



File: 2023
June 16, 2021

To: David Schulz, BURPI
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8

Re: Application for Zoning By-law Amendment
607 Barrick Road
Kulwant Sodhi

Upper Canada Consultants submits this Planning Justification Brief in support of the Zoning By-law Amendment application for 607 Barrick Road in Port Colborne within the Regional Municipality of Niagara. The Zoning By-law Amendment has been submitted in order to fulfill the Conditions of Consent for Application B05-20-PC. The proposed zoning will allow for the orderly future development of the lands in accordance with the forthcoming secondary plan. The intent of this brief is to establish a planning rationale for the proposed Zoning By-law Amendment and to demonstrate how the proposed Amendment is consistent with applicable Provincial planning directives and conforms to the Region of Niagara and City of Port Colborne Official Plans.

Background and Context

This subject property is legally described as Part of Lot 31, Concession 3, Geographic Township of Humberstone and is known municipally as 607 Barrick Road, Port Colborne, within the Regional Municipality of Niagara. The property currently contains a single detached dwelling and accessory structures as well as an existing driveway access from Barrick Road. The surrounding land uses to the south, east and west are mainly residential. To the north are vacant lands.

The subject property is within the City of Port Colborne Urban Area Boundary and is a designated Greenfield under the Niagara Region Official Plan and Urban Residential under the City of Port Colborne Official Plan. The current zoning of the property is Residential Development (RD) under Comprehensive Zoning By-law 6575/30/18. The property does not include any natural heritage features or features that are regulated by the Niagara Peninsula Conservation Authority or other regulatory agency.

The application (B07-18-PC) for Consent to sever a large development parcel from 607 Barrick Road was first submitted in 2018. At that time, the Committee of Adjustment deferred their decision on this application based on the recommendation from the City of Port Colborne Planning and Development Department that the application was premature as a secondary plan for the proposal had not been submitted. Section 3.2.1 (e) of the Township of Port Colborne Official Plan requires that a secondary plan be submitted prior to the development or redevelopment of any large vacant area within the Urban Residential Designation.



Applications

A second consent application (B05-20-PC) was filed in August of 2020. The application sought to sever one 1,178.1m² (0.29ac) parcel with the existing residential dwelling and retain a 3.23ha (8ac) lot for future residential use. The Committee of Adjustment approved the application, subject to a number of conditions, including the approval of a Zoning By-law Amendment to address lot requirement deficiencies and to implement a Holding Provision prohibiting development on the retained parcel until the approval of a secondary plan.

With respect to the aforementioned condition of approval for Consent Application B05-20-PC, the submitted application seeks to change the zoning on the severed parcel containing the existing dwelling to R1, and the zoning on the parcel retained for future development to a site-specific RD. A rezoning to address site deficiencies is preferred to a minor variance in this case as the proposed zoning includes a Holding Provision per the City's request so as to restrict the development of the property until the adoption of a secondary plan.

A conceptual secondary plan has been submitted to the City to demonstrate the merits of the proposal and to show that the proposal has no negative impact on the development potential of the retained parcel, or the adjacent lands to the east or the north. The secondary plan maintains the lot fabric and land uses of the existing area, but allows for a more compact development pattern to facilitate Provincial intensification targets. This is done through the inclusion of a higher density housing block, capable of accommodating a low-rise apartment dwelling. The future use of adjacent lands is ensured through the connectivity strategy. The secondary plan demonstrates that two municipal road connections from Barrick Road can be accommodated which have the ability to connect to the lands to the north. The proposed zoning seeks to provide specific provisions to facilitate the appropriate development of the lands in accordance with the vision of the secondary plan.

Planning Analysis

The Planning Act (R.S.O. 1990)

Section 2 of the Planning Act prescribes the matters of Provincial interest that local planning authorities must have regard for with respect to land use planning. These include:

- a) The protection of ecological systems, including natural areas, features and functions;
- b) The protection of the agricultural resources of the Province;
- c) The conservation of features and management of natural resources;
- e) The efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;



- q) The promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians;
- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

With respect to these matters, the proposed zoning allows for a compact and efficient built-form and is specifically consistent with matters f), h) and p) as it represents the orderly development of greenfield land in the urban area that efficiently uses existing municipal services.

Section 34 of the Planning Act gives municipal councils the authority to restrict the use of the land and to restrict the construction, placement and use of buildings through the use of Zoning By-laws. Under Section 36, a Holding Provision may be added to a Zoning By-law to restrict or defer development until a later date, usually subject to the clearance of conditions. By-law Amendments are permitted under Section 34 (10) of the Planning Act. The proposed amendment is permitted under these regulations as the amendment is being sought to facilitate the future development of the lands.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on the matters of Provincial interest delineated in the Planning Act, and sets the policy framework for regulating the development and use of land. Specifically, the PPS supports improved development planning that contributes to effective and efficient land use. Municipalities are required to keep their Zoning By-laws up to date to maintain consistency with the Provincial Policy Statement.

