



**City of Port Colborne  
Special Council Meeting 29-20 – Public Hearing  
Monday, November 2, 2020 – 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

## Agenda

**Notice:** Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca) by noon on Monday, November 2, 2020.

Watch the Special Council Meeting streaming live on our [YouTube Channel](#).

- 1. Call to Order:** Mayor William C. Steele
- 2. Confirmation of Agenda:**
- 3. Disclosures of Interest:**
- 4. Public Hearing Under the Planning Act:**

**Application for Zoning By-law Amendment**

**Planning and Development Department, Planning Division, Report No. 2020-164,  
Subject: Public Meeting Report for Zoning By-law Amendment D14-05-20, Nyon  
Oil Inc. (PAGE NO. 3)**

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Application for Zoning By-law Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:
- (ix) Explanation of Future Meetings:
- (x) Adjourn:

## **5. Public Hearing Under the Planning Act:**

### **Application for Zoning By-law Amendment**

**Planning and Development Department, Planning Division, Report No. 202-161,  
Subject: Public Meeting and Recommendation Report for Zoning By-law  
Amendment D14-05-19, 5718 Highway 3 (PAGE NO. 47)**

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Application for Zoning By-law Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:
- (ix) Explanation of Future Meetings:
- (x) Adjourn:

## **6. Adjournment**



**Department: Planning and Development  
Planning Division**

**Report Number: 2020-164**

**Date: November 2, 2020**

**SUBJECT: Public Meeting Report for Zoning By-law Amendment D14-05-20,  
Nyon Oil Inc.**

**1) PURPOSE:**

The purpose of the report is to provide Council with information regarding a Zoning By-law Amendment application initiated by Niagara Planning Group on behalf of the owner Nyon Oil Inc. (Nyon) for the property legally known as Part of Lots 16, 17, 18 and 19, part of the road allowance between Lots 16 and 17, part of the road allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail lane, west of Highway 140 and east of Canal Road in the City of Port Colborne.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application for Zoning By-law Amendment accompanied by a planning justification report proposes to alter the provisions of the HI-46-H zone to remove wording that requires the applicant to enter into a Site Plan Agreement, and obtain approval for private servicing prior to the removal of the Holding provision (H) on the property. The Zoning By-law Amendment is being sought to allow the development process to continue with the Site Plan Agreement and private servicing being required after the H has been removed from the property.

In 2013, the then Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), approved the development of a 56-tank petroleum facility together with dry industrial development on adjoining lands. The approval was subject to a site-specific zoning which has been carried forward through the passing of the City of Port Colborne Zoning By-law 6575/30/18 on April 23, 2018.

Nyon has worked with City staff since the OMB decision was released in 2013. Presently, Nyon is in the process of completing the required studies to satisfy the holding provision in place on their lands and are nearing completion to be peer reviewed by applicable agencies. Through the peer review process, it has become apparent that the only way the City/Applicant can implement the recommendations of the studies and peer reviewers is through the Site Plan Agreement. The servicing implementation is a process that is undertaken through the Site Plan Control application.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on October 13, 2020. Public notice signs were posted on the property on or before October 13, 2020. Notice of this meeting and instructions for how to participate were posted on the City's website and social media on October 26, 2020.

At the time of writing this report, staff has not received any comments from the public, City divisions nor commenting agencies.

#### **Planning Division**

##### City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the property as **Rural Employment**. Land uses in the Rural Employment designation shall include, but not be limited to; uses that are of a dry industrial nature, in that they are considered to have minimal water and wastewater requirements and should be serviced through *sustainable private servicing* only. All new or expanding rural development shall demonstrate that the use cannot be located within the urban area due to land use compatibility issues and/or specific locational requirements, including proximity to key transportation *infrastructure* or the proposed use is related to the management or use of a resource and is required to be in close proximity to it. Uses shall be compatible with adjacent *agricultural uses*, planned *agricultural uses* and shall not negatively impact normal farm operations.

The use of the property is not proposed to be changed from the OMB decision in 2013.

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

The City of Port Colborne Zoning By-law 6575/30/18, zones the property **HI-46-H**. The provisions of the zone are shown below:

**Special Provision: HI-46-H      Formerly: n/a      By-law No.: 5989/95/13**

Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

- a) The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56 tank petrochemical storage facility.
- b) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to

ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:

- i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
- ii) The above-mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,
- iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,
- iv) Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.

The application for Zoning By-law Amendment proposes to change the HI-46-H zone by removing the following clauses:

- b) i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;

and;

- iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use;

Removing the above clauses from the zoning provisions will allow for the orderly development of the site through the standard City of Port Colborne process.

## Adjacent Zoning and Land Use

<b>Northwest</b> CN Rail line	<b>North</b> CN Rail line	<b>Northeast</b> CN Rail line
<b>West</b> Welland Canal	<b>Applicant's Property</b>	<b>East</b> Highway 140
<b>Southwest</b> Use: Vacant Land Zone: ID-47-H	<b>South</b> Use: Vacant Land Zone: ID-47-H	<b>Southeast</b> Use: Rural property Zone: RU - Rural

### Discussion

Staff has reviewed the applicant's request to amend the provisions of the HI-46-H zone. The applicant is not proposing to remove these requirements altogether from the development. The Site Plan Control application and private servicing will be required at a later date once the studies/peer reviews are completed in order for development to occur.

Site Plan Control requirements are covered under the City of Port Colborne Site Plan Control By-law. Section 3 of the Site Plan Control By-law states:

The following development may not be undertaken without Site Plan Control Approval:

- a) Commercial, industrial, or institutional development.

Private servicing is also addressed through the Site Plan Control and Building Permit process. The implementation of private servicing will be required under the *Building Code* and included in the Site Plan Agreement once the Holding provision has been removed from the property.

Planning staff is not providing a recommendation to Council at this time to allow agency, public and Councillor comments to be addressed prior to any decision being made on the application. The recommendation report will return to Council for a decision at a future meeting.

### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

#### **a) Do nothing**

Not applicable.

#### **b) Other Options**

Not applicable.

## **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

## **6) ATTACHMENTS**

Appendix A - Draft Zoning By-law Amendment

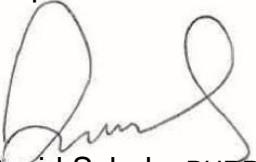
Appendix B - Nyon Planning Justification Report

## **7) RECOMMENDATION**

That Planning and Development Department, Planning Division Report 2020-164, be received for information.

## **8) SIGNATURES**

Prepared on October 19, 2020 by:



David Schulz, BURPL  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and Respectfully Submitted:



C. Scott Luey  
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 lands legally described as Part of Lots 16, 17, 18 and 19, part of the road allowance between Lots 16 and 17, part of the road allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail lane, west of Highway 140 and east of Canal Road in the City of Port Colborne.

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. The Special Provision: HI-46-H of Section 37.2 entitled Special Provisions of Zoning By-law 6575/30/18, as amended, is hereby further amended by removing provision b) i) and b) iii) which read:
  - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
  - ii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use;
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*.

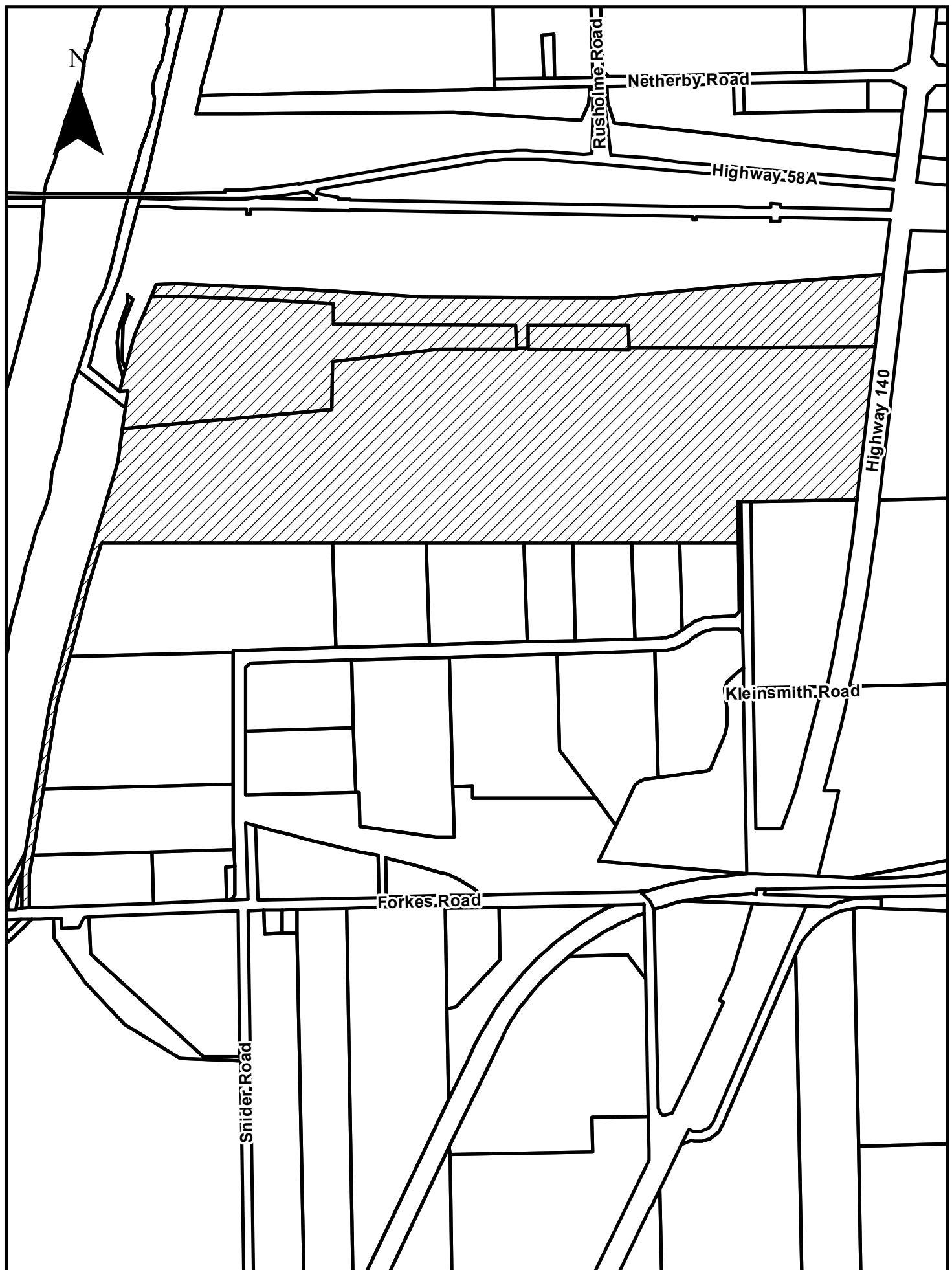
Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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William C Steele  
Mayor

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Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

**Legend**

HI-46-H ZONE

OCTOBER 2020

FILE NO D14-05-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE



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# Planning Justification Report

## Zoning By-law Amendment Application

Lands generally south of the CN Rail Line, west of Highway 140, and east of the Welland Canal, City of Port Colborne

For: Nyon Oil Inc.  
By: Niagara Planning Group (NPG) Inc.  
4999 Victoria Avenue  
Niagara Falls, ON  
L2E 4C9  
October 2020

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## 1. Introduction

Niagara Planning Group (NPG) Inc. are planning consultants to Nyon Oil Inc., owners of the Subject Lands which are approximately 76.8 hectares of land generally south of the CN Rail line, west of Highway 140 and east of Canal Road in the City of Port Colborne. The lands are legally described as Part of Lot 16, Part of Lot 17, Part of Lot 18, Part of Lot 19, part of the Road Allowance Between Lots 16 and 17 (closed by by-law 3412/143/196; Inst. No. R0719834) Part of the Road Allowance Between Lots 18 & 19 (closed by by-law 34 12/143/196: inst. No. R0719834), City of Port Colborne; Regional Municipality of Niagara.

The Subject Lands are currently zoned "HI-46-H" in the City of Port Colborne's Comprehensive Zoning By-law 6575-30-18 (the City's Zoning By-law) which permits the development of a 56-tank petroleum storage facility. NPG has been retained to provide professional planning advice on this application.

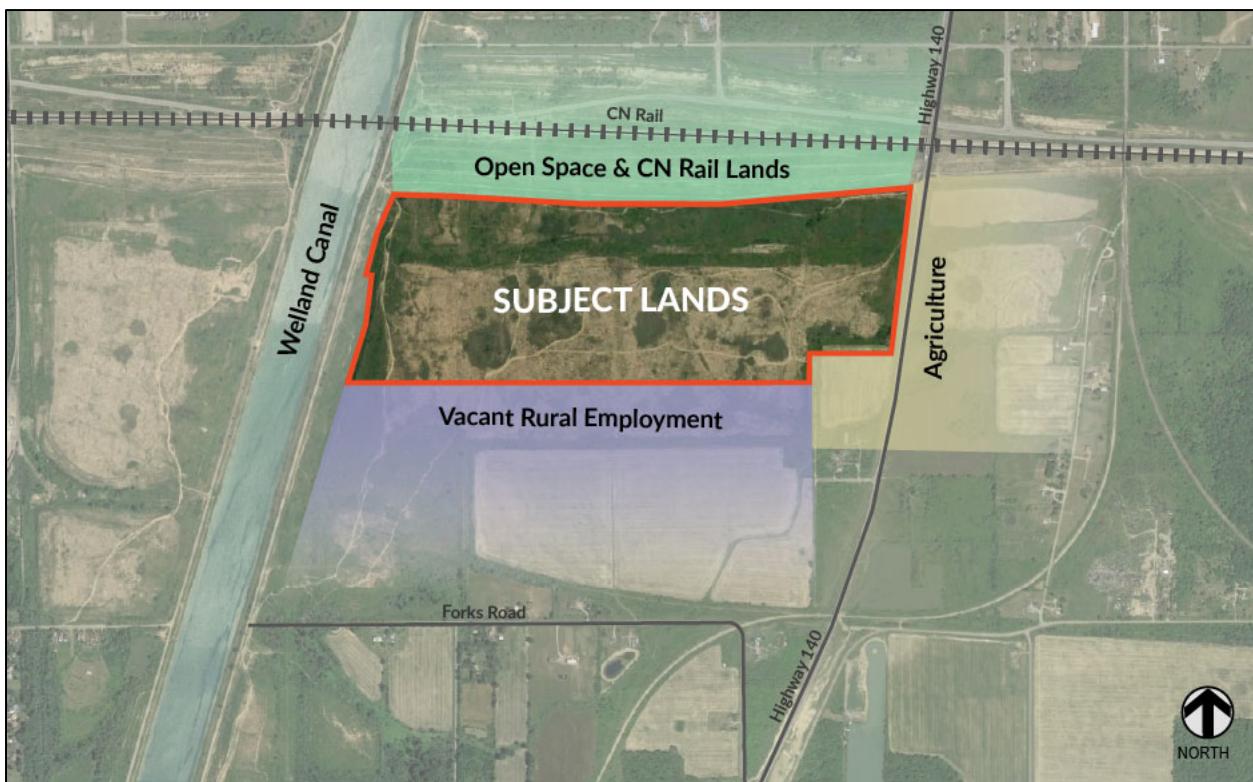
The application is a technical rezoning to remove two clauses from the existing zoning provisions. This technical rezoning allows the required studies and the Site Plan Agreement to proceed independently and as contemplated in the Ontario Municipal Board decision approving this development. The technical rezoning further implements the private servicing through the normal and customary processes for the City of Port Colborne and Niagara Region.

## 2. Description of the Subject Lands and Surrounding Area

As shown in “Figure 1 - Aerial Context”, the Subject Lands are located on the east side of the Welland Canal south of the CN Railway Line. The Subject Lands have frontage of approximately 464 metres on Highway 140 and a total area of approximately 76.8 hectares.

Nyon Oil Inc. owns the Subject Lands which are currently zoned as “HI-46-H” and a related company owns the adjoining land which is zoned “ID-47-H” in the City’s Zoning by-law. Only the lands zoned “HI-46-H” are the subject of this rezoning application and are referred to as the “Subject Lands”.

Figure 1 – Aerial Context & Surrounding Land Uses



The subject lands are currently vacant. The surrounding uses are as follow:

- North: Open Space and CN Railway Line**
- South: Vacant Rural Employment and Environmental Protection**
- East: Agriculture**
- West: Welland Canal**

Photo 1 – Subject Lands viewed from Highway 140 with the CN Rail line on the right.



Photo 2 – Subject Lands viewed from further south of Highway 140.



Nyon Lands, City of Port Colborne  
Planning Justification Report

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Photo 3 – Agricultural land east of the Subject Lands and across Highway 140.



### 3. Proposed Development and Zoning By-law Amendment Application

#### 3.1 Proposed Development

Nyon Oil Inc. has received Ontario Municipal Board approval to develop a 56-tank petroleum storage facility on approximately 76.8 hectares of the Subject Lands as shown in Figure 1. A portion of the Subject Lands, measuring approximately 19.8 hectares, falls within the Species At Risk habitat and is not proposed for development at this time. This area shown as Species At Risk will be identified and confirmed through the future Site Plan and Site Plan Agreement upon approval of the Environmental Impact Statement for the Subject Lands. There will be no development on lands identified as Species At Risk inside the developable lands until alternative habitat has been established and approved by the Ministry of Environment Conservation and Parks, in accordance with the Ministry's requirements. Please see the enclosed Site Layout diagram regarding Species At Risk area within the Subject Lands.

To implement the approved development, Nyon Oil Inc. is proposing a technical rezoning for the lands which are currently zoned "HI-46-H" in the City's Zoning By-law. This technical rezoning will allow implementation of the development of the Subject Lands through the future Site Plan and Site Plan Agreement. It is important to note that there are no changes proposed to the permitted uses in the "HI-H-46" zoned lands. The proposed 56-tank petroleum facility is a permitted land use and conforms to the Zoning By-law as approved by the Ontario Municipal Board decision of July 2013.

The purpose of the technical rezoning application is two-fold:

- i. A technical amendment to remove Clause b)i) of the Site-Specific Zoning "HI-46-H" to remove the requirement for the Site Plan Agreement to be finalized and registered on title prior to the "H" Holding provision being removed by the City; and,
- ii. A second technical amendment to remove Clause b)iii) which requires approval prior to the Site Plan Agreement for private servicing of the subject lands.

This technical rezoning is being sought as the City of Port Colborne Zoning By-law currently has four conditions for removal of the "H" Holding provision. The two conditions identified above are no longer necessary. The zoning for the Subject Lands will be implemented through a series of inter-related actions that are within the jurisdiction of the Site Plan and Site Plan Agreement:

- The technical studies as required in the zoning for the Subject Lands are part of the Site Plan process. The City is undertaking an independent peer review of the supporting studies to confirm the completeness of the work and any additional recommendations which may be required.
- The applicable agencies have been identified either through their own Official Plan (Niagara Region) as being part of the Site Plan process and the jurisdiction of the NPCA and MNR (now MECP) regarding their areas of authority. The text of paragraph b) of the Site-Specific Zoning for the Subject Lands clearly ties the studies to decisions by the approval authorities.
- As a result of the above, the implementation of the approved Zoning for the Subject Lands will occur through the studies, the recommendations, the peer review results, and agency approval. It is the process of the study approval that is the critical component of implementing the approved land use and development of the Subject Lands.
- The recommendations from the studies and the peer review can only be implemented through the Site Plan and Site Plan Agreement. Given the submission of the studies to the City for the peer review, the ongoing peer review, and the agency participation in the Site Plan process, requiring the Site Plan and Site Plan Agreement to be registered on title prior to removal of the "H" Holding provision is no longer necessary. Development can only occur when the Site Plan is finalized as the entire City of Port Colborne is a Site Plan Control Area per the City's Official Plan.
- The private servicing of the subject lands can only be determined through the Site Plan process and finalization of the Site Plan Agreement. The location and servicing solution is an integrated decision as part of the review of the studies, the site design, and implementation of the recommendations from the studies. Approval of the servicing can only be finalized once the Site Plan Agreement is concluded yet the wording of the specific clause requires approval prior to the Site Plan Agreement being finalized. It will not be possible to fulfill this requirement as currently worded. More importantly, there are existing processes and requirements that achieve the same outcome of the required servicing approval (Site Plan/Agreement and *Building Code* permit) and it is appropriate to use those existing processes.

