



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
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Planning and Legislative Services

Planning Division Report

February 9, 2024

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

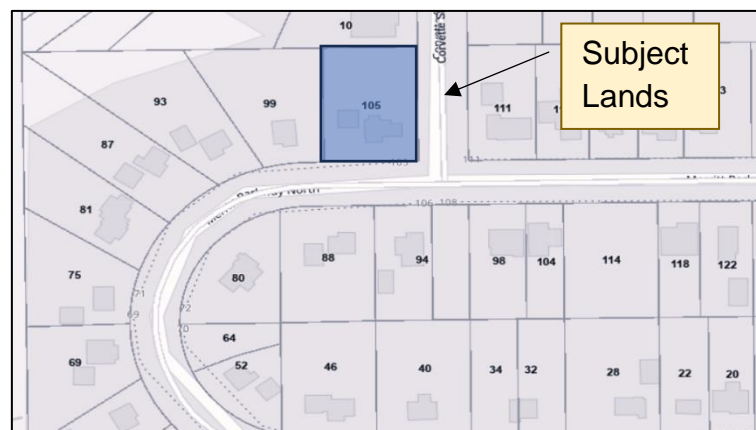
Re: Application for Consent B01-24-PC
105 Merritt Parkway
Part of Lot 4 and 6 on Plan 812
Agent: N/A
Owner(s): Pamela Koudijs

Proposal:

The purpose of this application is to permit the severance of the parcel at 105 Merritt Parkway, for the purpose of creating a new lot. Part 1 (See appendix A) is proposed to have a lot frontage of 24.40m and a lot area of 930m² for future residential use. Part 2 will retain a lot frontage of 28.39m and a lot area of 1082m² for an existing residential use.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, east, south and west. The surrounding uses consist of single detached dwellings to the north, east, south, and west.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on January 30th, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of February 9th, 2024, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on January 16th, 2024, to internal staff and agencies. As of February 9th, 2024 the following comments have been received.

Drainage Superintendent

The Zoning By-law requires a 10m setback from the top of the bank of a municipal drain. The sketch provided shows Part 4 of Plan 59R-12109, which is the Eagle Marsh Municipal Drain.

Since the drain is a piped system, the Drainage Superintendent requests that an easement be retained on the north portion of the proposed Part 1. In lieu of this being a piped system, 10m from the centerline of the pipe or an 8m easement from the property line. That 8m easement shall allow for no fences, dwellings, outbuildings, vegetation or even playsets, the same as the Zoning By-law reads.

Staff Response

Planning staff have added the 8m easement as a condition of consent. After a discussion with the Drainage Superintendent, the easement is required to complete any maintenance work on the drain located north of the property. The existing easement on Part 4 is not satisfactory for any maintenance work as the machine necessary to complete the work requires additional space to maneuver. The 8m easement will allow the equipment to address any future maintenance requirements and prevent any structures, fences, and vegetation from being located in that area.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Development Services Supervisor

Development Services staff are requiring a 3.5m x 3.5m sightline triangle to be conveyed to the City from Part 2.

Staff Response

Planning Staff have added this as a condition of consent. The conveyance of this sightline triangle can be completed through the submission of the final registered plan.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Regional Official Plan*, *the City of Port Colborne Official Plan*, and *the City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development, and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources.

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources by providing a buildable lot and promoting growth within the settlement area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports and encourages development in the delineated built-up area, which will contribute to intensification.

The Niagara Official Plan (NOP), identifies the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed lot adds to the intensification of the built-up area and make efficient use of the existing infrastructure and services. The application promotes intensification through development within an established Built-up area, where municipal roads and servicing are present. The retention of residential uses on the subject property aligns with the Region’s encouragement of intensification, through developing residential uses that are efficiently supported by existing infrastructure and servicing.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and therefore, Staff will include a condition that the applicant signs the City's Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

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

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 24.40m and a lot area of 930m²

Part 2: A lot frontage of 28.39m and a lot area of 1082m²

The R1 zone permits detached dwellings and accessory structures and buildings thereto. The minimum frontage required for a detached dwelling is 15m and 500m² of total lot area. Based on the information above and attached as Appendix A, the proposal indicates that the frontage and lot area have been met.

Staff is satisfied that the proposed application has met the requirements of the Zoning By-law.

Recommendation:

Given the information above, Planning Staff recommends application B01-24-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.

3. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
4. That a 3.5m x 3.5m sightline triangle on the southwest corner of Part 2 be conveyed to the City of Port Colborne.
5. That the applicant receives approval for an 8m easement on the north side of Part 1 that grants the City of Port Colborne access to conduct maintenance work on the municipal drain to the north of the property, to the satisfaction of City Staff.
6. That all conditions of consent be completed by February 14th, 2026.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Submitted by,

A handwritten signature in black ink, appearing to read "Chris Roome", with a long horizontal flourish extending to the right.

Chris Roome, MCIP, RPP
Planner

Appendix A

