontage on a property within the Urban Area Boundary, the amendment supports the long-term goal of accommodating future intensification in a compact and efficient manner.

The amendment demonstrates conformity with the Provincial Planning Statement (2024), the Niagara Official Plan (now the City's Official Plan), and the City of Port Colborne Official Plan by enabling future infill opportunities within a designated Urban Residential area, optimizing the use of existing infrastructure and public services, and supporting policies related to growth management and community development.

From a local perspective, the amendment respects the existing use and character of the site, including the retention of the institutional use (place of worship) and the protection of natural features such as the woodlot. It establishes an appropriate zoning framework to allow for future land division and development that aligns with Official Plan policy and good planning principles.

In conclusion, the proposed Zoning By-law Amendment is consistent with the public interest, conforms to applicable planning policies, and lays the foundation for orderly, sustainable growth within the City of Port Colborne.

A handwritten signature in black ink, reading "Denise Landry". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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