Thus, the technical rezoning is sought as the studies and their recommendations will be addressed within the Site Plan process and the normal and customary processes will be used for the servicing. The intent of the Zoning By-law is still met as the City of Port Colborne and appropriate approval authorities retain the ability to ensure the required

supporting studies and their recommendations have been satisfactorily undertaken and the Site Plan Agreement will achieve this.

The Region of Niagara Official Plan designates the Subject Lands as Rural Area in Schedule A – Regional Structure and Rural Employment Lands in Schedule G2 – Niagara Economic Gateway Employment Lands (See “Appendix B – Regional Official Plan Schedules”). Section 3.B.2.6 of the Regional Official Plan specifically addresses how the Rural Employment Lands are to be developed with specific policies for the Rural Employment Lands in the City of Port Colborne.

The City of Port Colborne Official Plan designates the Subject Lands as Rural Employment in the “Schedule A – City Wide General Land Use Plan” (“Appendix C – City of Port Colborne Official Plan Schedules”). Section 3.12 of the City’s Official Plan includes policies that address the development of Rural Employment Lands.

The City of Port Colborne Zoning By-law 6575/30/18 zones the Subject Lands as a “HI-H-46” Zone (See “Appendix D – City of Port Colborne Zoning By-law Map”). This Site-Specific zone permits the 56-tank petroleum facility with requirements for several studies to be completed and a Site Plan approved by the City of Port Colborne. An “H” (Holding) provision is included in the Zoning By-law which includes conditions that must be fulfilled prior to the removal of it. The By-law reads as follows:

*Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:*

- a) *The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56-tank petrochemical<sup>1</sup> storage facility.*
- b) *The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:*

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<sup>1</sup> Petrochemical is commonly known as petroleum.

- i) *The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;*
- ii) *The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,*
- iii) *Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,*
- iv) *Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.<sup>2</sup>*

In 2013 the proposal for the 56-tank petroleum facility together with Dry Industrial development on adjoining lands owned by Nyon Oil was the subject of an Ontario Municipal Board hearing. The Board approved the development subject to the Site-Specific zoning which has been carried forward into the City's Zoning By-law and is quoted above.

### 3.2 Proposed Rezoning Application

Nyon Oil Inc. has worked with the City of Port Colborne to implement the requirements of the Ontario Municipal Board decision and the Zoning By-law for the Heavy Industrial Zoned Lands ("HI-46-H"). The required studies have been underway since the Ontario Municipal Board decision and have been submitted to the City for the peer review process. Appendix E to this report provides a summary of the required supporting studies' status. The studies have been submitted to the City of Port Colborne; the City has engaged Associated Engineering (AE) to peer review the studies on behalf of the City. Through the work of completing the various studies, it has become clear that the only mechanism to implement the study recommendations, together with any peer review recommendations, is through the Site Plan and the Site Plan Agreement.

With the understanding now that the study recommendations will be implemented through the Site Plan and Site Plan Agreement, the component of the current zoning provisions for the Subject Lands is no longer required – tying removal of the "H" Holding symbol to the completion and registration of the Site Plan Agreement and servicing approval prior

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<sup>2</sup> It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

and the wording of the zoning for the Subject Lands support implementing the studies through the approval authorities and the City of Port Colborne. There is no longer a need to require the Site Plan and Site Plan Agreement to be finalized prior to removing the "H" Holding provision as contemplated in clause b)i) above as other provisions of the Zoning for the Subject Lands will achieve the development and implementation of the recommendations of the studies and peer review. Further, as the Site Plan Agreement is the process to finalize and authorize the private servicing solution, approval of the servicing can only occur within the Site Plan and Site Plan Agreement. A servicing permit from the Region of Niagara, on behalf of the City of Port Colborne, under the *Building Code*, is the appropriate sequencing of the approval process and is the normal and customary process for these approvals.

This rezoning application is submitted with two components requested for approval in the order listed below:

1. Removal of clause b)i) from the Site -Specific Zoning By-law for the Subject Lands;
2. Removal of clause b)iii) from the Site-Specific Zoning By-law for the Subject Lands.

## 4. Planning Policy Framework

**NOTE:** This rezoning application is a technical rezoning only; as stated above there is no change in land use permissions for the subject lands. However, as the *Planning Act* requires conformity for applications submitted under the Act, the following analysis addresses the Planning Policy Framework, the Rural Employment designations and how the technical rezoning is consistent with and conform to the Planning Policy Framework. The Ontario Municipal Board decision for the subject lands was issued under the 2005 Provincial Policy Statement. Thus, a review of the 2020 Provincial Policy Statement is required in accordance with the *Planning Act*.

### 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land and development within the province of Ontario. It supports improved land use planning and management, contributing to a more efficient land use planning system, which seeks to ultimately protect resources of provincial interest, public health and safety, and to preserve and maintain the natural environment.

#### Relevant Policies and Analysis

##### **1.1.4 Rural Areas in Municipalities**

*Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.*

*1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- h) conserving biodiversity and considering the ecological benefits provided by nature;*

The PPS identifies that a diversified economic base in Rural Areas is important for a sustainable economy. The Subject Lands are designated Rural Employment in the Niagara Region Official Plan and the City of Port Colborne Official Plan. The Rural

Employment designation and policies in both Official Plans supports rural economic development and the specific uses implemented through the City's Zoning of the Subject Lands.

Through an Environmental Impact Study which will be implemented through the Site Plan and Site Plan Agreement, the study has identified an area of land as Species At Risk habitat where the proposed development does not occur until alternative habitat has been established to the satisfaction of MECP. Therefore, the proposed development has taken steps to conserve the biodiversity and protected the ecological benefits provided by nature which will be implemented through the Site Plan and Site Plan Agreement.

### **1.1.5 Rural Lands in Municipalities**

*1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

*1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.*

*1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

The proposed 56-tank petroleum use is a use of land that requires separation from other land uses. The Subject Lands are located on the east side of the Welland Canal, separated from the City's Settlement Area. This property provides a separation from other uses and is appropriate for the land use approved by the Ontario Municipal Board. The Subject Lands are currently vacant and the nearest agricultural land is across Highway 140 east of the subject lands. As such, the proposal does not remove agricultural uses and does minimize potential constraints on nearby agricultural uses.

In terms of **Section 1** of the PPS, the following is confirmed:

- i. The lands implement Section 1.2.6 – Land Use Compatibility through providing separation from the City's settlement area by locating the use in the Rural Employment Area, east of the Welland Canal;
- ii. Implementing the policies of Section 1.3 – Employment – through creating economic diversity in Port Colborne and Niagara Region;

- iii. The proposal also conforms with Section 1.6.8 – Transportation and Infrastructure Corridors as the proposed petroleum storage facility is highly compatible with and supportive of the long-term viability of the CN rail line to the north. The proposed development relies on the rail corridor for its supply-chain needs via a proposed spur line as well as rail off-loading infrastructure.
- iv. Conforming with Section 1.7 – Long Term Economic Prosperity through the lands being designated Rural Employment and being brought to development for economic prosperity.

In terms of **Section 2** of the PPS, the following is noted:

- i. For Natural Heritage, the Zoning for the Subject Lands, approved by the Ontario Municipal Board, requires an Environmental Impact Statement to be completed. The EIS has been completed and a 2020 update was also prepared. The EIS is the subject of one of the peer reviews by AE on behalf of the City of Port Colborne. Appropriate review will occur and the recommendations will be implemented through the Site Plan and Site Plan Agreement.
- ii. For Culture and Archaeology, Stage 1 and Stage 2 Archaeological Studies were completed. The Ministry of Heritage, Sport, Tourism and Culture Industries has confirmed in writing that the studies are sufficient for the subject lands.

In terms of **Section 3** of the PPS, the following is noted: there are no Natural Hazards or Man-Made Hazards on the subject lands. This section of the PPS is not related to the development of the Subject Lands. The subject lands

Based on the foregoing, the proposed development, as approved by the Ontario Municipal Board, is consistent with the general intent and policies of the PPS. The technical rezoning supports implementation of the proposed development on the subject lands and is an administrative change. As such, the rezoning application conforms to the PPS by supporting the approved development, which is in conformity to the PPS (2020).

## 4.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Horseshoe, 2019 (The Growth Plan), builds on the policies set out in the Provincial Policy Statement, emphasizing well-designed development and supporting economic development and job growth. The intent of the Growth Plan is to promote economic growth, increase housing supply, create jobs and

building communities that are healthy and affordable for people of all ages. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities”.

## Relevant Policies and Analysis

### **2.2.5 Employment**

1. *Economic development and competitiveness in the GGH will be promoted by:*
  - a. *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
  - b. *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

### **2.2.9 Rural areas**

5. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*
  - a. *the management or use of resources;*
  - b. *resource-based recreational uses; and*
  - c. *other rural land uses that are not appropriate in settlement areas provided they:*
    - i. *are compatible with the rural landscape and surrounding local land uses;*
    - ii. *will be sustained by rural service levels; and*
    - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

The subject lands are designated Rural Employment in both the Niagara Region and the City Official Plans. The use of the lands for the 56-tank petroleum facility is consistent with the policies of A Place to Grow supporting development outside of the City’s settlement area as the uses are consistent with a resource focus, are compatible with the rural landscape, and will be sustained by rural service levels.

Based on the foregoing, the development, as approved by the Ontario Municipal Board, is consistent with the general intent and policies of A Place to Grow. The technical rezoning supports implementation of the proposed development on the subject lands and is an administrative change. As such, the rezoning application conforms to A Place to Grow by supporting the approved development, which is in conformity to A Place to Grow.

## 4.3 Niagara Region Official Plan (2014)

The Niagara Region Official Plan (Regional Official Plan), designates the Subject Lands as Rural Employment Lands – Gateway Special Policy Area according to “Schedule G2 – Niagara Economic Gateway Employment Lands” (refer to Appendix B).

### Relevant Policies and Analysis

*3.B.2.2 Rural employment lands shall be considered “dry industrial” and are to be serviced through sustainable private servicing only.*

*3.B.2.3 Detailed land uses shall be identified in the Local Official Plan by way of amendment to the Local Official Plan. In all cases, uses shall be compatible with adjacent agricultural uses, planned agricultural uses and shall not negatively impact normal farm operations.*

*3.B.2.6 The lands designated in the City of Port Colborne as “Rural Employment Lands - Gateway Special Policy Area” on Schedule G2 are subject to the following policies:*

- a) *The transportation infrastructure of Highway 140 is a unique characteristic of transportation service for these lands;*
- b) *Uses shall be only those which are considered to have minimal water and wastewater requirements. The lands may be eligible for future municipally provided water and wastewater services subject to the completion of the ongoing Environmental Assessment for the Welland Canal Green Manufacturing Zone area;*
- c) *Functional servicing reports and hydrogeological reports, at a minimum, shall be required to support these uses. Additional studies, as outlined in the Complete application policies of this Plan, shall also be required;*
- d) *The lands shall be subject to Site Plan Control and the Niagara Region will be circulated all Site Plan Control applications;*
- e) *The lands are in the vicinity of the Dain City area in the City of Welland and the applicable portions of Chapter 3.A regarding land use compatibility requirements shall apply;*
- f) *Lands that comprise the Babion Woodlot will be subject to an Environmental Impact Statement which will confirm the boundaries of the Woodlot and the Provincially Significant Wetland. Upon approval of the Environmental Impact*

*Statement, the Woodlot and Wetland will be designated as “Environmental Protection Area” in this Plan without further amendment to this Plan. The balance of lands shall be designated “Rural Employment Lands – Gateway Special Policy Area” without further amendment to this Plan.*

- g) Should the land budget completed as part of the Regional Comprehensive Review, at a future five year review of the Regional Official Plan, establish the need for additional urban employment land in the Gateway, priority will be given to the Gateway Special Policy area lands that are physically contiguous to urban employment lands in the Gateway to be included in the urban area and to be eligible for urban servicing.*
- h) Should the lands immediately west of the Rural Employment Lands, in the vicinity of the Welland Canal, cease to be owned by the Government of Canada, the designation of “Rural Employment Lands” shall apply.*

**Chapter 14 – Implementation of the Regional Official Plan**, includes the following in the pre-amble:

*The Region, Local Municipalities, and the Niagara Peninsula Conservation Authority are committed to an integrated and seamless planning system which is characterized by:*

*5. Streamlined processes and elimination of duplication*

The 56-tank petroleum facility is a permitted use in the Official Plan in accordance with Policy 3.B.2.3 and is a dry industrial use. The approved land use also implements the specific policies for the Rural Employment Lands – Gateway Special Policy Area. Based on the foregoing, the development, as approved by the Ontario Municipal Board and being implemented through the Site Plan and Site Plan Agreement, is consistent with the general intent and policies of the Niagara Region Official Plan, including the specific policy that requires Niagara Region to be part of the Site Plan process. Servicing policies require private servicing and minimal water/wastewater requirements. The Site Plan Agreement will finalize these details.

The technical rezoning addresses implementation of the proposed development on the subject lands and is an administrative change only. This is consistent with the Regional Official Plan provisions that support a streamlined development process to remove duplication. As such, the rezoning application conforms to Niagara Region Official Plan by supporting the approved development, which is in conformity to Niagara Region Official Plan.

## 4.4 City of Port Colborne Official Plan (Office Consolidation 2017)

The Subject Lands are designated “Rural Employment” on Schedule A – City Wide Land Use Plan (Appendix C – “City of Port Colborne Official Plan Schedules”) of the City of Port Colborne Official Plan (Office Consolidation – September 2017) (City’s Official Plan).

### Relevant Policies and Analysis

Section 3.12 – Rural Employment of the City’s Official Plan includes the following policies:

*The predominant uses of lands designated Rural Employment shall include, but not be limited to uses that are of a dry industrial nature, in that they are considered to have minimal water and wastewater requirements, and should be serviced through sustainable private servicing only. All new or expanding rural development shall demonstrate that the use cannot be located within the urban area due to land use compatibility issues and/or specific locational requirements, including proximity to key transportation infrastructure or the proposed use is related to the management or use of a resource and is required to be in close proximity to it.*

#### 3.12.1 General Policies

- n) Notwithstanding the policies of this Section, the uses and policies permitted on and applicable to the lands legally described as Part Lots 16,17,18 and 19, Concession 5, and part of the Road Allowance between Lots 16 and 17 in Concession 5 and part of the Road Allowance between Lots 18 and 19 in Concession 5, formerly Township of Humberstone, now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2,3,4 and 5 of Reference Plan 59R-8816; Part of Lots 23,24 and 25, Concession 4, and Part of the Road Allowance between Lots 24 and 25, Concession 4, (formerly Township of Humberstone), designated as Parts 1 and 2 on Reference Plan 59R-12468, Part lots 16,17,18 and 19, Concession 5, and Part of the Road Allowance between Lots 16 and 17 in Concession 5 and Part of the Road Allowance between Lots 18 and 19 in Concession 5, Formerly Township of Humberstone, County of Welland, Now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2, and 3 on Reference Plan 59R-12469 are as determined by the decision of Member J.V. Zuidema in Ontario Municipal Board (OMB) Case No. PL090828 as set forth in the Order of the OMB dated July 11, 2013 and attached as Appendix ‘A’ to this Plan.

The proposed 56-tank petroleum facility is of a dry industrial nature and was approved in the order of the Ontario Municipal Board dated July 11, 2013. The use complies with the

policies and order of the OMB. The technical rezoning is an administrative matter that supports the implementation of the development that has been approved.

**Policy 11.3.2j) – Site Plan Control** - of the City's Official Plan states the following:

*"j) Except where in conflict with the Policies contained herein, development proposals shall be consistent with the policies of the City's Official Plan."*

Policy 11.3.1 of the City's Official Plan establishes the entire City of Port Colborne as a Site Plan Control Area. The proposed development will be subject to Site Plan Control.

The City's Official Plan requires development proposals to conform to the Official Plan and this is administered through Site Plan Control. Site Plans must also conform to the Zoning By-law in accordance with the *Planning Act*. The technical rezoning implements what the City has designed in its policies, zoning, and administrative processes to regulate development proposals. Further, the technical rezoning means the approved development can proceed in accordance with the City's policies, the zoning for the Subject Lands, and the City's Site Plan process. It is no longer necessary to link the Site Plan and Site Plan Agreement to removal of the "H" Holding provision as the Site Plan process will address all the requirements of the City and the approval authorities. The technical rezoning conforms to and implements the City's Official Plan.

## 5. Zoning

The City of Port Colborne By-Law 6575/30/18 zones the Subject Lands as “HI-46-H (Heavy Industrial – Holding)” with Special Provision 46. The Zoning By-law states the following:

*Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:*

- a) *The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56 tank petrochemical<sup>3</sup> storage facility.*
- b) *The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:*
  - i) *The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;*
  - ii) *The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,*
  - iii) *Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,*
  - iv) *Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.<sup>4</sup>*

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<sup>3</sup> Petrochemical is commonly known as petroleum.

<sup>4</sup> It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

## 6. Zoning By-law Amendment Application

The Zoning By-law Amendment application is submitted with two specific requests as outlined below. A draft Zoning By-law is in Appendix F to this Report.

The technical rezoning is to remove two components of the existing Zoning for the subject lands. First is the requirement for the Site Plan Agreement to be completed and registered on title prior to removal of the “H” Holding Provision. This rezoning is appropriate at this time as the studies required in the Zoning By-law for the Subject Lands have been submitted to the City for their peer review; the recommendations, including those of the City’s peer review consultant will be implemented through the Site Plan and the Site Plan Agreement. It is only through the Site Plan process and Site Plan Agreement that the study recommendations can be implemented. The applicable agencies – the City of Port Colborne, Niagara Region, Niagara Peninsula Conservation Authority – will be part of the Site Plan process including review of the studies, access to the City’s peer review, and providing comments on the studies, the Site Plan, and the Site Plan agreement. For the Species at Risk, the Zoning Provisions to meet the requirements of the provincial Ministry<sup>5</sup> continue and will be addressed through the Environmental Impact Statement and implemented through the Site Plan and Site Plan Agreement, as well as the requirements of the Ministry of Natural Resources<sup>6</sup>.

The second component of the technical rezoning is the removal of clause b)iii) which requires approval of the private servicing plan prior to the Site Plan Agreement. This clause is appropriate to be removed as:

- The servicing on the site will be a septic system and a cistern for potable water.
- The location of the septic system and the cistern can only be established through the Site Plan process which includes implementing the recommendations/peer review recommendations of all studies, the design of the 56-tank petroleum facility and the servicing. This is an integrated decision-making process. The servicing approval should not proceed independently of the integrated decision-making process.
- The Site Plan and Site Plan Agreement will be the means to finalize the servicing solution and location on the site.
- The Site Plan and Site Plan Agreement will be the basis on which a servicing permit can be issued in accordance with the *Building Code*.

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<sup>5</sup> As per footnote above.

<sup>6</sup> It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

- Consequently, the wording of clause b)iii) is no longer appropriate to fulfill as approval prior to the Site Plan Agreement cannot generally occur.
- The decision on servicing is implemented through the approved Site Plan/Agreement. Permitting for the servicing is required and is implemented under the *Building Code* once the Site Plan Agreement is executed. A permit application would be required separately from the Site Plan Agreement.

The provisions of the Zoning By-law established in 2013 were done at a time when the independent planning opinion confirmed that the development application was at the point, for the 56-tank petroleum facility, that the principle of this land use could be supported. It was noted in 2013 that further detailed studies would be necessary, and these further detailed studies would be implemented through the Site Plan process. The development is now at the point with the more detailed studies having been completed and submitted to the City, and the only mechanism to move forward with the recommendations of the studies is the Site Plan and Site Plan Agreement. Consequently, clause b) i) is now an impediment to fulfilling the conditions in the Zoning By-law. More specifically, the "H" Holding provision cannot be removed until the studies, the peer review, and the recommendations of the studies are to the City's satisfaction (with related decisions by the approval authorities). The lands are subject to Site Plan Control in accordance with the City's Official Plan and Site Plan Control By-law. The Region's Official Plan requires the Region to be engaged in the Site Plan process for the Subject Lands so approval authorities are appropriately engaged through the Site Plan process.

The technical rezoning is to remove Clauses b)i) and b)iii) from the Site-Specific Zoning for this site. The study recommendations, together with the peer review recommendations, and the private servicing of the subject lands will be incorporated into the Site Plan and Site Plan Agreement. This process will occur given the City's Official Plan policies, the Site-Specific Zoning Provisions, the Regional Official Plan policies regarding the Region's involvement in the Site Plan and the NPCA jurisdiction on elements of the proposal. Consequently, the technical rezoning is appropriate as the public interest is protected through the remaining parts of the Site-Specific Zoning and the policies and administrative practices of the City of Port Colborne and the approval authorities. As the City of Port Colborne is the approval authority for the Site Plan and the Site Plan Agreement, it is no longer necessary to require the Site Plan Agreement be concluded and registered on title as a condition of removing the "H" Holding Provision. The City's decision-making authority remains and the City's administrative processes will lead to the appropriate Site Plan Agreement to implement the approved development, including the location and sizing of the private servicing.

