



**Subject: Recommendation Report for Proposed Zoning By-law Amendment at 650 Lorraine Road, File D14-10-21**

**To: Council**

**From: Planning and Development Department**

Report Number: 2021-208

Meeting Date: July 26, 2021

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### **Recommendation:**

That Planning and Development Department Report 2021-208 be received; and

That the Zoning By-law Amendment attached as Appendix A of Planning and Development Report 2021-208 be approved; rezoning the property from Agricultural (A) to APO-64 and Agricultural Residential (AR); and

That Planning staff be directed to circulate the Notice of Passing in accordance with the *Planning Act*.

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### **Purpose:**

The purpose of the report is to provide Council with a recommendation regarding a proposed Zoning By-law Amendment application submitted by Christopher Wilson on behalf of the owner David Roy Bankert for the lands legally known as Part of Lots 21 and 22, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 650 Lorraine Road.

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### **Background:**

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural (A) to Agricultural Purposes Only (APO) and Agricultural Residential (AR). The Zoning By-law Amendment is being sought to satisfy a condition of a farm-consolidation severance under consent application B09-21-PC.

The area that will be rezoned to APO is approximately 14 hectares and is presently used for agricultural purposes with an agricultural storage building. Staff have noted that a special provision of the APO zone (being APO-64) will be required to reduce the

required interior yard setback from 5m to 3m to recognize the location of the existing storage building on Part 2.

The area that will be rezoned to AR is about 6855m<sup>2</sup> and is presently occupied by a single-detached dwelling and three accessory buildings. No new development is proposed as a result of this application, with the exception of a new septic system on Part 1 as required by the Niagara Region.

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## Discussion:

### City of Port Colborne Official Plan:

According to Schedule A: City Wide Land Use to the City of Port Colborne Official Plan, the subject property is designated as **Agricultural**. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation. The Official Plan also recognizes that there are existing non-agricultural uses on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies.

The Official Plan designation is not proposed to be changed as a result of this application. The Official Plan provides policies that must be consistent with the Provincial Policy Statement and Regional Official Plan. The plan provides limited opportunities for severances in areas considered to be prime agricultural lands. Section 3.5.3 (c) allows surplus dwellings to be severed from farmland that is being amalgamated with neighbouring farmland, or consolidated with an existing farm operation, so long as the following policies are met:

- 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 purpose of this Zoning By-law Amendment is to address policy “i” above.

**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.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. As noted above, a special provision of the APO zone will be required to recognize the existing interior side yard setback of the storage building on Part 2. Agricultural Residential permits a detached dwelling and uses, structures and buildings accessory thereto. The Zoning By-law amendment has been attached hereto as Appendix A.

**Adjacent Land Uses and Zoning:**

<b>Northwest</b> Use: Agricultural Zone: Agricultural	<b>North</b> Use: Use: Agricultural Zone: Agricultural	<b>Northeast</b> Use: Ag. Residential Zone: AR
<b>West</b> Use: Agricultural Zone: Agricultural	<b>Applicant’s Property</b>	<b>East</b> Use: Golf Course Zone: A-11
<b>Southwest</b> Use: Golf Course Zone: A-11	<b>South</b> Use: Golf Course Zone: A-11	<b>Southeast</b> Use: Golf Course Zone: A-11

A sketch of the subject property is shown in Appendix B of this report.

**Internal Consultations:**

The Notice of Public Meeting was circulated to required agencies and internal departments by May 26, 2021 and no comments have been received as of the date of preparing this report.

Staff note that the Niagara Region has provided comments through consent application B09-21-PC relating to this application. The Region’s concerns have been addressed through the consent, with the exception of this Zoning By-law Amendment. Zoning By-law Amendments requested by the City and Region through a consent process are

exempt from Regional review. For Council's information, the comment relating to the consent application has been attached as Appendix C.

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### **Financial Implications:**

There are no financial implications.

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### **Public Engagement:**

The Notice of Public Meeting was circulated to property owners within 120 metres of the property on May 26, 2021. A public notice sign was also posted on the property by May 1, 2021. Meeting details have been provided along with the Council Agenda on the City's website. As of the date of preparing this recommendation report, Planning staff have not received any correspondence from any members of the public.

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### **Strategic Plan Alignment:**

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
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### **Conclusion:**

Based on staff's review of the application and relevant Provincial, Regional and City policies, staff conclude that this application is consistent with the Provincial Policy Statement, Regional Official Plan, and City of Port Colborne Official Plan. Planning staff recommend approval of this Zoning By-law Amendment.

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### **Appendices:**

- a. Zoning By-law Amendment
- b. Severance Sketch
- c. Regional Comments from Consent B09-21-PC

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.