In Part IV of the PPS, the Province directs that future growth should be directed to the existing settlement area, and that new development should make efficient and effective use of land and resources, including infrastructure. The proposed By-law Amendment is consistent with the Province's vision under the PPS as it will facilitate the development of underutilized urban land that makes efficient use of existing municipal services.

Growth Plan (2019)

The Growth Plan for the Greater Golden Horseshoe informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies in the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

The Province encourages municipalities to use zoning by-laws to accomplish the strategy of the Growth Plan as it relates to intensification in the settlement area (2.2.2.3f) and housing (2.2.6.1e). The proposed zoning accomplishes the goals of the Growth Plan as it facilitates efficient development on vacant residential lands that is compatible with the surrounding residential uses. Further, the proposed By-law Amendment is consistent with Policies contained within Section 2.2.7 of the Growth Plan as it will assist in the achievement of the greenfield density target of 50 people and jobs per hectare for Niagara.



Region of Niagara Official Plan

The Niagara Region Official Plan implements the PPS and the Growth Plan through specific objectives and policies used to guide the physical, social and economic development of Niagara.

The Province requires that upper tier planning authorities implement policies to ensure the accomplishment of the greenfield minimum density targets. The proposed Zoning By-law Amendment meets the Regional objectives of directing development within the existing urban boundaries first to ensure efficient use of land and infrastructure. This proposal is also consistent with Regional Policies for Greenfield Areas as it will contribute to the achievement of the greenfield density target.

City of Port Colborne Official Plan

The uses proposed under the Zoning By-law Amendment are permitted in the Urban Residential area which the property is designated as per Schedule A to the City of Port Colborne Official Plan.

The Official Plan in Section 3.2.1e requires that a secondary plan must be prepared prior to any development of a large vacant area within the Urban Residential Designation. The purpose of such a secondary plan is to develop more specific policy direction for the subject lands that can be implemented accordingly. The secondary plan and accompanying background reports is to:

- i) Address the protection and enhancement of the natural environment, through the preparation of an Environmental Planning Study;
- ii) Identify the market demand for residential and non-residential development which can be served by the study area lands;
- iii) Identify the appropriate land uses in keeping with the Vision and Strategic Directions of the Official Plan;
- iv) Allocate the appropriate land uses within the study area boundary;
- v) Establish urban design guidelines, if appropriate, for each type of land use;
- vi) Establish requirements for water and wastewater servicing and stormwater management;
- vii) Address transportation issues such as traffic mitigation, road upgrades, off-road trail and bicycle route implications including connectivity and safety, signalization and transit planning;
- viii) Address a phasing scheme, if appropriate; and
- ix) Include open and transparent stakeholder consultation

Section 11.1.2 permits Holding Provisions on Zoning By-laws where future development of lands is sufficiently justified, but where there are outstanding matters that cannot be resolved through zoning. A secondary plan is being developed to resolve outstanding matters and the proposed zoning will implement the future secondary plan.

Planning Rationale

The proposed Zoning By-law Amendment is justified on the following planning considerations

- The Zoning By-law Amendment is required as a condition of the previous Consent application submitted for this property.



- The Planning Act permits Zoning By-law Amendments, as well as the passage of Zoning By-laws with Holding Provisions.
- The proposed Amendment will allow for the orderly development of municipally-serviced urban lands, in accordance with the Province's goals for land use planning under the Provincial Policy Statement.
- The proposed Amendment supports the achievement of the minimum Greenfield density requirements delineated by the Province in the Growth Plan for the Greater Golden Horseshoe.
- The Zoning By-law Amendment is consistent with the City of Port Colborne Official Plan as it implements the goals under the secondary plan.
- The application makes consideration of the future use of adjacent lands.
- The proposed Zoning facilitates a built-form that is consistent with the adjacent residential uses.
- The proposed Zoning is consistent with the City of Port Colborne Official Plan as it implements the vision of the forthcoming secondary plan in creating a well-designed and liveable community.
- The Holding Provision allows for the adoption of a secondary plan to ensure the orderly development of the subject lands, as well as to protect the future use of adjacent lands.

In Conclusion...

The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement and conforms to the applicable policies of the Growth Plan, Region of Niagara Official Plan and the City of Port Colborne Official Plan. The proposed amendment is part of the ongoing process that would result in the orderly development of vacant lands inside the Urban Boundary. The proposed Zoning By-law Amendment represents good planning, and should be approved.

If you have any questions, please contact the undersigned at 905-688-9400 ext. 504 or matt@ucc.com.

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