## 7. Summary of Planning Analysis

The proposed development was approved by the Ontario Municipal Board in its decision of July, 2013. The principle of use for the 56-tank petroleum facility has been approved on the Subject Lands.

The zoning established at the time of the Ontario Municipal Board decision placed an "H" (Holding) provision on the Subject Lands to establish the preparation of more detailed studies on specific matters as identified in the Zoning By-law. The studies have been completed, and a peer review is being undertaken by Associated Engineering who are representing the City of Port Colborne.

The application is being submitted with two components to allow the orderly progression of development of the Subject Lands. The recommendations within the specified studies, and the corresponding peer review, are to be implemented through the Site Plan and the Site Plan Agreement. In order to facilitate the studies being implemented through the Site Plan Agreement, the technical rezoning is required to remove the provision for the studies and their recommendations to be in the Site Plan and Site Plan Agreement and pre-approval of the servicing (Clauses b)i) and b)iii)) prior to removal of the "H" Holding provision.

This is a technical rezoning that is appropriate as the recommendations from the studies, the peer review, and the development of the lands can only be implemented via Site Plan Control and the Site Plan Agreement. However, to continue to require the Site Plan Agreement be finalized prior to removal of the "H" Holding provision is no longer necessary as the City of Port Colborne has decision making authority on the Site Plan, the Site Plan Agreement, and the inclusion of the recommendations from the studies in the Site Plan Agreement. Further requirements, including provisions in the Regional Official Plan, stipulate the Region's engagement on the Site Plan. The NPCA is part of the Site Plan process because of its jurisdiction on issues that will be implemented through the Site Plan.

The City's Official Plan contemplates a process for Site Plan approval that includes outside agency engagement. The development proposal and its administration has evolved to the point where the specific clause tying the Site Plan and Site Plan Agreement to removal of the "H" Holding provision is no longer appropriate nor necessary. Indeed, it is only through the Site Plan and Site Plan Agreement that the specific requirements of the studies, the agencies, and the City can be implemented. Development cannot proceed in advance of the Site Plan being approved by the City.

The second component of this technical rezoning is to remove clause b)iii) from the Site-Specific Zoning. This clause requires approval of private servicing prior to the Site Plan Agreement. The clause is no longer necessary as the servicing decisions will be part of the Site Plan Agreement. Further, the implementation of the servicing will be done through the normal and customary process of Site Plan and Site Plan Agreement and then a permit under the *Building Code*. As the servicing decision can only be finalized within the Site Plan/Agreement and there is a further permitting process for the servicing, clause b)iii) is no longer necessary.

## 8. Conclusion

It is our opinion that the proposed application should be approved as it represents good land use planning, is in the public interest, and should be supported by the approval authority for the following reasons:

- The proposed development is consistent with the Provincial Policy Statement, and conforms with the Growth Plan, the Niagara Region Official Plan and the City of Port Colborne Official Plan;
- The technical rezoning is appropriate as the City of Port Colborne has Site Plan Control authority and will implement the study recommendations and the peer review recommendations through the Site Plan Agreement;
- The study recommendations and the peer review recommendations can only be implemented through the Site Plan and Site Plan Agreement. The specific provision in the “HI-46-“ Site-Specific Zoning (Clause b)i)) is no longer appropriate or necessary as the Site Plan process is the instrument to achieve the intent of the Zoning for the subject lands. The “H” Holding removal tied to the Site Plan Agreement is no longer necessary given the policies of the Regional Official Plan, the City Official Plan, and the City’s Site Plan administration process.
- The removal of clause b)iii) is appropriate at this time as the private servicing solutions can only be finalized within the Site Plan/Agreement and implemented through a permit under the *Building Code*, consistent with the Site Plan/Agreement. Clause b) iii) should be deleted as it is not appropriate to confirm the servicing outside of the Site Plan/Agreement process. As Niagara Region, in accordance with its Official Plan policies, is part of the Site Plan process, there are normal and customary decision-making processes that address clause b)iii) in a manner that allows the servicing to be finalized and implemented.

Report prepared by:



**Jeremy Tran, MPlan**  
**Planner**  
**Niagara Planning Group (NPG) Inc.**

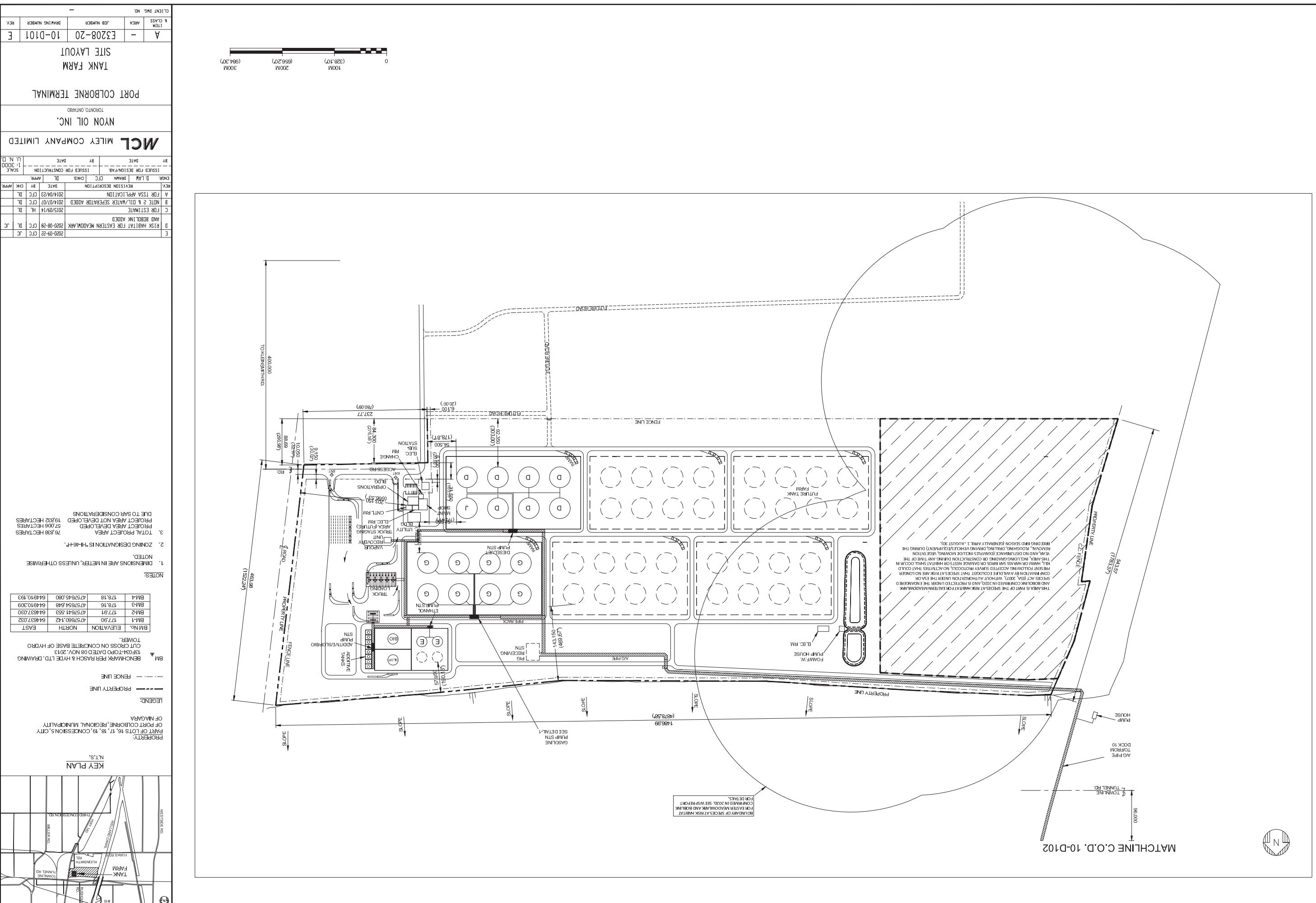
Report Reviewed by:



**Mary Lou Tanner, FCIP, RPP**  
**Principal Planner**  
**Niagara Planning Group (NPG) Inc.**

## 9. Appendices

Appendix A – Sketch of Proposed Development



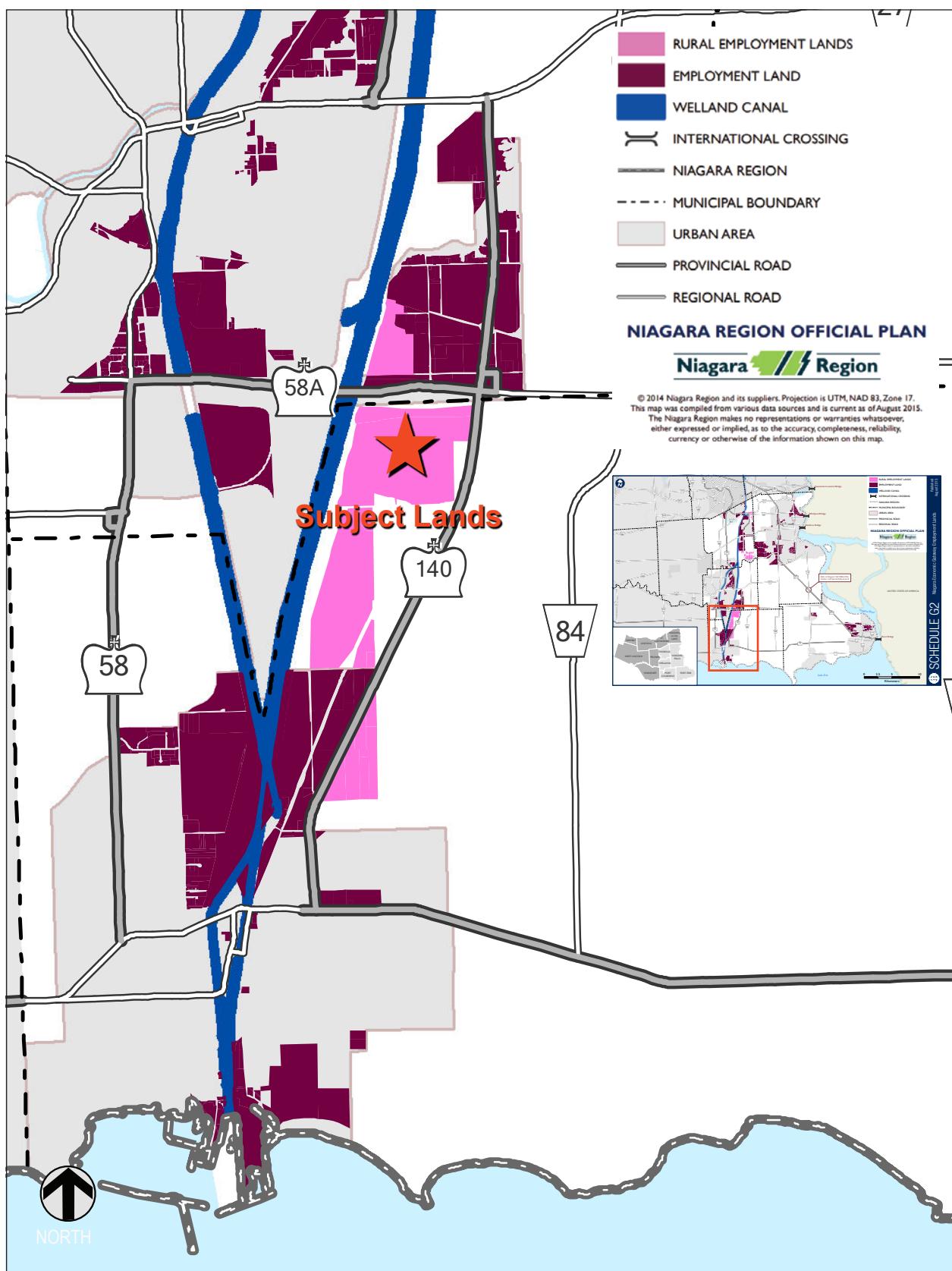
## Appendix B - Regional Official Plan Schedules

### Schedule A: Regional Structure



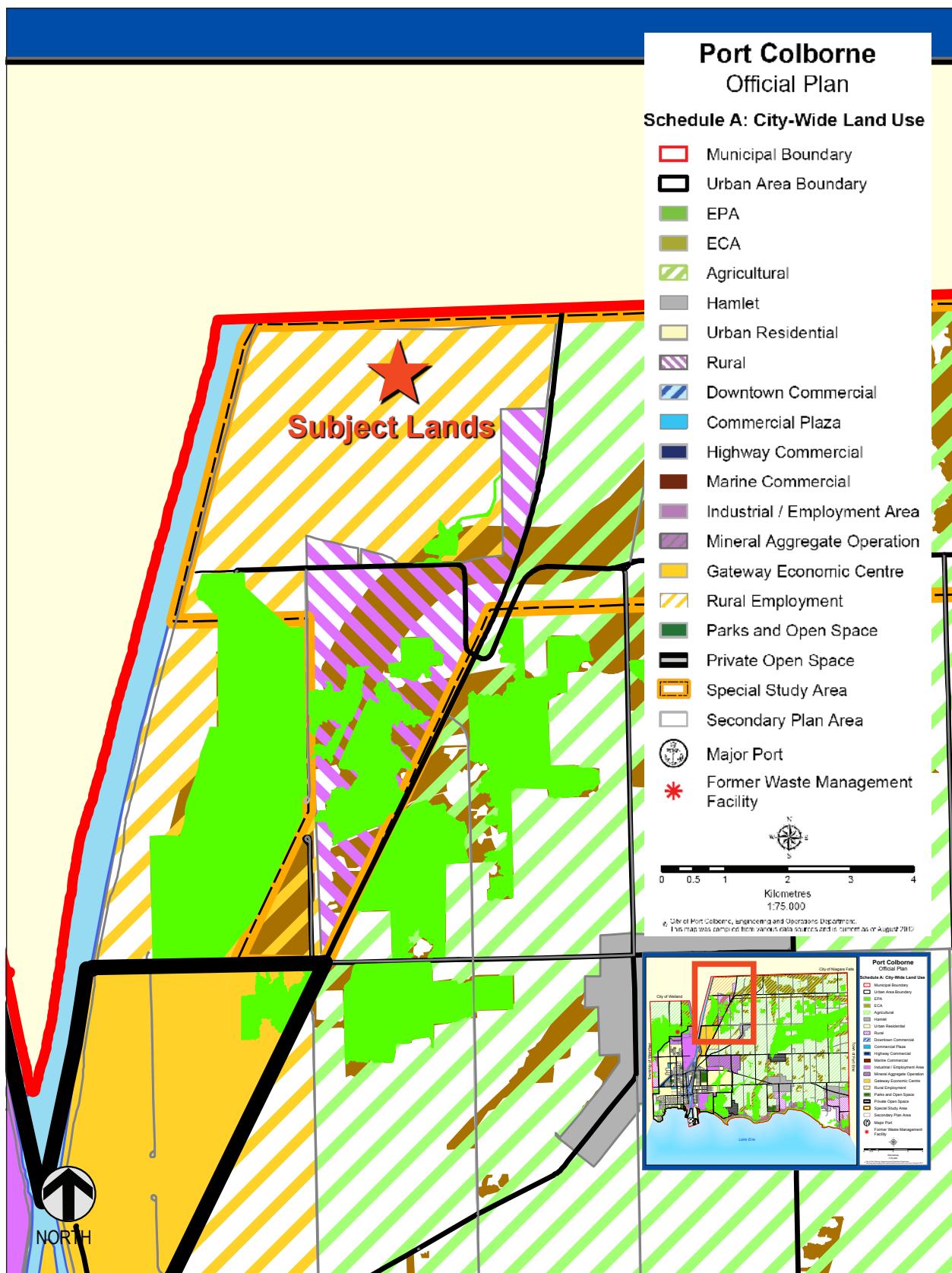
## Appendix B - Regional Official Plan Schedules

### Schedule G2: Niagara Economic Gateway Employment Lands



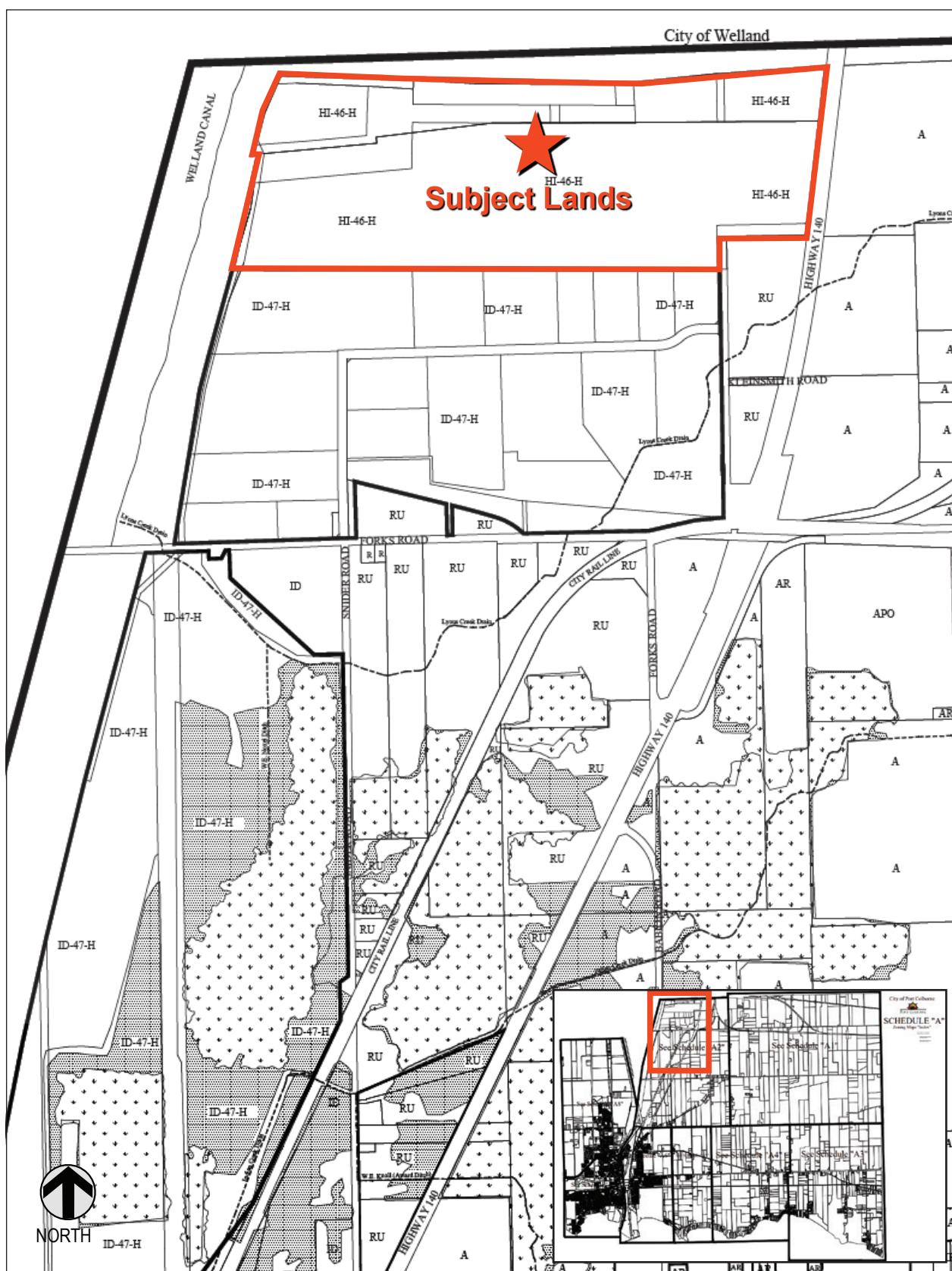
## Appendix C - City of Port Colborne Official Plan Schedules

### Schedule A: City Wide General Land Use Plan



## Appendix D - City of Port Colborne Zoning By-law Map

Schedule A2



## Appendix E – Status of Supporting Studies

No.	Supporting Study	Consultant	Status
1	<b>Phase 2 Archaeological Study</b>	Golder Associates	The Ministry of Heritage, Sport, Tourism, and Culture Industries is satisfied that the Stage 2 Archaeological Assessment is not required with respect to the Subject Lands.
2	<b>Geotechnical Study</b>	-	No further geotechnical is required by the City of Port Colborne until the Site Plan stage.
3	<b>Noise Study</b>	GHD	The noise report prepared by GHD, dated August 31, 2020 concludes the Petroleum Storage Facility is feasible with respect to the noise requirements of NPC-300.
4	<b>Air Quality Study</b>	GHD	The Land-use compatibility air quality study report prepared by GHD, dated September 3 concludes the proposed development is feasible if the impacts are mitigated with the required and recommended controls, the implementation of best practices, and the regulatory and design requirements are adhered to.
5	<b>Site Access and Traffic Study</b>	Paradigm Traffic Solutions	Submitted and subject to peer review by the City of Port Colborne.
6	<b>Vibration Study</b>	N/A	Not required by the City of Port Colborne with respect to the Subject Lands.
7	<b>Tree Preservation Plan</b>	N/A	Not required by City of Port Colborne with respect to the Subject Lands.

