

The Corporation of the City of Port Colborne

By-law No. XX-2023

Being a By-law to Adopt Amendment XX to the Official Plan for the City of Port Colborne.

Whereas Section 22 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, provides that a person or public body may request Council to amend its Official Plan; and

Whereas it is deemed desirable to amend the City's Official Plan pursuant to the changes to the Planning Act, R.S.O 1990 c.P 13, under Bill 23.

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

1. That Amendment No. XX to the Official Plan for the City of Port Colborne consisting of the attached explanatory text is hereby adopted and approved.
2. That this by-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally passed by Council this day of , 2023.

William C Steele, Mayor

Charlotte Madden, Acting City Clerk

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

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PART ONE – PREAMBLE

1.1 Section 1: Title and Components

This document, when approved in accordance of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P.13, shall be known as Amendment No. XX to the Official Plan adopted by By-law No. XX-2023.

Part One, the Preamble, does not constitute part of this amendment.

Part Two, the Amendment, constitutes Amendment No. XX to the Official Plan.

1.2 Section 2: Purpose of the Amendment

The purpose of this amendment is to update the parkland dedication section of the Official Plan to reflect the changes made under Bill 23 to the Planning Act.

1.3 Section 3: Area Affected by this Amendment

The amendment affects all lands within the municipal boundaries of the City of Port Colborne.

1.4 Section 4: Basis of the Amendment

Section 51.1 of the Planning Act has been amended under Bill 23 which has introduced changes to parkland dedication. The City of Port Colborne Official Plan is required to conform to the provisions of the Planning Act, and as such, the proposed amendment is being presented.

Bill 23 has implemented changes to parkland dedication that include a reduced alternative rate for the physical dedication of land of one hectare for each 600 net residential units instead of a rate of one hectare for each 300 dwelling units. Secondly, the alternative rate for the collection of cash-in-lieu of parkland dedication has been reduced to one hectare for each 1000 net residential units, whereas the previous requirement was one hectare for each XXXX residential units under the Planning Act.

Should the proposed amendment be approved by Council, a revised Parkland Dedication By-law will be brought forward by Planning Staff.

PART TWO – THE AMENDMENT

All of this part of the document entitled "Part Two - The Amendment" consisting of the following policies constitute Amendment No. XX to the Official Plan adopted by By-law No. XX-2023 hereby amended as follows:

The following section is to be removed from the City of Port Colborne Official Plan:

11.5.1

c) as a condition of development or redevelopment, parkland dedication in accordance with the provisions of the Planning Act, is required.

i. For high or medium-density residential development, parkland dedication of one hectare for every 300 dwelling units is required.

And replaced with:

11.5.1

c) as a condition of development or redevelopment, parkland dedication in accordance with the provisions of the Planning Act, is required.

i. For the dedication of physical parkland, the size of said lands shall be determined by calculating 5% for residential, and 2% for commercial and industrial, of the total area of the proposal, or by providing 1ha per 600 net residential units, whichever is greater, and;

ii. Where the collection of cash-in-lieu of parkland dedication has been identified, pursuant to Section 11.5.1 d) of this plan, the applicant shall pay cash-in-lieu of parkland dedication determined by an appraisal of 5% for residential or 2% for commercial or industrial, of the total area of the proposal, or 1ha per 1000 net residential units, whichever is greater.