Nyon Lands, City of Port Colborne  
Planning Justification Report

No.	Supporting Study	Consultant	Status
8	<b>Environmental Impact Statement</b>	WSP	The Environmental Impact Study Update Memo prepared by WSP dated September 3, 2020 stated an ESA registration is required for the proposed development as less than 30 hectares of protected SAR is impacted. The memo also provided recommendations for the proposed development going forward.
9	<b>Risk Assessment Report</b>	-	Submitted and subject to peer review by the City of Port Colborne

## Appendix F – Draft Zoning By-law

### THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. \_\_\_\_\_

**BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, AND AS AMENDED,  
RESPECTING PARTS OF LOT 16, LOT 17, LOT 18 AND LOT 19, CONCESSION 5 IN  
THE CITY OF PORT COLBORNE, LOCATED ON THE EAST SIDE OF THE  
WELLAND CANAL, SOUTH OF THE RAILWAY LANDS  
AND WEST OF HIGHWAY 140**

**WHEREAS** By-law 6575/30/18, as amended, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the character, location and use of buildings and structures within the City of Port Colborne;

**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 Special Provision: HI-46-H of Section 37.2 entitled LIST OF SPECIAL PROVISIONS of Zoning By-law 6575/30/18, as amended, is hereby further amended by removing provision b) i) and b) iii) which read:
  - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
  - iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,

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, R.S.O 1990.
4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH  
DAY OF XXX, 2020**

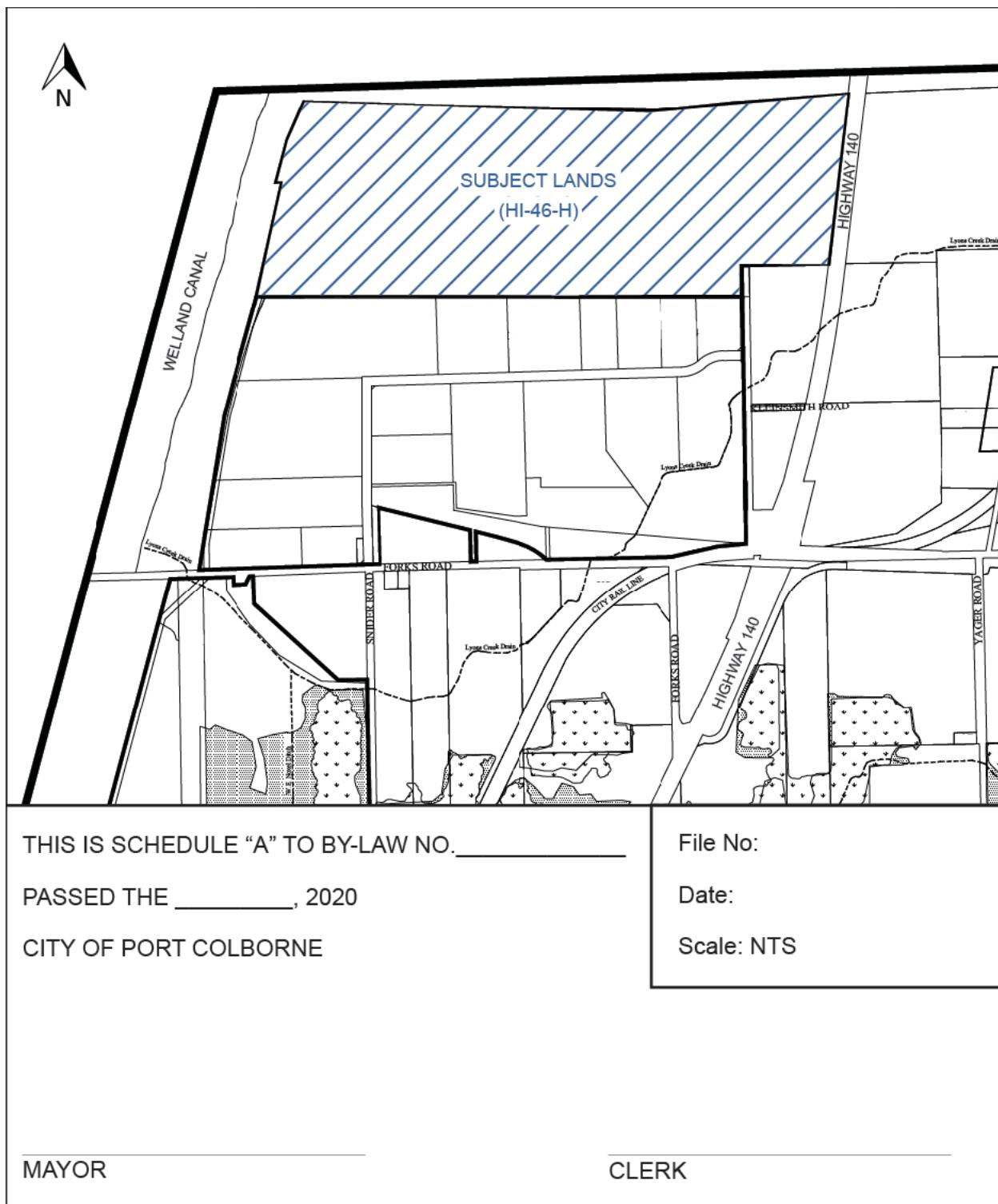
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William C. Steele  
Mayor

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Peter M. Senese  
Deputy Clerk

Nyon Lands, City of Port Colborne  
Planning Justification Report



THIS IS SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

CITY OF PORT COLBORNE

File No:

Date:

Scale: NTS

MAYOR

CLERK



**Department: Planning and Development  
Planning Division**

**Report Number: 2020-161**

**Date: November 2, 2020**

**SUBJECT: Public Meeting and Recommendation Report for Zoning By-law  
Amendment D14-05-19, 5718 Highway 3**

**1) PURPOSE:**

The purpose of the report is to provide Council with information and a recommendation regarding a proposed Zoning By-law Amendment initiated by Mark Koabel on behalf of the owner Patricia Kenworthy for the property legally known as Part Lot 2, Concession 2, Former Township of Humberstone, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 5718 Highway 3.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and AR-55, being a special provision of the Agricultural Residential zone. The Zoning By-law Amendment is being sought to satisfy a condition for a farm-consolidation severance under Consent Application B26-19-PC.

The Committee of Adjustment granted consent application B26-19-PC on December 10, 2019. In order to facilitate the farm consolidation severance, the Zoning By-law Amendment is required.

The area that will be rezoned to Agricultural Purposes Only is roughly 21ha (51ac) and is presently used for agricultural purposes with no buildings or structures.

The area that will be rezoned to Agricultural Residential is about 0.7ha (1.7ac) and is presently occupied by a single detached dwelling and four agricultural or accessory buildings. No new development is anticipated as a result of this application.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on October 13, 2020. Public notice signs were posted on the property on or before October 13, 2020. Notice of this meeting and instructions for how to participate were posted on the City's website and social media on October 26, 2020.

At the time of writing this report, staff has not received any comments from the public, City divisions nor commenting agencies.

## **Planning Division**

### City of Port Colborne Official Plan

The City of Port Colborne Official Plan designates the property as **Agricultural**. Lands designated Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The Official Plan provides policies under Section 3.5.3 to support surplus farm dwelling severances provided they meet the following conditions:

- i) No new residential development shall be permitted on a vacant remnant parcel of farmland created;
- ii) The surplus dwelling is of sufficient quality and value to warrant its retention as a non-farm residence and meets existing occupancy standards;
- iii) The dwelling is surplus to the owner's present and future needs for family residence and farm help purposes;
- iv) The new lot created with the surplus farm dwelling will not be further subdivided and not more than one dwelling may be located thereon;
- v) The remnant parcel of farmland should be a substantial size to function as a significant part of the overall farm unit; and
- vi) The size of the newly created lot should be a minimum of 0.4 hectares in size, unless additional lands are required for private septic service and/or water supply.

The proposal before Council is addressing condition one of the above by rezoning the vacant remnant parcel as Agricultural Purposes Only to prohibit any residential development of the land. The other conditions have been reviewed through the consent process and have been satisfied by the owner.

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

The City of Port Colborne Zoning By-law 6575/30/18, zones the property **Agricultural** which permits the following uses: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; cannabis production facility and uses, structures and buildings accessory thereto. A small portion in the north of the property has the Environmental Conservation Layer. This zoning layer will remain on the property.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only (APO) and AR-55, a special provision of the Agricultural

Residential (AR) zone. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits dwelling, detached and uses, structures and buildings accessory thereto. The AR zone requires a special provision due to the existing accessory buildings on the property as currently, the property is exceeding the allowable accessory lot coverage. The proposed accessory lot coverage is 7.8% whereas 1% is permitted. Staff would like to note that the 1% accessory lot coverage requirement in the AR zone has already been subject to a housekeeping amendment proposing to change the allowable lot coverage to 5%, however this amendment has yet to be approved.

### Adjacent Zoning and Land Use

<b>Northwest</b> Use: Agricultural Zone: Agricultural	<b>North</b> Use: Agricultural Zone: Agricultural	<b>Northeast</b> Use: Agricultural Zone: Agricultural
<b>West</b> Use: Agricultural and Residential Zone: Agricultural and Agricultural Residential	<b>Applicant's Property</b>	<b>East</b> Use: Agricultural Zone: Agricultural
<b>Southwest</b> Use: Highway 3/Agricultural Zone: Agricultural	<b>South</b> Use: Highway 3/Agricultural Zone: Agricultural	<b>Southeast</b> Use: Highway 3/Agricultural Zone: Agricultural

### Discussion

The Zoning By-law Amendment is necessary to satisfy conditions for a farm-consolidation severance. In anticipation of the lack of public input, Planning staff are providing their recommendation in this report to prevent any unnecessary delays for the applicant.

The Niagara Region has provided comments to staff in reference to the septic system that were raised in the original consent application. Private Sewage System staff from the Niagara Region originally advised the applicant that the proposed property line in relation to the septic system did not meet the Ontario Building Code requirements. The owner and applicant had the Regional staff on site to verify the extent of the discrepancy. Staff has verified with the Niagara Region that the new property line has now met the Ontario Building Code requirements and that Private Sewage System staff do not have any further concerns.

Planning staff has reviewed the proposal for the increase in lot coverage and do not have concerns with the Zoning By-law Amendment. Amending the zoning to APO is standard practice in Ontario in order to allow surplus farm dwellings to be severed off larger agricultural parcels. The APO zone does not leave any opportunity for any residential development, protecting the long-term prosperity of the agricultural use.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do nothing**

Council could choose to not make a decision on the proposal at this time. This option is not recommended as it will cause unnecessary delays for the applicant.

**b) Other Options**

Not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix A - Zoning By-law Amendment

**7) RECOMMENDATION**

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2020-161 as Appendix A, be approved to rezone the land from "Agricultural" to "AR-55" and "Agricultural Purposes Only"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

**8) SIGNATURES**

Prepared on October 19, 2020 by:

  
David Schulz, BURPL  
Planner

Reviewed by:

  
Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and Respectfully Submitted:

  
C. Scott Luey  
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 lands legally described as Part of Lot 2, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 5718 Highway 3 East.

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 "A3" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural (A) to AR-55 and Agricultural Purposes Only (APO).
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

AR-55

Notwithstanding the provisions of the Agricultural Residential Zone, the following special regulations shall apply:

- |                           |      |
|---------------------------|------|
| a) Accessory Lot Coverage | 7.8% |
|---------------------------|------|
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*.

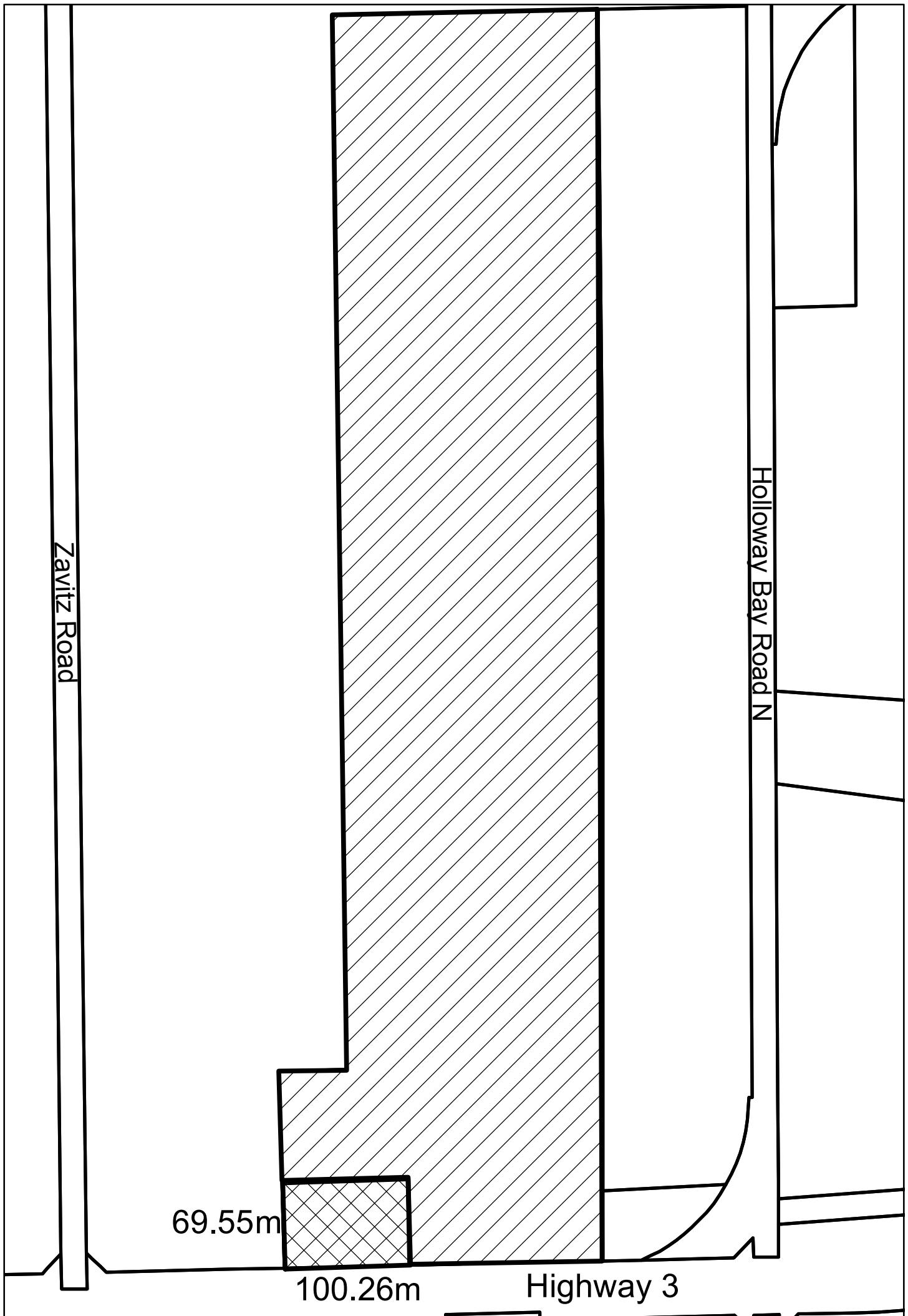
Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

William C Steele  
Mayor

---

Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO\_\_\_\_\_

PASSED THE\_\_\_\_\_, 2020

MAYOR

CLERK

LANDS TO BE REZONED FROM AGRICULTURAL TO AR-55

LANDS TO BE REZONED FROM AGRICULTURAL TO AGRICULTURAL PURPOSES ONLY  
FILE NO: D14-05-19

DRAWN BY: CITY OF PORT COLBORNE PLANNING DIVISION

NOT TO SCALE

NOVEMBER 2020



**City of Port Colborne  
Special Meeting of Council 30-20  
Monday, November 2, 2020  
To follow Special Council (Public Hearing)  
which begins at 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

## **Agenda**

**Notice:** Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca) by noon on Monday, November 2, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

- 1. Call to Order:** Mayor William C. Steele
- 2. Introduction of Addendum Items:**
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Determination of Items Requiring Separate Discussion:**
- 6. Approval of Items Not Requiring Separate Discussion:**
- 7. Consideration of Items Requiring Separate Discussion:**
- 8. Consideration of By-laws:**
- 9. Adjournment:**

**Council Items:**

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><b>Department of Planning and Development, Planning Division, Report No. 2020-161, Subject: Public Meeting and Recommendation Report for Zoning By-law Amendment D14-05-19, 5718 Highway 3</b></p> <p>That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2020-161 as Appendix A, be approved to rezone the land from "Agricultural" to "AR-55" and "Agricultural Purposes Only"; and</p> <p>That staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p>	56
WCS MB EB RB GB FD AD DK HW	2.	<p><b>Department of Planning and Development, Planning Division, Report No. 2020-162, Subject: Recommendation Report for the Removal of Holding Provision D14-04-20, 433 Sugarloaf Street</b></p> <p>That the By-law attached to Planning and Development Department, Planning Division Report 2020-162 as Appendix A, be approved to remove the "CH" from the lands as described on Schedule A to the By-law; and</p> <p>That staff be directed notify the applicant accordingly.</p>	62
WCS MB EB RB GB FD AD DK HW	3.	<p><b>Planning and Development Department, Planning Division, Report No. 2020-163, Subject: Recommendation Report for Proposed "Housekeeping" Zoning By-law Amendment (File No. D14-01-20)</b></p> <p>That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2020-163 as Appendix A, be approved as presented.</p> <p>That staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p>	67

**Consideration of By-laws  
(Council Agenda Item 8)**

<b>By-law No.</b>	<b>Title</b>
6830/80/20	Being a By-law to Amend Zoning Bylaw 6575/30/18 Respecting Lands Legally described as Part of Lot 2, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, Municipally Known as 5718 Highway 3 East
6831/81/20	Being a By-law to Amend Zoning By-law 6575/30/18 Respecting the Removal of the Holding Symbol (H) from Land Legally described as Lots 206, 207 and 208 on Plan 790 in the City of Port Colborne, Regional Municipality of Niagara, Municipally known as 433 Sugarloaf Street
6832/82/20	Being a By-law to Amend Zoning By-law 6575/30/18 Respecting all Lands Located within the City of Port Colborne, Regional Municipality of Niagara
6833/83/20	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 Special Meeting of November 2, 2020



**Department: Planning and Development  
Planning Division**

**Report Number: 2020-161**

**Date: November 2, 2020**

**SUBJECT: Public Meeting and Recommendation Report for Zoning By-law  
Amendment D14-05-19, 5718 Highway 3**

**1) PURPOSE:**

The purpose of the report is to provide Council with information and a recommendation regarding a proposed Zoning By-law Amendment initiated by Mark Koabel on behalf of the owner Patricia Kenworthy for the property legally known as Part Lot 2, Concession 2, Former Township of Humberstone, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 5718 Highway 3.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and AR-55, being a special provision of the Agricultural Residential zone. The Zoning By-law Amendment is being sought to satisfy a condition for a farm-consolidation severance under Consent Application B26-19-PC.

The Committee of Adjustment granted consent application B26-19-PC on December 10, 2019. In order to facilitate the farm consolidation severance, the Zoning By-law Amendment is required.

The area that will be rezoned to Agricultural Purposes Only is roughly 21ha (51ac) and is presently used for agricultural purposes with no buildings or structures.

The area that will be rezoned to Agricultural Residential is about 0.7ha (1.7ac) and is presently occupied by a single detached dwelling and four agricultural or accessory buildings. No new development is anticipated as a result of this application.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on October 13, 2020. Public notice signs were posted on the property on or before October 13, 2020. Notice of this meeting and instructions for how to participate were posted on the City's website and social media on October 26, 2020.

At the time of writing this report, staff has not received any comments from the public, City divisions nor commenting agencies.

## **Planning Division**

### City of Port Colborne Official Plan

The City of Port Colborne Official Plan designates the property as **Agricultural**. Lands designated Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The Official Plan provides policies under Section 3.5.3 to support surplus farm dwelling severances provided they meet the following conditions:

- i) No new residential development shall be permitted on a vacant remnant parcel of farmland created;
- ii) The surplus dwelling is of sufficient quality and value to warrant its retention as a non-farm residence and meets existing occupancy standards;
- iii) The dwelling is surplus to the owner's present and future needs for family residence and farm help purposes;
- iv) The new lot created with the surplus farm dwelling will not be further subdivided and not more than one dwelling may be located thereon;
- v) The remnant parcel of farmland should be a substantial size to function as a significant part of the overall farm unit; and
- vi) The size of the newly created lot should be a minimum of 0.4 hectares in size, unless additional lands are required for private septic service and/or water supply.

The proposal before Council is addressing condition one of the above by rezoning the vacant remnant parcel as Agricultural Purposes Only to prohibit any residential development of the land. The other conditions have been reviewed through the consent process and have been satisfied by the owner.

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

The City of Port Colborne Zoning By-law 6575/30/18, zones the property **Agricultural** which permits the following uses: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; cannabis production facility and uses, structures and buildings accessory thereto. A small portion in the north of the property has the Environmental Conservation Layer. This zoning layer will remain on the property.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only (APO) and AR-55, a special provision of the Agricultural

Residential (AR) zone. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits dwelling, detached and uses, structures and buildings accessory thereto. The AR zone requires a special provision due to the existing accessory buildings on the property as currently, the property is exceeding the allowable accessory lot coverage. The proposed accessory lot coverage is 7.8% whereas 1% is permitted. Staff would like to note that the 1% accessory lot coverage requirement in the AR zone has already been subject to a housekeeping amendment proposing to change the allowable lot coverage to 5%, however this amendment has yet to be approved.

### Adjacent Zoning and Land Use

<b>Northwest</b> Use: Agricultural Zone: Agricultural	<b>North</b> Use: Agricultural Zone: Agricultural	<b>Northeast</b> Use: Agricultural Zone: Agricultural
<b>West</b> Use: Agricultural and Residential Zone: Agricultural and Agricultural Residential	<b>Applicant's Property</b>	<b>East</b> Use: Agricultural Zone: Agricultural
<b>Southwest</b> Use: Highway 3/Agricultural Zone: Agricultural	<b>South</b> Use: Highway 3/Agricultural Zone: Agricultural	<b>Southeast</b> Use: Highway 3/Agricultural Zone: Agricultural

### Discussion

The Zoning By-law Amendment is necessary to satisfy conditions for a farm-consolidation severance. In anticipation of the lack of public input, Planning staff are providing their recommendation in this report to prevent any unnecessary delays for the applicant.

The Niagara Region has provided comments to staff in reference to the septic system that were raised in the original consent application. Private Sewage System staff from the Niagara Region originally advised the applicant that the proposed property line in relation to the septic system did not meet the Ontario Building Code requirements. The owner and applicant had the Regional staff on site to verify the extent of the discrepancy. Staff has verified with the Niagara Region that the new property line has now met the Ontario Building Code requirements and that Private Sewage System staff do not have any further concerns.

Planning staff has reviewed the proposal for the increase in lot coverage and do not have concerns with the Zoning By-law Amendment. Amending the zoning to APO is standard practice in Ontario in order to allow surplus farm dwellings to be severed off larger agricultural parcels. The APO zone does not leave any opportunity for any residential development, protecting the long-term prosperity of the agricultural use.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do nothing**

Council could choose to not make a decision on the proposal at this time. This option is not recommended as it will cause unnecessary delays for the applicant.

**b) Other Options**

Not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix A - Zoning By-law Amendment

**7) RECOMMENDATION**

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2020-161 as Appendix A, be approved to rezone the land from "Agricultural" to "AR-55" and "Agricultural Purposes Only"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

**8) SIGNATURES**

Prepared on October 19, 2020 by:

  
David Schulz, BURPL  
Planner

Reviewed by:

  
Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and Respectfully Submitted:

  
C. Scott Luey  
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 lands legally described as Part of Lot 2, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 5718 Highway 3 East.

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 "A3" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural (A) to AR-55 and Agricultural Purposes Only (APO).
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

AR-55

Notwithstanding the provisions of the Agricultural Residential Zone, the following special regulations shall apply:

- a) Accessory Lot Coverage 7.8%
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*.

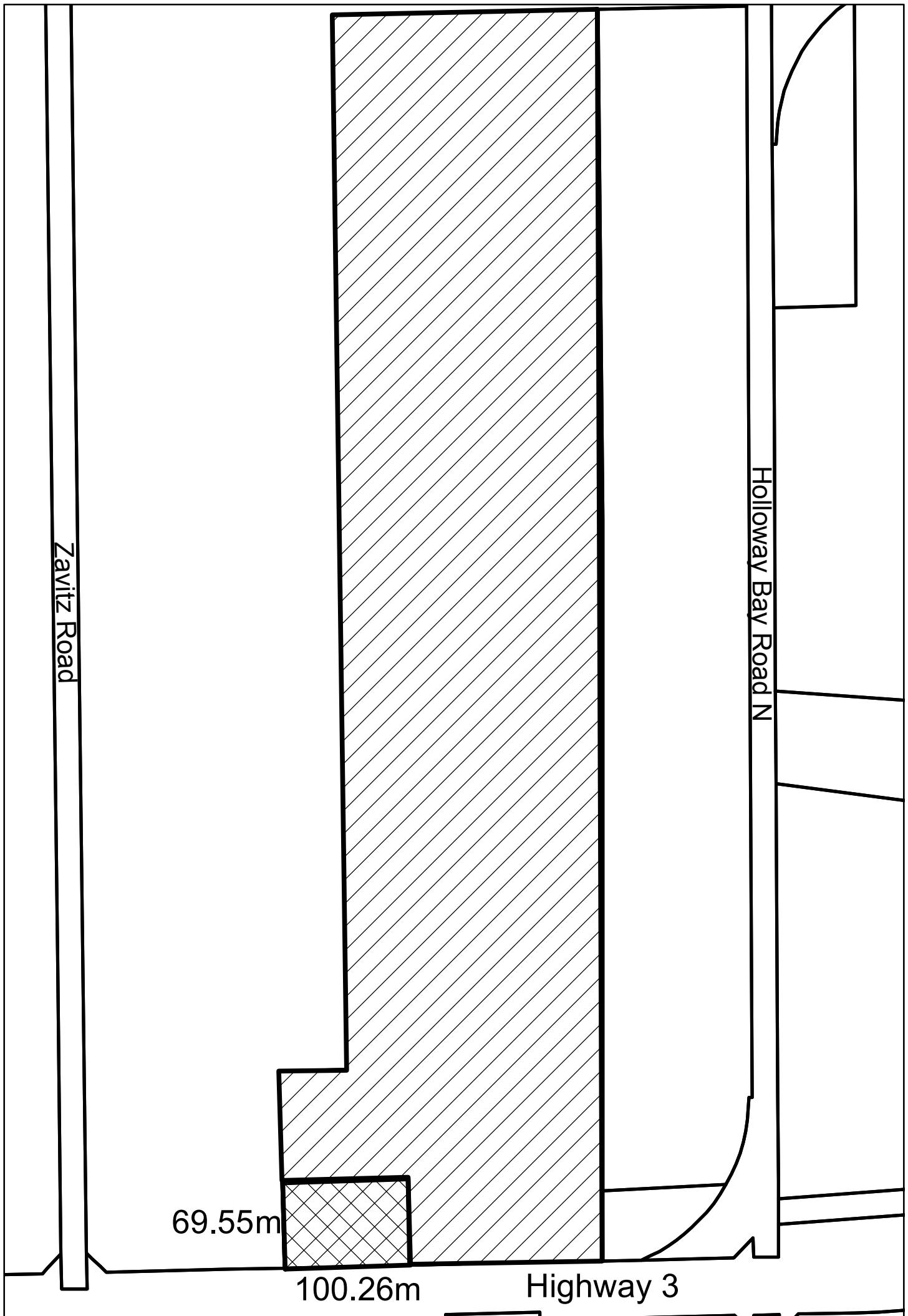
Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

William C Steele  
Mayor

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Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO\_\_\_\_\_

PASSED THE\_\_\_\_\_, 2020

MAYOR

CLERK

LANDS TO BE REZONED FROM AGRICULTURAL TO AR-55

LANDS TO BE REZONED FROM AGRICULTURAL TO AGRICULTURAL PURPOSES ONLY  
FILE NO: D14-05-19

DRAWN BY: CITY OF PORT COLBORNE PLANNING DIVISION

NOT TO SCALE

NOVEMBER 2000



**Department: Planning and Development  
Planning Division**

**Report Number: 2020-162**

**Date: November 2, 2020**

**SUBJECT: Recommendation Report for the Removal of Holding Provision D14-04-20, 433 Sugarloaf Street**

**1) PURPOSE:**

The purpose of the report is to provide Council with information and a recommendation regarding the removal of a Holding Provision (H) from the property legally known as Lots 206, 207 and 208 on Plan 790, Former Township of Humberstone, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 433 Sugarloaf Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application proposes to remove the Holding Provision (H) from the property in order for the intended Fourth Density Residential (R4) zoning to take place.

Zoning By-law 6575/30/18 was passed on April 23, 2018 which changed the zoning of the subject parcel from Neighbourhood Commercial (NC) to R4-CH, which is the Fourth Density Residential zone with a Conversion Holding provision (CH). The intended zoning of the subject parcel cannot be established until the CH is lifted from the property. The condition that must be cleared before the CH can be removed is referenced below:

- 1) Where a zone symbol contains the suffix "CH" with or without a special provision (e.g. R1-CH or R1-1-CH), the zoning shall not take effect until the prescribed conditions are met including obtaining a Record of Site Condition from the Ministry of the Environment.

Once the above has been completed by the applicant, the owner can apply to the City of Port Colborne for removal of the CH. City Council, by way of passing a by-law, can remove the CH if they are satisfied the condition has been cleared (Appendix A).

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff has received confirmation from the Ministry of the Environment, Conservation, and Parks that Record of Site Condition number 226982 has been filed in the Environmental Site Registry for 433 Sugarloaf Street, Port Colborne (Appendix B).

The removal of the CH is necessary in order to permit the future development of the property.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do nothing**

Council is statutorily obligated to make a decision on this application within 90-days of receipt. Not making a decision can open the opportunity for appeal by the owner/applicant.

**b) Other Options**

Not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix A - Zoning By-law Amendment

Appendix B - Letter confirming Record of Site Condition registration

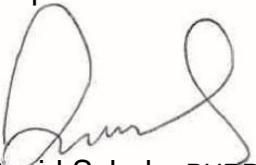
**7) RECOMMENDATION**

That the By-law attached to Planning and Development Department, Planning Division Report 2020-162 as Appendix A, be approved to remove the "CH" from the lands as described on Schedule A to the By-law; and

That staff be directed notify the applicant accordingly.

**8) SIGNATURES**

Prepared on October 19, 2020 by:

  
David Schulz, BURPL  
Planner

Reviewed by:

  
Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and Respectfully Submitted:

  
C. Scott Luey  
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 removal of the Holding Symbol (H) from lands legally described as Lots 206, 207 and 208 on Plan 790 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 433 Sugarloaf Street.

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 is desirous to amend said by-law to remove the Holding Symbol (H) from the whole or any part of the area covered by a Zoning By-law passed under Section 34 of the *Planning Act*.

Now therefore, and pursuant to the provisions of Section 36 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 "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Fourth Density Residential with Conversion Holding (R4-CH) to Fourth Density Residential (R4).
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 \_\_\_\_\_, \_\_\_\_\_.

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William C Steele  
Mayor

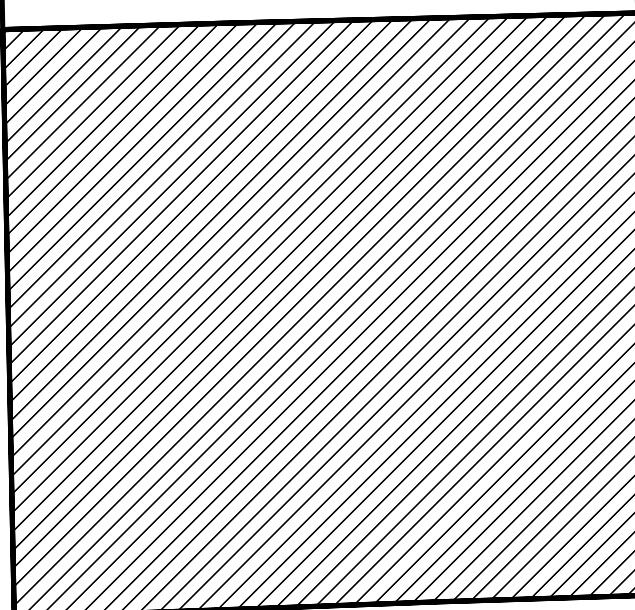
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Amber LaPointe  
Clerk

N



**Homewood Avenue**



**Sugarloaf Street**

THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Lands to be rezoned from R4-CH to R4

OCTOBER 2020

FILE NO D14-04-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

Ministry of the Environment, Conservation and Parks	Ministère de l'Environnement, de la Protection de la nature et des Parcs
Environmental Permissions Branch	Direction des permissions environnementales
135 St. Clair Avenue West 1 <sup>st</sup> Floor	135, avenue St. Clair Ouest Rez-de-chaussée
Toronto ON M4V 1P5	Toronto ON M4V 1P5
Tel.: 416 314-8001	Tél.: 416 314-8001
Fax: 416 314-8452	Téléc. : 416 314-8452

*Via Email*

August 17, 2020

BARRY MILLS  
CANALWAY NICE HOMES LIMITED  
14 MAIN STREET  
ST. CATHARINES ON L2N 4T4

Dear BARRY MILLS:

**Record of Site Condition Number 226982 Has Been Filed in the Environmental Site Registry for 433 SUGARLOAF STREET, PORT COLBORNE**

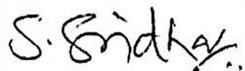
Pursuant to paragraph 3 of subsection 168.4(3.1) of the *Environmental Protection Act*, this is a written acknowledgment that Record of Site Condition (RSC) number 226982 has been filed in the Environmental Site Registry on August 17, 2020.

An electronic copy of this RSC can be viewed and downloaded from the Environmental Site Registry located here:

[https://www.lrcsde.lrc.gov.on.ca/BFISWebPublic/pub/searchFiledRsc\\_search?request\\_locale=en](https://www.lrcsde.lrc.gov.on.ca/BFISWebPublic/pub/searchFiledRsc_search?request_locale=en)

If you have any questions or require additional information, please contact Sridhar Sangaraju, Brownfields Filing and Review, at 647-248-3190.

Regards,



Sridhar Sangaraju, P.Geo.  
Director  
Subsection 168.4(3), *Environmental Protection Act*

Attachment

c: FRANCESCO GAGLIARDI, PINCHIN LTD.  
District Manager, Niagara District Office, MECP

File No.: 21-111



**Department: Planning and Development  
Planning Division**

**Report Number: 2020-163**

**Date: November 2, 2020**

**SUBJECT: Recommendation Report for Proposed “Housekeeping” Zoning By-law Amendment (File No. D14-01-20)**

**1) PURPOSE:**

The purpose of the report is to provide Council with a recommendation regarding a proposed general “housekeeping” amendment to Zoning By-law 6575/30/18, as amended.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

On April 23, 2018, Council passed Zoning By-law 6575/30/18, replacing the former by-law which was in place since 1982. Since the passing, Planning Staff have identified corrections and additions that are desirous to the overall readability and function of the Zoning By-law.

The City of Port Colborne Planning Division has initiated this application and has prepared the proposed Zoning By-law Amendment, which proposes to amend the City of Port Colborne Zoning By-law 6575/30/18, by adding/revising provisions and correcting technical errors.

Attached as Appendix A is the detailed Zoning By-law Amendment.

**3) STAFF COMMENTS AND DISCUSSIONS**

A Public Meeting for this application was held March 9, 2020. Staff presented the proposed amendments to Council and members of the public. Members of the public addressed their concerns through oral presentations to Council as indicated in the Public Meeting minutes (Appendix B). Staff has addressed these concerns through the revisions to the proposed By-law.

The proposed amendments have been identified as areas requiring revision based upon staff’s enforcement of the by-law and requests received balanced against the principles of planning. The goal is to streamline the planning approval process while still maintaining good planning standards for the City.

The amendments are described below. Staff has provided three charts that represent amendments that are remaining the same as presented at the public meeting, amendments that have been changed since the presentation at the public meeting, and amendments that have been abandoned. Staff have noted the action that was taken in bold for every amendment.

## **Amendments with no change since the presentation at the Public Meeting**

### Section 2.3 (h) Uses Prohibited in All Zones

Summary: Revision to allow buildings and structures to be built using sea containers provided that a building permit is obtained.

#### Existing Section 2.3 (h)

- h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West);

#### Proposed Section 2.3 (h)

- h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation.
  - i) Section 2.3 (h) shall not apply to Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West);
  - ii) Nothing in this By-law shall prevent a sea container or similar shipping container from being used to build a building or structure, not including an accessory building or accessory structure, provided that the structure complies with the applicable zoning provisions.

**Action: No change to the revision (see attached By-law).**

### Section 2.4 (c) Temporary Uses

Summary: To allow the temporary use of a trailer for living accommodations when the dwelling is undergoing renovations provided the property owner has first entered into a Development Agreement with the City.

#### Existing Section 2.4 (c)

- c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City

Council from time to time to allow the temporary use of a mobile home, motor home or trailer during the construction of a new dwelling.

Proposed Section 2.4 (c)

- c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during renovations or the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer during renovations or the construction of a new dwelling.

**Action: No change to the revision (see attached By-law).**

Section 2.8.1 (a) (iii) Accessory Buildings

Summary: To clarify that accessory buildings are permitted in the front yard and corner side yard for properties that abut the Lake Erie shoreline.

Existing Section 2.8.1 (a) (iii)

- iii) No accessory building shall be located in a front yard or corner side yard.

Proposed Section 2.8.1 (a) (iii)

- iii) No accessory building shall be located in a front yard or corner side yard. Notwithstanding the aforementioned restriction, no accessory building shall be located in a required minimum front yard or corner side yard setback on lots that abut the Lake Erie shoreline.

**Action: No change to the revision (see attached By-law).**

Section 2.9.2.1 (ii) Home Based Business

Summary: To allow home based businesses to occupy a private garage, carport or accessory building or structure.

Existing Section 2.9.2.1 (ii)

- ii) The home occupation shall be conducted entirely within the dwelling unit and shall not occupy any portion of a private garage, carport or accessory building or structure except for the storage only of articles, material and supplies accessory to the home based business provided that the total combined floor area of the home based business in both the dwelling unit and accessory structure do not exceed the maximum floor area as described in 2.9.2 (iii).

**Proposed Section 2.9.2.1 (ii)**

- ii) The home occupation may be located within the dwelling unit or private garage, carport or accessory building or structure provided that the accessory building complies with section 2.8 and the combined floor area of the home based business in both the dwelling unit and accessory building does not exceed the maximum floor area as described in section 2.9.2 (iii).

**Action: No change to the revision (see attached By-law).**

**Section 2.22 (a) Municipal Drains**

Summary: To decrease the required setback from a municipal drain from 15m to 10m, measured from top of bank.

**Action: No change to the revision (see attached By-law).**

**Section 3.1.1 Parking Space Requirements for Residential**

Summary: To reduce the parking requirement for apartment buildings from 1.5 spaces per unit to 1.25 spaces per unit.

**Action: No change to the revision.**

**Section 3.1.2 Parking Space Requirements for Non-Residential**

Summary: To add parking requirements for commercial plazas, schools and public uses.

**Action: No change to the addition.**

**Sections 5.3 (g), 11.3 (f), 34.3 (f), 35.3 (f), and 36.3 (g)**

Summary: To remove the 30m setback requirement from the 1-in-100 year flood line for properties with the Hazard zone to allow the rear yard setback to be established by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.

Existing Sections 5.3 (g), 11.3 (f), 34.3 (f), 35.3 (f), and 36.3 (g)

g or f	Minimum Rear Yard	7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30
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metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.

Proposed Sections 5.3 (g), 11.3 (f), 34.3 (f), 35.3 (f), and 36.3 (g)

g or f	Minimum Rear Yard	7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.
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**Action: No change to the revisions.**

**Section 8.2 Fourth Density Residential**

Summary: To add boarding and lodging house, and duplex as a permitted use in the Fourth Density Residential zone.

**Action: No change to the addition.**

**Section 8.8 Fourth Density Residential**

Summary: To apply the Second Density Residential (R2) zone requirements for single-detached dwellings rather than the First Density Residential (R1) zone.

**Action: No change to the revision.**

**Sections 26.4 (h), 27.4 (h), 29.4 (h), 30.3 (h)**

Summary: To increase the building height in Industrial zones from 11m to 15m.

**Action: No change to the revisions.**

**Section 37.2 List of Special Provisions**

Summary: To add the zoning provisions from Zoning By-law Amendment 5057/112/07 which allows for seniors lodging, bed and breakfast and tea room as an accessory to the detached dwelling at 322 King Street.

**Proposed Section 37.2 – R2-54**

Special Provision: R2-54

Formerly: R2-137

By-law No.: 5057/112/07

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a Bed & Breakfast establishment, seniors lodging and a refreshment “tea room” as accessory uses to the single-detached dwelling, provided, the single-detached dwelling is the principal residence of the person carrying on the Bed & Breakfast establishment, seniors lodging and refreshment “tea room”. In addition, the following special regulations shall apply thereto:

- a) A maximum of 4 guest rooms be permitted for the use of seniors lodging only.
- b) A maximum of 2 guest rooms be permitted for the use of either seniors lodging or bed and breakfast patrons.
- c) The refreshment “tea room” shall not contain more than 16 seats total.
- d) A minimum of 2 parking spaces be provided on-site.

**Action: No change to the addition.**

**Section 38 Definitions**

Summary: Addition of a new use which is not defined.

Proposed addition to Section 38:

Boarding or Lodging House: Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital or other establishment otherwise classified or defined in this By-law.

**Action: No change to the addition.**

**Mapping Revisions: Schedule A7**

Summary:

1. 322 King Street – Update the property to ensure consistency with the proposed R2-54 zone. Shown as Schedule “B” within Appendix A.

**Action: No change to this addition.**

2. 602 Elm Street – Change zoning from R2 to R3 as approved by Council in 2003. Shown as Schedule “C” within Appendix A.

**Action: No change to the revision.**

**ADMINISTRATIVE**

1. Section 1.2.1 – Replace “A use defined in Section 39” with “A use defined in Section 38”.
2. Section 2.3 – Reformat the list as item (b) is missing.
3. Section 2.3 (i) – Replace “defined in Section 39” with “defined in Section 38”.
4. Section 2.3 (j) (k) (l) – Delete these three items as they repeat (g) (h) (i).
5. Section 2.3.1 (a) (b) – Replace “the by-law” with “the By-law”.
6. Section 2.8.1 (a) – Delete the “3” following the colon.
7. Section 2.8.2 (a) (ii) – Replace “Section 2.16” with “Section 2.15.2”.
8. Section 2.8.1 (vi) – Replace “close” on the last line with “closer”.
9. Section 2.9.2.1 (iv) – Replace “the homes” with “the home”.
10. Section 2.12 (e) – Delete “or” at the end of the list.
11. Section 4.4 (c) – Replace “provisions(S)” with “provision(s)”.
12. Section 4.4.2 (b) – Replace “by-law” with “By-law”.
13. Section 7.7 (i) – Replace “planting strip” with “landscape buffer”.
14. Section 7.8 (i) – Replace “planting strip” with “landscape buffer”.
15. Section 8.2 (a) (b) – Replace bold font with normal font.
16. Section 8.2 (g) – Reformat section as there are two under (g).
17. Section 8.5 (i) – Replace “planting strip” with “landscape buffer”.
18. Section 8.6 (i) – Replace “planting strip” with “landscape buffer”.
19. Section 8.8 – Replace the normal font with bold font for the heading.
20. Section 8.9 – Replace the normal font with bold font for the heading.
21. Section 9.3 (i) – Replace “planting strip” with “landscape buffer”.
22. Section 9.4 (i) – Replace “planting strip” with “landscape buffer”.
23. Section 13.2 (b) – Replace “uses” with “Uses”.
24. Section 14.2 (b) – Replace “planting strip” with “landscape buffer”.
25. Section 15.8 (i) – Replace “Section 2.16” with “Section 2.15.2”.
26. Section 16.3 (b) – Replace “require” with “required”.
27. Section 16.4 (a) – Delete this requirement as it contradicts Section 2.8.2 (b).
28. Section 17.7 (i) – Replace “planting strip” with “landscape buffer”.
29. Section 19.4 (c) – Replace “per neighbourhood commercial use” with “per neighbourhood commercial unit”
30. Section 21.2 (j) – Replace “Dwelling, Single” with “Dwelling, Detached”
31. Section 21.9 (i) – Replace “planting strip” with “landscape buffer”.
32. Section 23.2 (y) – Add “;” at the end of the permitted use.
33. Section 23.3 (i) – Delete this requirement as it is already covered in (b).
34. Section 23.6 (a) – Replace “200 percent” with “200 percent of the lot area”.
35. Section 24.4 (c) – Replace “neighbourhood commercial” with “highway commercial”
36. Section 25.2 (f) – Add “;” at the end of the permitted use.
37. Section 26.4 (d) – Delete the word “interior”.
38. Section 27.2 (b) – Add “;” at the end of the permitted use.
39. Section 27.4 (d) – Delete the word “interior”.
40. Section 27.5 (h) – Replace “planting strip” with “landscape buffer”.

41. Section 29.4 (d) – Delete the word “interior”.
42. Section 29.5 (i) – Replace “planting strip” with “landscape buffer”.
43. Section 30.2 (b) – Add “,” at the end of the permitted use.
44. Section 30.3 (d) – Delete the word “interior”.
45. Section 30.3 (j to n) – Reformat Section as there are two under (j).
46. Section 34.2 (f) – Delete the permitted use as it is crossed out. Reformat Section.
47. Section 37.2 – HC-25 (m) – Replace “planting strip” with “landscape buffer”.
48. Section 37.2 – R2-36 (b) (c) – Replace “planting strip” with “landscape buffer”.
49. Section 37.2 – CC-41 – Replace “CC-41” with “DC-41”.
50. Section 38 – Landscape Buffer – Delete “and is not used for any maintenance of grass, trees, shrubs and other horticultural elements”.
51. Section 38 – Lot Coverage (b) – Replace “Section 2.20” with “2.19”.
52. Section 38 – Noxious Use (c to d) – Reformat Section as there are two under (c).

**Action: No changes to the proposed technical revisions.**

#### **Amendments that have been revised since the presentation at the Public Meeting**

##### Section 2.8.1 (a) (ii) Accessory Buildings

Summary: To increase the permitted height of an accessory building from 4.6m to 4.9m.

Existing Section 2.8.1 (a) (ii)

- ii) No accessory building shall exceed a height of 4.6 metres, except as otherwise permitted in Section 2.16.

Proposed Section 2.8.1 (a) (ii)

- ii) No accessory building shall exceed a height of 4.9 metres, except as otherwise permitted in Section 2.15.2.

**Action: Staff was requested to research the permitted heights of accessory building in other municipalities in Niagara. The findings are below:**

Municipality	Maximum Accessory Building Height
City of Port Colborne	4.6 metres (15ft)
City of Welland	6 metres (19.7ft)
Township of Wainfleet	5 metres (16.4ft)
Town of Fort Erie	4.5 metres (14.7ft)
Town of Pelham	3.7 metres (12.1ft)
City of Niagara Falls	4.6 metres (15ft)
Town of Niagara-on-the-Lake	6 metres (19.7ft)

City of St. Catharines	4.5 metres (14.7ft)	
City of Thorold	4.5 metres (14.7ft)	
Town of Lincoln	6 metres (19.7ft)	
Town of Grimsby	4.5 metres (14.7ft)	
Township of West Lincoln	5.5 metres (18ft)	

**Based on the above, staff is supportive of increasing the proposed accessory building height to 6 metres, to reduce unnecessary *Planning Act* applications and allow for more 1.5-2 storey options for citizens.**

#### Section 2.8.2 Lot Coverage

Summary: Addition to clarify that decks are included in the accessory lot coverage calculation.

Proposed Section 2.8.2 (e)

- e) This section shall also apply to decks.

**Action: Staff has revised this section to not include decks in the accessory lot coverage calculation so long as they are attached to the dwelling. Based on research of other municipalities, the majority include attached decks in the overall lot coverage calculation, but not accessory (see attached By-law for final revision).**

#### Section 2.9.1.2 (a) (iii) Detached Accessory Dwelling Units

Summary: To increase the permitted height of a detached accessory dwelling unit from 4.6m to 4.9m in order to match the accessory building provisions.

**Action: Staff has revised this section to match the proposed accessory building height of 6 metres in Section 2.8.1 (a) (ii).**

#### Mapping Revision: Schedule A6

Summary:

1. Revise the lands west of Welland Street and north of Fraser Street which do not have a zoning to zone them as R4-CH (Fourth Density Residential with a Conversion Holding). Shown as Schedule "A" within Appendix A.

**Action: This proposed mapping revision has been further revised, zoning the lands as P – Public and Park and R4-CH (see Schedule A in the proposed By-law).**

## **Proposed amendments present at the Public Meeting that staff will not be moving forward with**

### Section 2.1 Requirement for a Lot

Summary: Addition to allow adjacent lots under common ownership to be considered one parcel for the purpose of development.

Proposed Section 2.1 (c)

- c) Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be considered lot lines for the purposes of any Zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.

**Action: Based on the comment from the Niagara Region, staff will not be moving forward with this amendment. It has been removed from the proposed By-law.**

### Mapping Revisions: Schedule A7

Summary:

1. Rezone the stormwater easement in the Heron Pointe Plan of Subdivision as P (Public and Park). Planning staff have determined that this amendment is no longer required.

**Action: This mapping revision is still not required.**

## **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

- a) **Do nothing**

Not applicable.

- b) **Other Options**

Council could request additional information from staff.

## **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

## **6) ATTACHMENTS**

Appendix A – Zoning By-law Amendment

Appendix B – Public Meeting Minutes, March 9, 2020  
Appendix C – Niagara Region Comment dated March 9, 2020.

## 7) RECOMMENDATION

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2020-163 as Appendix A, be approved as presented.

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

## 8) SIGNATURES

Prepared on October 21, 2020 by:



David Schulz, BURPI  
Planner

Reviewed and Approved by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and Respectfully Submitted:



C. Scott Luey  
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 all lands located within the 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 all lands within the City of Port Colborne.
2. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.3(h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City’s Island (Mellanby Avenue/Killaly Street West);

And replacing it with the following:

“Section 2.3(h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation.

- i) Section 2.3 (h) shall not apply to Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City’s Island (Mellanby Avenue/Killaly Street West);
  - ii) Nothing in this By-law shall prevent a sea container or similar shipping container from being used to build a building or structure, not including an accessory building or accessory structure, provided that the structure complies with the applicable zoning provisions.”
3. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.4(c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer during the construction of a new dwelling.”

And replacing it with the following:

“Section 2.4(c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during renovations or the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the

temporary use of a mobile home, motor home or trailer during renovations or the construction of a new dwelling.

4. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.8.1(a)(ii) No accessory building shall exceed a height of 4.6 metres, except as otherwise permitted in Section 2.16.”

And replacing it with the following:

“Section 2.8.1(a)(ii) No accessory building shall exceed a height of 6 metres, except as otherwise permitted in Section 2.15.2.”

5. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.8.1(a)(iii) No accessory building shall be located in a front yard or corner side yard.”

And replacing it with the following:

“Section 2.8.1(a)(iii) No accessory building shall be located in a front yard or corner side yard. Notwithstanding the aforementioned restriction, no accessory building shall be located in a required minimum front yard or corner side yard setback on lots that abut the Lake Erie shoreline.”

6. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 2.8.2(e) This section shall not apply to uncovered decks that are attached to a dwelling”

7. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.9.1.2(a)(iii) Exceed a building height of 4.6 metres.”

And replacing it with the following:

“Section 2.9.1.2(a)(iii) Exceed a building height of 6 metres.”

8. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.9.2.1(a)(ii) The home occupation shall be conducted entirely within the dwelling unit and shall not occupy any portion of a private garage, carport or accessory building or structure except for the storage only of articles, material and supplies accessory to the home based business provided that the total combined floor area of the home based business in both the dwelling unit and accessory structure do not exceed the maximum floor area as described in 2.9.2 (iii).”

And replacing it with the following:

“Section 2.9.2.1(a)(ii) The home occupation may be located within the dwelling unit or private garage, carport or accessory building or structure provided that the accessory building complies with section 2.8 and the combined floor area of the home based business in both the dwelling unit and accessory building does not exceed the maximum floor area as described in section 2.9.2 (iii).”

9. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

"Section 2.22(a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 15 metres to any municipal drain, measured from top of bank."

And replacing it with the following:

"Section 2.22(a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 10 metres to any municipal drain, measured from top of bank."

10. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

"Section 3.3.1 Parking Space Requirements for Residential Uses"

Apartment Building	1.5
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And replacing it with the following:

"Section 3.3.1 Parking Space Requirements for Residential Uses"

Apartment Building	1.25
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11. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

"Section 3.1.2 Parking Space Requirements for Non-Residential Uses"

Commercial Plaza	Min 1 space per 25 square metres gfa
Elementary School	Min 1.25 spaces per classroom
Secondary School	Min 2 spaces per classroom
Public Use	Min 1 space per 30 square metres gfa

12. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

"Section 5.3

g) Minimum Rear Yard	7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority."
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And replacing it with the following:

"Section 5.3

g) Minimum Rear Yard	7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended."
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13. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.2(c) Dwelling, Duplex”

14. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.2(j) Boarding or Lodging House”

15. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.7 Zone Requirements – Apartment Buildings; Apartment Buildings, Public; Boarding and Lodging House”

16. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 8.8 The zone requirements of the First Density Residential (R1) zone shall apply”

And replacing it with the following:

“Section 8.8 The zone requirements of the Second Density Residential (R2) zone shall apply.”

17. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.10 Zone Requirements – Duplex Dwelling

The zone requirements of the Third Density Residential (R3) zone shall apply”

18. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 11.3

f) Minimum Rear Yard

7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 11.3

f) Minimum Rear Yard

7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”

19. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 15.6

- e) Maximum Building Height 4.6 metres"
20. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 16.4
- e) Maximum Building Height 4.6 metres"
21. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 17.4
- e) Maximum Building Height 4.6 metres"
22. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 26.4
- h) Maximum Building Height 11 metres"
- And replacing it with the following:
- "Section 26.4
- h) Maximum Building Height 15 metres"
23. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 27.4
- h) Maximum Building Height 11 metres"
- And replacing it with the following:
- "Section 27.4
- h) Maximum Building Height 15 metres"
24. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 29.4
- h) Maximum Building Height 11 metres"
- And replacing it with the following:
- "Section 29.4
- h) Maximum Building Height 15 metres"
25. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- "Section 30.3
- h) Maximum Building Height 11 metres"
- And replacing it with the following:
- "Section 30.3

- h) Maximum Building Height 15 metres”
26. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 34.3

- f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 34.3

- f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”

27. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 35.3

- f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 35.3

- f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”

28. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 36.3

- g) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 36.3

- g) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”

29. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 37.2

**Special Provision: R2-54 Formerly: R2-137 By-law No.: 5057/112/07**

In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a Bed & Breakfast establishment, seniors lodging and a refreshment “tea room” as accessory uses to the single-detached dwelling, provided, the single-detached dwelling is the principal residence of the person carrying on the Bed & Breakfast establishment, seniors lodging and refreshment “tea room”. In addition, the following special regulations shall apply thereto:

- a) A maximum of 4 guest rooms be permitted for the use of seniors lodging only.
  - b) A maximum of 2 guest rooms be permitted for the use of either seniors lodging or bed and breakfast patrons.
  - c) The refreshment “tea room” shall not contain more than 16 seats total.
  - d) A minimum of 2 parking spaces be provided on-site.”
30. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 38

**Boarding or Lodging House:** Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital or other establishment otherwise classified or defined in this By-law.”

31. That the “Zoning Map” referenced as “Schedule A6” forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule “A” attached which are currently not zoned to

R4-CH (Fourth Density Residential with Conversion Holding) and P (Public and Park zone).

32. That the "Zoning Map" referenced as "Schedule A7" forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule "B" attached from R2-43 to R2-54, a special provision of the Second Density Residential zone.
33. That the "Zoning Map" referenced as "Schedule A7" forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule "C" attached from R2 (Second Density Residential) to R3 (Third Density Residential).
34. 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*.
35. 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*.

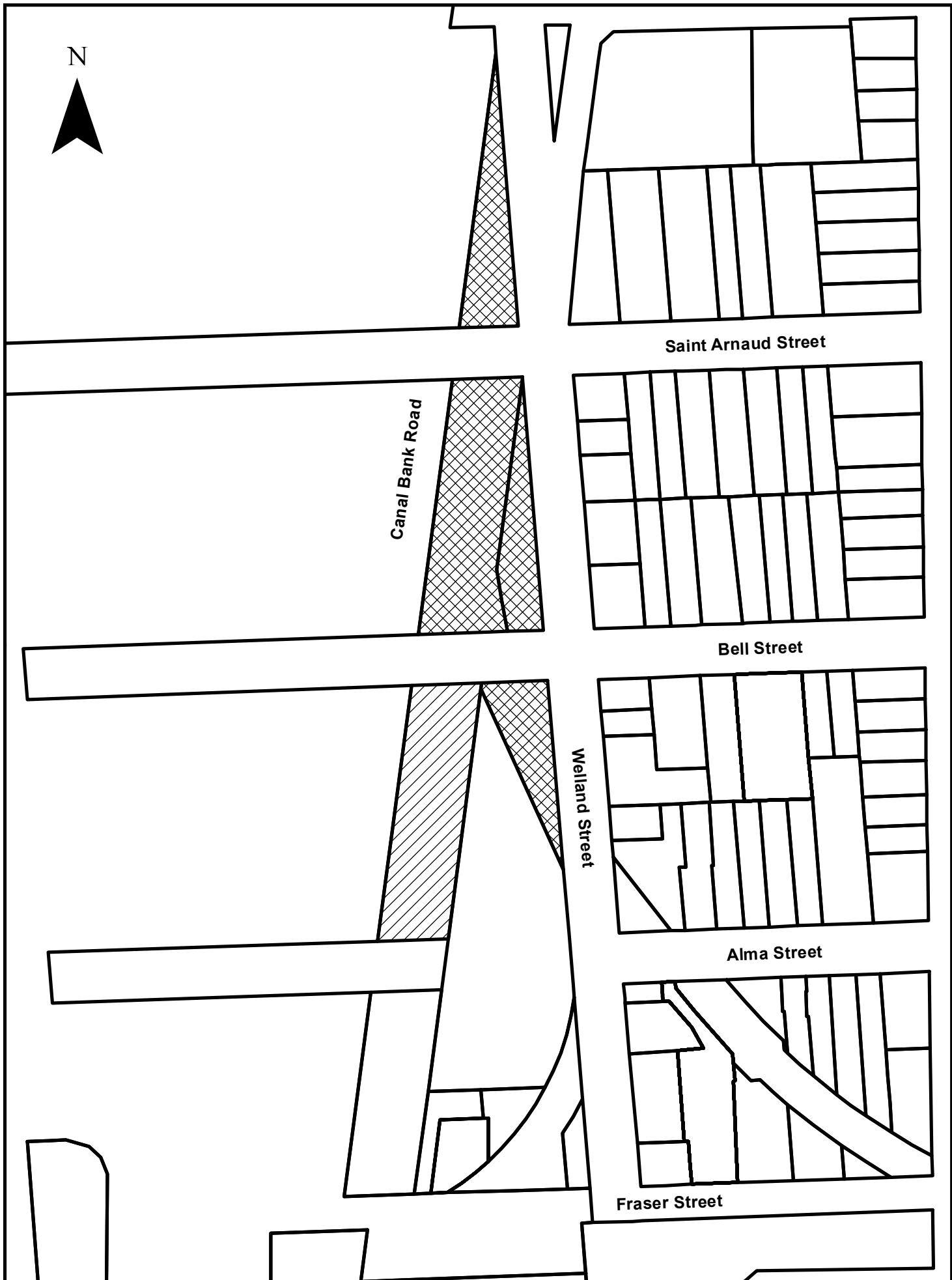
Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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William C Steele  
Mayor

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Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

OCTOBER 2020

FILE NO D14-01-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

SCHEDULE "B"



THIS IS SCHEDULE "B" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



Lands to be rezoned from R2-43 to  
R2-54

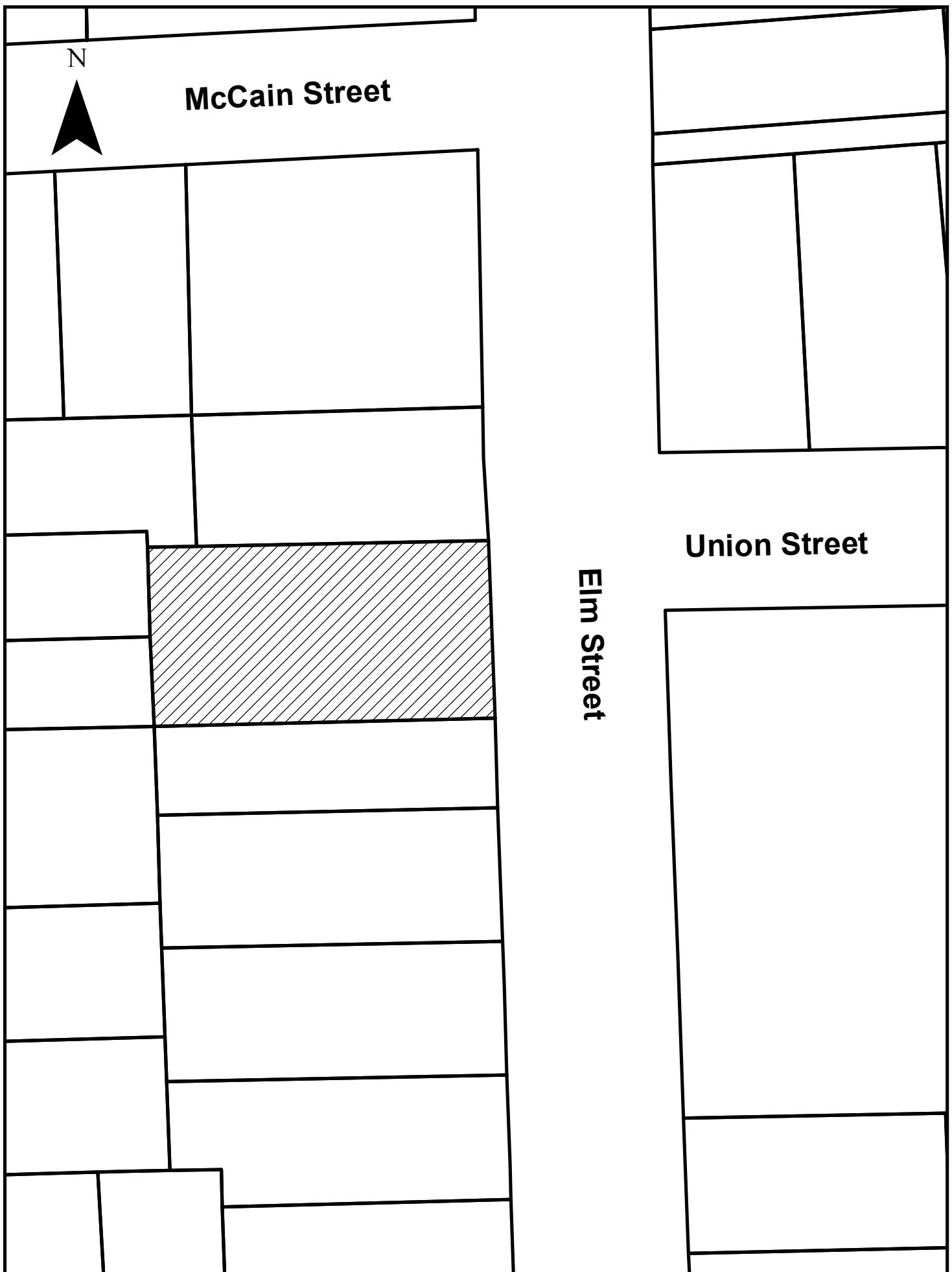
MARCH 2020

FILE NO D14-01-20

DRAWN BY; CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

SCHEDULE "C"



THIS IS SCHEDULE "C" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK



Lands to be rezoned from R2 to R3

MARCH 2020

FILE NO D14-01-20

DRAWN BY; CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

**City of Port Colborne  
Special Council Meeting 07-20**

**Date:** March 9, 2020

**Time:** 6:30 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
F. Danch, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

Absent: A. Desmarais, Councillor

**Staff Present:** D. Aquilina, Director of Planning & Development  
A. LaPointe, Acting Chief Administrative Officer  
C. Madden, Deputy Clerk  
N. Halasz, Acting Director of Community and Economic Services  
D. Suddard, Acting Director of Engineering and Operations  
D. Schulz, Planner

Also in attendance were interested citizens, members of the news media and WeeStreem.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No. 34** Moved by Councillor R. Bodner  
Seconded by Councillor E. Beauregard

That the agenda dated March 9, 2020 be confirmed, as circulated.  
CARRIED

**4. Disclosures of Interest:**

Nil.

**5. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2020-36,  
Subject: Public Meeting Report for Proposed “Housekeeping” Zoning By-law  
Amendment (File No. D14-01-20)

**(i) Purpose of Meeting:**

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application to amend the City of Port Colborne Zoning By-law 6575/30/18, as amended.

The Zoning By-law Amendment is a proposed “housekeeping amendment” initiated by City Planning staff. Minor amendments to Zoning By-law 6575/30/18 are proposed to add or revise provisions and correct technical errors.

**(ii) Method of Notice:**

Mr. Schulz advised that Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting and Open House was published in the “Niagara This Week – Port Colborne Leader” on February 13, 2020. Notice was also circulated to required agencies on February 18, 2020.

The Planning and Development Department hosted a public open house for this application on March 3, 2020. The open house was attended by roughly six members of the public.

**(iii) Explanation of Procedure to be Followed:**

Mr. Schulz advised that the procedure to be followed this evening will be to present Planning and Development Department Report 2020-36, receive questions of clarification from Council to Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and a brief explanation of future meetings regarding the application.

**(iv) Presentation of Application for Zoning By-law Amendment:**

At this time, Mr. Schulz presented highlights from the Planning and Development Public Hearing Report 2020-36.

Mr. Schulz advised that the specific details of the amendments are in Appendix "A" of the report for Council's information.

Mr. Schulz summarized the amendments as follows:

- Addition under section 2.1 to allow adjacent lots under common ownership to be considered one parcel for the purpose of development.
- Revision under section 2.3 to allow principle buildings to be built using sea containers provided a building permit is obtained.
- Revision under section 2.4 allowing a trailer to be used on a temporary basis for dwellings undergoing renovations provided a development agreement is first entered into.
- Revision under section 2.8.1 to increase the permitted height of an accessory building from 4.6m to 4.9m.
- Revision under section 2.8.1 to clarify that accessory buildings are permitted in the front and corner side yard for properties the abut Lake Erie.
- Addition under section 2.8.2 to clarify that decks are included in the accessory lot coverage calculation.
- Revision under section 2.9.2.1 to allow home based businesses to occupy garages and accessory buildings.
- Revision under section 2.22 to decrease the required setback from a municipal drain from 15m to 10m.
- Revision under section 3.1.1 to reduce the parking space requirement for apartment buildings from 1.5 to 1.25 spaces per unit.
- Addition under section 3.1.2 for uses that have not had parking requirements identified.
- Revision to zones that abut Lake Erie removing the 30m setback requirement from the 1-in-100 year flood line, as this setback is determined by the NPCA.
- Revision under section 8.2 to add boarding and lodging house, and duplex as permitted uses.
- Revision under section 8.8 to apply the R2 zone requirements for single-detached dwellings rather than the R1 requirements.
- Revisions under the industrial zones to increase the building height from 11m to 15m.
- Addition under section 37.2 for a past zoning by-law amendment for 322 King Street allowing a bed and breakfast and tea room.

- Addition of a new definition under section 38 – Boarding and Lodging House
- Mapping revisions under schedule A6
  - Revise the lands west of Welland Street and north of Fraser Street which do not have a zoning to zone them as R4-CH (Fourth Density Residential with a Conversion Holding). Shown as Schedule “A” within Appendix A.
- Mapping revisions under schedule A7
  - Rezoning the Stormwater easement in the Heron Pointe Plan of Subdivision. Planning staff have determined that this is no longer required.
  - 322 King Street, update map to reflect the past zoning by-law amendment.
  - 602 Elm Street, update map to reflect the past zoning by-law amendment from R2 to R3.
- Administrative changes to correct spelling, formatting and cross-referencing errors.

Mr. Schulz advised that written correspondence has been received by Grant and Melissa Munday from 130 Hampton Avenue who had concerns regarding the accessory building height amendment, they wished to see this increased further to 6m-7.5m. They also had concerns regarding decks being included in the accessory lot coverage calculation.

Mr. Schulz advised that other general correspondence was heard from a few members of the public that advised they would like to speak at the meeting.

Mr. Schulz summarized the comments from the Niagara Region and they concluded that overall the amendment is consistent with the Provincial Policy Statement and conforms to the intent of Provincial and Regional policies. The Region does not object to the proposed amendments.

Planning staff is expecting comments from the Niagara Peninsula Conservation Authority, however, they have yet to be received.

#### **(v) Questions of Clarification to Planning Staff:**

Councillor Bodner questioned Mr. Schulz regarding section 2.4 where trailers are permitted on a temporary basis for dwellings undergoing renovation provided the owner enters into a development agreement with the City. Mr. Schulz responded that the time frame for a temporary basis is set by Council at the time of the development agreement.

Councillor Danch questioned section 2.8.2 regarding decks being included in the accessory lot coverage calculation. Mr. Schulz advised that Planning Staff would look into this section further for the recommendation report.

Councillor Beauregard questioned section 2.3(h) and whether sea container homes were being permitted. Mr. Schulz responded in the affirmative.

Councillor Bruno questioned if Planning Staff advise people of the ongoing amendment process when inquiring. Mr. Schulz advised that Planning has been letting people know about these proposed changes and staff will look into having information available at the front counter.

Councillor Bagu questioned what other municipalities have for height limits for accessory buildings. Mr. Schulz advised that he will look into it further for the recommendation report.

Councillor Wells questioned section 2.1 and what will happen if two lots are zoned differently. Mr. Schulz advised that it depends on where the proposed use is located on the property as the zoning for where it is located takes precedence. Councillor Wells also questioned why the Building Code was not listed for sea container buildings. Mr. Schulz advised that the Building Code was left out in order to avoid confusion between acts, codes and by-laws. Councillor Wells that the front yard be more clearly defined with reference to allowing accessory buildings in the front yard for lots in the Lakeshore Residential zone. Mr. Schulz advised that this can be looked at further for the recommendation report.

Councillor Kalailieff thanked Mr. Schulz for how helpful the Open House was and advised members of the public to attend these for beneficial information.

Councillor Beauregard questioned how this amendment will address the upcoming changes to the Provincial Policy Statement. Mr. Schulz advised that a comprehensive review would likely be required after the fact to address those changes.

Before opening the meeting to the public Mr. Schulz read the following cautionary statements:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to the Local Planning Appeal Tribunal."

And;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning

Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Schulz also advised that for any interested members of the public there is a sign-in sheet to request future notices regarding this application.

**(vi) Oral Presentations and/or Questions from the Public:**

At this time, Mr. Schulz invited any members of the public who wish to speak to the application to do so.

Larry Rosnuk of 62 Fraser Street addressed Council. Mr. Rosnuk noted that he objects to all amendments that reduce setbacks from environmental features. He noted the reduction in setbacks lead to a number of environmental issues. Mr. Rosnuk also objected to the mapping change along Canal/Welland Rd. He advised that it should be designated environmental sensitive. Mr. Rosnuk also objected to the Heron Pointe Plan of Subdivision mapping change.

Councillor Bruno asked for some background information on the setback reduction for properties fronting Lake Erie.

Mr. Schulz advised that a discussion was had with the NPCA. He noted that the Ontario Regulation under the Conservation Authorities Act gives the NPCA jurisdiction to regulate the setbacks in regulated areas.

Councillor Bruno further questioned why removing it is necessary.

Mr. Schulz responded that the NPCA has the tools and expertise necessary to mitigate flooding concerns along the Lakeshore and the City does not have to get involved.

Councillor Kalailieff questioned further if the ditch would be filled in along Canal/Welland Rd.

Mr. Schulz advised the ditch would not be filled in and any entrances would likely require Seaway permission.

Jack Hellinga of 770 Highway 3 addressed Council. Mr. Hellinga noted issues regarding the quarry operation in relation to his well. He also raised concerns regarding the MAO zoning and past interim control by-law.

Councillor Bodner questioned if we can add the restriction of asphalt manufacturing in this amendment.

Mr. Schulz advised that such an amendment cannot be addressed through the housekeeping amendment as proper notice has not been given to the public.

Councillor Bruno questioned the types of studies that may be required regarding asphalt manufacturing.

Mr. Schulz advised that questioned would have to be addressed in another report.

Grant Munday of 130 Hampton Avenue addressed Council. Mr. Munday thanked Mr. Schulz for the great job he did at the open house as everything was very clear and helpful. Mr. Munday noted that he had concerns regarding the accessory building height amendment, they wished to see this increased further to 6m-7.5m. He also had concerns regarding decks being included in the accessory lot coverage calculation.

Councillor Bruno questioned the rationale behind this correction. He also questioned if the City would have any measures to stop somebody from decking their entire property if decks were to not be included. Finally, the Councillor asked if Mr. Schulz could look into other municipalities regarding these amendments for when the report comes back to Council.

Mr. Schulz advised that it was to help clarify the section. He also advised that there are other measure to prevent that and he would look into other municipalities.

Councillor Beauregard asked Mr. Munday to clarify one of his statements. Mr. Munday responded.

Jack Bernardi of 123 Parkway, Welland, addressed Council. He added information regarding the deletion of the 30m setback along the Lake Erie shoreline. He also noted that in his experience, a deck did not count for lot coverage.

Rick and Erika Froese 1575 Firelane 2 addressed Council. They supported the deletion of the 30m setback along the Lake Erie shoreline.

Barbara Butters of 1152 Weaver Road addressed Council regarding the quarry operations. Ms. Butters questioned Mr. Schulz with a number of questions regarding the quarry operation.

Mr. Schulz advised that issues regarding the quarry cannot be addressed in the housekeeping amendment as proper notice has not been given to the public.

Ron Baarda of 5474 Firelane 22 addressed Council. He questioned the definition of a deck. He also asked if there is anything preventing a person from having an all-concrete property with no grass.

Mr. Schulz advised that he would have to look into the definition for a deck. He also added landscaped provisions of the by-law would likely prevent someone from paving their entire property.

**(vii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:**

Mr. Schulz advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment they must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

**(viii) Explanation of Future Meetings:**

Mr. Schulz advised that this concludes the Public Hearing under the Planning Act.

The proposed Zoning By-law Amendment will be placed on Council's agenda at a future date.

**(ix) Recommendation:**

**No. 35** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That Planning and Development Department, Planning Division, Report No. 2020-36, Subject: Public Meeting Report for Proposed "Housekeeping" Zoning By-law Amendment (File No. D14-01-20) be received for information.

CARRIED

**6. Adjournment:**

Mayor Steele adjourned the meeting at approximately 7:40 p.m.

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William C. Steele  
Mayor

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Charlotte Madden  
Deputy Clerk

Minutes prepared by the Department of Planning and Development.

## Via Email Only

March 9, 2020

File No.: D.18.07.ZA-20-0013

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

Dear Mr. Schulz:

**Re: Provincial and Regional Comments  
Zoning By-law Amendment Application  
City Initiated Housekeeping Amendment  
City of Port Colborne**

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Regional Planning and Development Services staff has reviewed the notice and draft Zoning By-law Amendment circulated for the City initiated housekeeping amendment. The application was received on February 18, 2020.

The draft Amendment to Zoning By-law 6575/30/18 proposes to add new provisions and update existing regulations in several areas, including:

- Requirements for a lot;
- Prohibited uses;
- Temporary uses;
- Accessory buildings (height and location);
- Lot coverage (to include decks);
- Detached accessory dwelling units (height);
- Home based business (location in accessory buildings);
- Municipal drains (setback);
- Parking requirements;
- Reduced rear yard setback from floodplain (Residential, Environmental Protection and Hazard zones);
- Permission and definition for Boarding and Lodging Homes
- Permission for Duplexes;
- Industrial zones (increased height);

- Special provisions; and,
- Mapping changes.

Regional staff provides the following comments regarding Provincial and Regional policy to assist the City in finalizing the amendment before it goes to Council.

## **Zoning By-law Amendment**

### **Section 2.1(c)- Requirements for a Lot**

The proposed amendment is to allow two or more abutting lots under identical ownership to be considered one lot for the purposes of applying zoning provisions. Although lot requirements are typically a local matter, Regional staff note that other Zoning By-laws in the region do not contain a similar provision. As discussed with City staff, because the lots are still conveyable as separate lots under the *Planning Act*, portions of a site or building may be sold separately from the overall development resulting in unintended non-conformity for an overall development. The City may want to consult their solicitor for a legal opinion on the proposed amendment.

### **Section 2.9.1- Accessory Dwelling Unit**

Regional staff note that Section 2.9.1 a) i) of Zoning By-law 6575/30/18 currently states that:

- a) *Notwithstanding any other provisions of this By-law, any single detached, semi-detached and townhouse dwelling units permitted in any zone may be internally converted or by way of an addition to the existing dwelling or creation of a standalone structure or building, provide an accessory dwelling unit, subject to the specific zone requirements and the following:*
  - i. *Only one accessory dwelling unit is permitted per dwelling unit;*

Subsection 16(3) of the *Planning Act, 1990* has been recently amended to state that official plan policies must authorize the use of **two** residential units within a detached, semi-detached or row house, as well as the use of a residential unit in a building or structure ancillary to these housing types. It is, therefore, recommended that Section 2.9.1 a) be revised to reflect these changes as part of this Housekeeping Amendment in keeping with subsection 35.1(1) of the *Planning Act, 1990*.

### **Section 2.2.1- Parking Space Requirements**

Regional staff is supportive of the City's initiative to reduce parking standards for residential uses as a means of making more efficient use of urban serviced lands and providing opportunities for additional housing units to contribute to the housing supply.

City staff should consider including definitions for the uses identified to have additional parking requirements (i.e. commercial plaza, elementary school, secondary school).

## **Conclusion**

In conclusion, the proposed Zoning By-law Amendment is consistent with the PPS and conforms to the intent of Provincial or Regional policies. The Region does not object to the proposed amendments.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Lindsay Earl, MCIP, RPP, Senior Development Planner, at 905-980-6000 ext. 3387.

Kind regards,



Britney Fricke, MCIP, RPP  
Development Planner

The Corporation of the City of Port Colborne

By-law no. 6830/80/20

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 2, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 5718 Highway 3 East.

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 "A3" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural (A) to AR-55 and Agricultural Purposes Only (APO).
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

AR-55

Notwithstanding the provisions of the Agricultural Residential Zone, the following special regulations shall apply:

- |   |      |
|---|------|
| a) Accessory Lot Coverage   | 7.8% |
| 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 <i>Planning Act</i> .         |      |
| 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 <i>Planning Act</i> . |      |

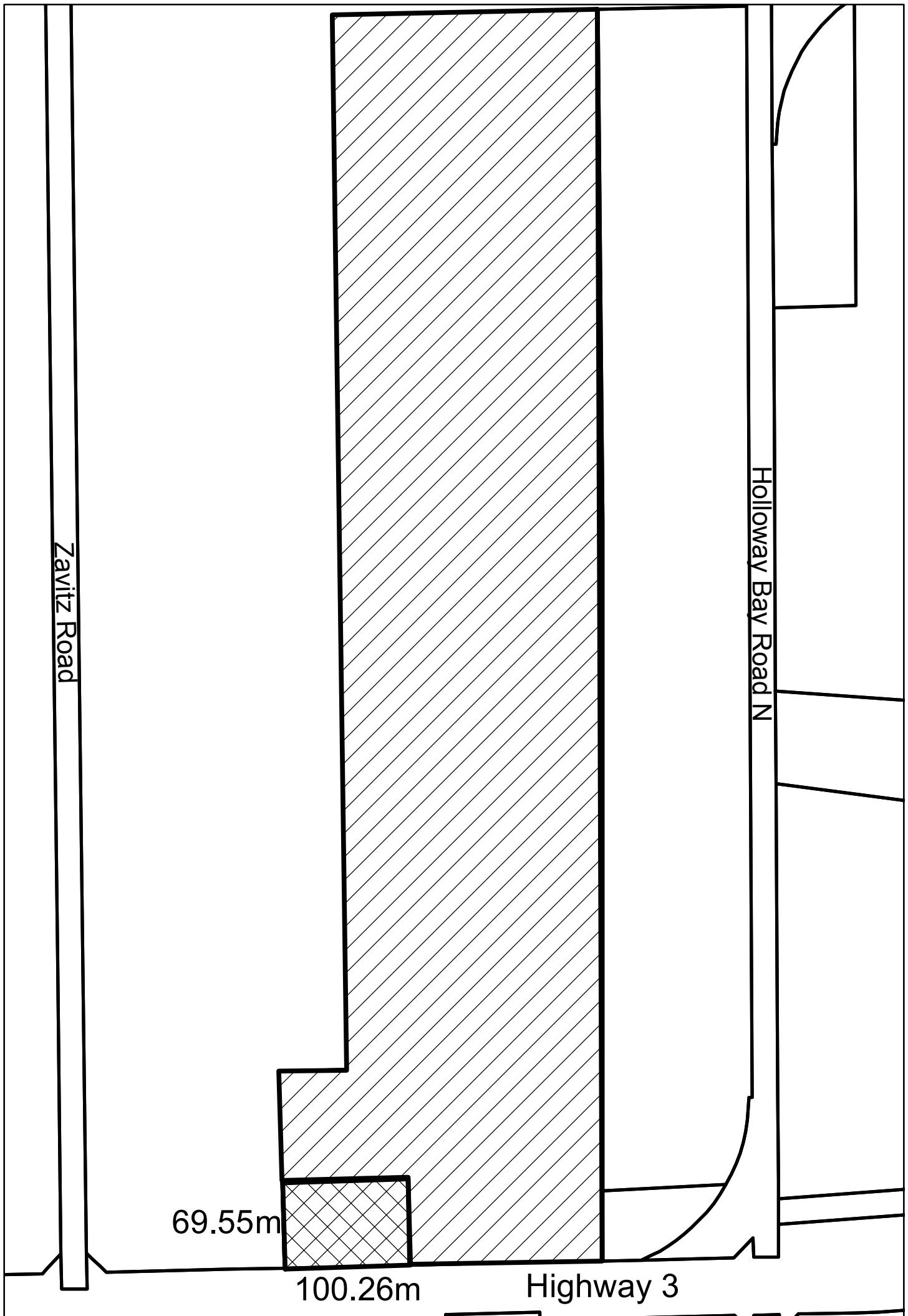
Enacted and passed this 2nd day of November, 2020

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William C Steele  
Mayor

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Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO\_\_\_\_\_

PASSED THE\_\_\_\_\_, 2020

MAYOR

CLERK

LANDS TO BE REZONED FROM AGRICULTURAL TO AR-55

LANDS TO BE REZONED FROM AGRICULTURAL TO AGRICULTURAL PURPOSES ONLY  
FILE NO: D14-05-19

DRAWN BY: CITY OF PORT COLBORNE PLANNING DIVISION

NOT TO SCALE

NOVEMBER 2020 **101**

The Corporation of the City of Port Colborne

By-law no. 6831/81/20

Being a by-law to amend Zoning By-law 6575/30/18 respecting the removal of the Holding Symbol (H) from lands legally described as Lots 206, 207 and 208 on Plan 790 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 433 Sugarloaf Street.

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 is desirous to amend said by-law to remove the Holding Symbol (H) from the whole or any part of the area covered by a Zoning By-law passed under Section 34 of the *Planning Act*.

Now therefore, and pursuant to the provisions of Section 36 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 "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Fourth Density Residential with Conversion Holding (R4-CH) to Fourth Density Residential (R4).
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 2nd day of November, 2020.

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William C Steele  
Mayor

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Amber LaPointe  
Clerk

N



**Homewood Avenue**

**Sugarloaf Street**

THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Lands to be rezoned from R4-CH to R4

OCTOBER 2020

FILE NO D14-04-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

The Corporation of the City of Port Colborne

By-law no. 6832/82/20

Being a by-law to amend Zoning By-law 6575/30/18 respecting all lands located within the 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 all lands within the City of Port Colborne.
2. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.3(h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City’s Island (Mellanby Avenue/Killaly Street West);

And replacing it with the following:

“Section 2.3(h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation.

- i) Section 2.3 (h) shall not apply to Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City’s Island (Mellanby Avenue/Killaly Street West);
  - ii) Nothing in this By-law shall prevent a sea container or similar shipping container from being used to build a building or structure, not including an accessory building or accessory structure, provided that the structure complies with the applicable zoning provisions.”
3. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.4(c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during the construction of a new dwelling provided that the property owner has first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer during the construction of a new dwelling.”

And replacing it with the following:

“Section 2.4(c) Nothing in this By-law shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation during renovations or the construction of a new dwelling provided that the property owner has

first entered into a Development Agreement with the City in a form authorized generally or specifically by City Council from time to time to allow the temporary use of a mobile home, motor home or trailer during renovations or the construction of a new dwelling.

4. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.8.1(a)(ii) No accessory building shall exceed a height of 4.6 metres, except as otherwise permitted in Section 2.16.”

And replacing it with the following:

“Section 2.8.1(a)(ii) No accessory building shall exceed a height of 6 metres, except as otherwise permitted in Section 2.15.2.”

5. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.8.1(a)(iii) No accessory building shall be located in a front yard or corner side yard.”

And replacing it with the following:

“Section 2.8.1(a)(iii) No accessory building shall be located in a front yard or corner side yard. Notwithstanding the aforementioned restriction, no accessory building shall be located in a required minimum front yard or corner side yard setback on lots that abut the Lake Erie shoreline.”

6. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 2.8.2(e) This section shall not apply to uncovered decks that are attached to a dwelling”

7. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.9.1.2(a)(iii) Exceed a building height of 4.6 metres.”

And replacing it with the following:

“Section 2.9.1.2(a)(iii) Exceed a building height of 6 metres.”

8. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.9.2.1(a)(ii) The home occupation shall be conducted entirely within the dwelling unit and shall not occupy any portion of a private garage, carport or accessory building or structure except for the storage only of articles, material and supplies accessory to the home based business provided that the total combined floor area of the home based business in both the dwelling unit and accessory structure do not exceed the maximum floor area as described in 2.9.2 (iii).”

And replacing it with the following:

“Section 2.9.2.1(a)(ii) The home occupation may be located within the dwelling unit or private garage, carport or accessory building or structure provided that the accessory building complies with section 2.8 and the combined floor area of the home based business in both the dwelling unit and accessory building does not exceed the maximum floor area as described in section 2.9.2 (iii).”

9. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 2.22(a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 15 metres to any municipal drain, measured from top of bank.”

And replacing it with the following:

“Section 2.22(a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 10 metres to any municipal drain, measured from top of bank.”

10. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 3.3.1 Parking Space Requirements for Residential Uses”

Apartment Building	1.5
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And replacing it with the following:

“Section 3.3.1 Parking Space Requirements for Residential Uses”

Apartment Building	1.25
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11. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 3.1.2 Parking Space Requirements for Non-Residential Uses”

Commercial Plaza	Min 1 space per 25 square metres gfa
Elementary School	Min 1.25 spaces per classroom
Secondary School	Min 2 spaces per classroom
Public Use	Min 1 space per 30 square metres gfa

12. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 5.3

g) Minimum Rear Yard	7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”
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And replacing it with the following:

“Section 5.3

g) Minimum Rear Yard	7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario
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Regulation 155/06, as amended.”

13. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.2(c) Dwelling, Duplex”

14. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.2(j) Boarding or Lodging House”

15. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.7 Zone Requirements – Apartment Buildings; Apartment Buildings, Public; Boarding and Lodging House”

16. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 8.8 The zone requirements of the First Density Residential (R1) zone shall apply”

And replacing it with the following:

“Section 8.8 The zone requirements of the Second Density Residential (R2) zone shall apply.”

17. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 8.10 Zone Requirements – Duplex Dwelling

The zone requirements of the Third Density Residential (R3) zone shall apply”

18. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 11.3

f) Minimum Rear Yard

7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 11.3

f) Minimum Rear Yard

7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario

Regulation 155/06, as amended.”

19. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 15.6

e) Maximum Building Height 4.6 metres”

20. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 16.4

e) Maximum Building Height 4.6 metres”

21. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 17.4

e) Maximum Building Height 4.6 metres”

22. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 26.4

h) Maximum Building Height 11 metres”

And replacing it with the following:

“Section 26.4

h) Maximum Building Height 15 metres”

23. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 27.4

h) Maximum Building Height 11 metres”

And replacing it with the following:

“Section 27.4

h) Maximum Building Height 15 metres”

24. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 29.4

h) Maximum Building Height 11 metres”

And replacing it with the following:

“Section 29.4

h) Maximum Building Height 15 metres”

25. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 30.3

h) Maximum Building Height 11 metres”

And replacing it with the following:

“Section 30.3

h) Maximum Building Height 15 metres”

26. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 34.3

f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 34.3

f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”

27. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:

“Section 35.3

f) Minimum Rear Yard 7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”

And replacing it with the following:

“Section 35.3

- f) Minimum Rear Yard      7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”
28. That Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the following:
- “Section 36.3
- g) Minimum Rear Yard      7 metres except the minimum rear yard which includes the Environmental Protection (EP) Zone shall be 30 metres from the 1-in-100 year flood line as determined by the Niagara Peninsula Conservation Authority.”
- And replacing it with the following:
- “Section 36.3
- g) Minimum Rear Yard      7 metres except the minimum rear yard which includes the Hazard (H) zone shall be determined by the Niagara Peninsula Conservation Authority in accordance with Ontario Regulation 155/06, as amended.”
29. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:
- “Section 37.2
- Special Provision: R2-54 Formerly: R2-137 By-law No.: 5057/112/07**
- In addition to the uses permitted in the Second Density Residential (R2) zone, this land may also be used for a Bed & Breakfast establishment, seniors lodging and a refreshment “tea room” as accessory uses to the single-detached dwelling, provided, the single-detached dwelling is the principal residence of the person carrying on the Bed & Breakfast establishment, seniors lodging and refreshment “tea room”. In addition, the following special regulations shall apply thereto:
- a) A maximum of 4 guest rooms be permitted for the use of seniors lodging only.
  - b) A maximum of 2 guest rooms be permitted for the use of either seniors lodging or bed and breakfast patrons.

- c) The refreshment “tea room” shall not contain more than 16 seats total.
  - d) A minimum of 2 parking spaces be provided on-site.”
30. That Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:

“Section 38

**Boarding or Lodging House:** Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital or other establishment otherwise classified or defined in this By-law.”

- 31. That the “Zoning Map” referenced as “Schedule A6” forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule “A” attached which are currently not zoned to R4-CH (Fourth Density Residential with Conversion Holding) and P (Public and Park zone).
- 32. That the “Zoning Map” referenced as “Schedule A7” forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule “B” attached from R2-43 to R2-54, a special provision of the Second Density Residential zone.
- 33. That the “Zoning Map” referenced as “Schedule A7” forming part of Zoning By-law 6575/30/18, as amended, is hereby amended by changing those lands described on Schedule “C” attached from R2 (Second Density Residential) to R3 (Third Density Residential).
- 34. 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*.
- 35. 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 2nd day of November, 2020.

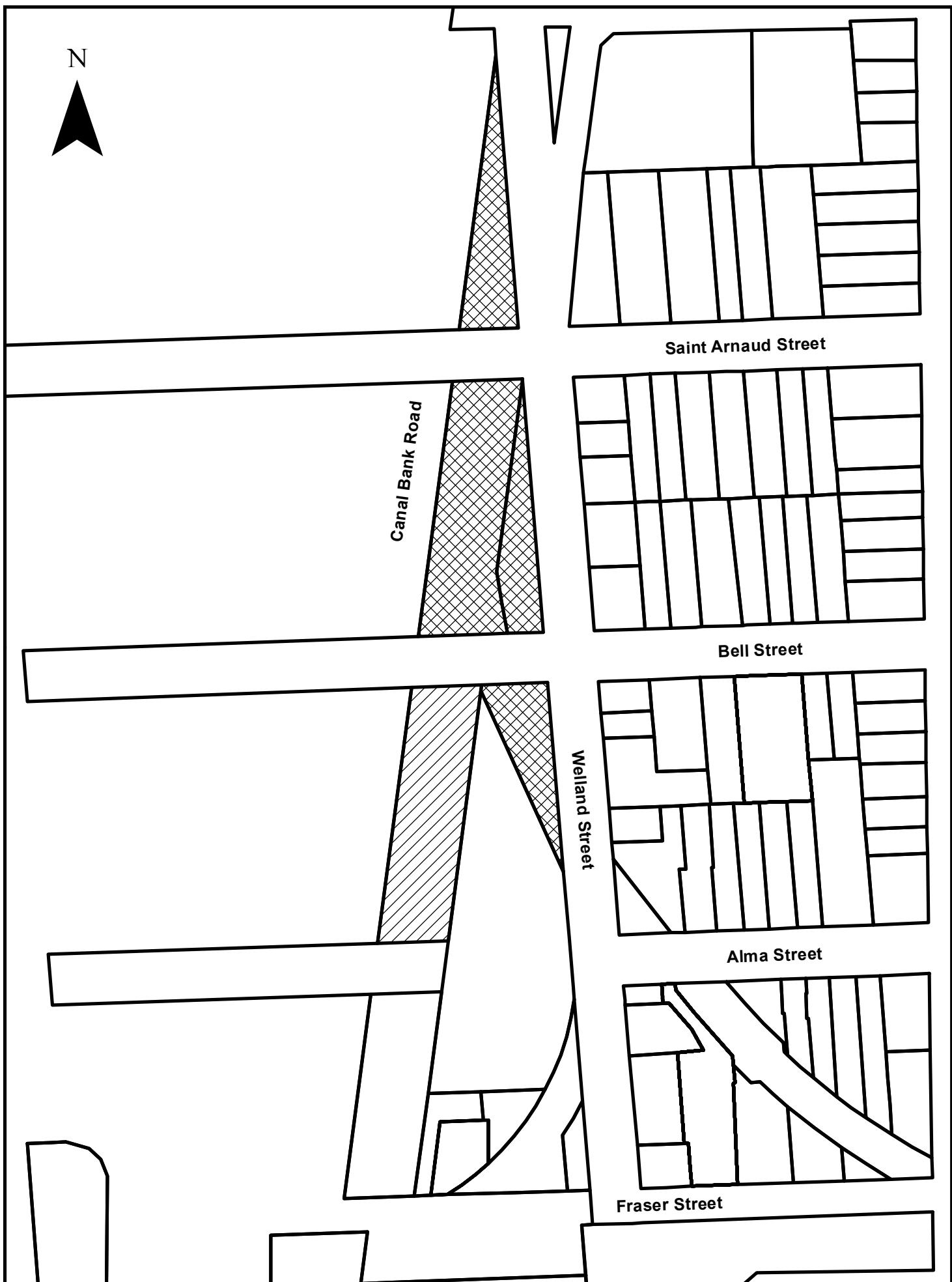
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William C Steele  
Mayor

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Amber LaPointe  
Clerk

Schedule "A"



THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

Legend

Lands to be zoned R4-CH

Lands to be zoned P

OCTOBER 2020

FILE NO D14-01-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

SCHEDULE "B"



THIS IS SCHEDULE "B" TO BY-LAW NO \_\_\_\_\_

 Lands to be rezoned from R2-43 to R2-54

PASSED THE \_\_\_\_\_, 2020

MARCH 2020

\_\_\_\_\_  
MAYOR

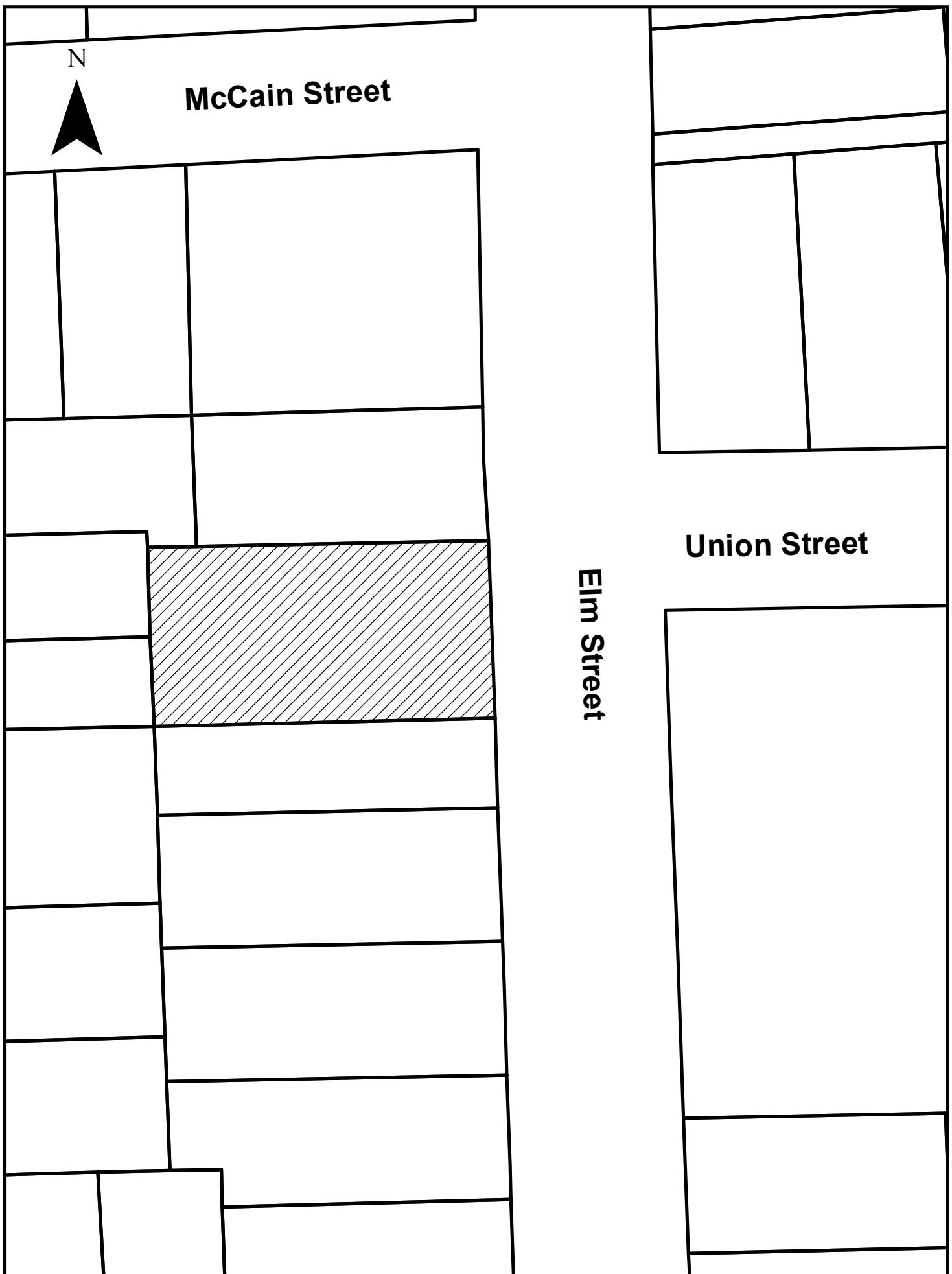
FILE NO D14-01-20

\_\_\_\_\_  
CLERK

DRAWN BY; CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

SCHEDULE "C"



THIS IS SCHEDULE "C" TO BY-LAW NO \_\_\_\_\_

PASSED THE \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



Lands to be rezoned from R2 to R3

MARCH 2020

FILE NO D14-01-20

DRAWN BY; CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

The Corporation of the City of Port Colborne

By-Law No. 6833/83/20

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 Special Meeting of November 2, 2020

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 Special Meeting of November 2, 2020 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; and further
2. 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.

Enacted and passed this 2nd day of November, 2020.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk