



Subject: Public Meeting Report for Zoning By-law and Official Plan Amendment at 631 Lorraine Road – File No. D14-02-24 and D09-01-24

To: Council

From: Development and Legislative Services Department

Report Number: 2024-81

Meeting Date: April 2, 2024

Recommendation:

That Planning and Development Report 2024-81 be received for information.

Purpose:

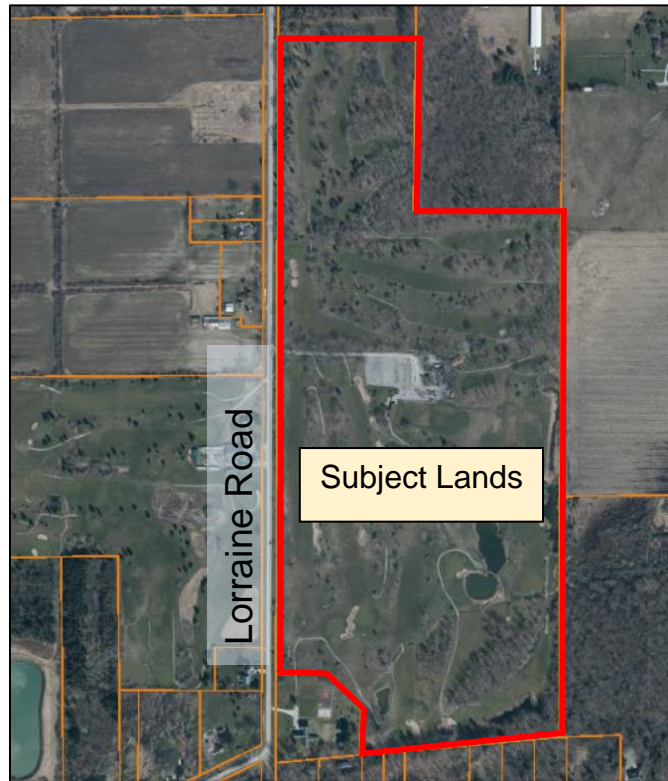
The purpose of this report is to provide information regarding applications for a Zoning By-law and Official Plan Amendment submitted by Steven Rivers of South Coast Consulting on behalf of the owner Whisky Run Golf Course Ltd for the lands known as Part of Lot 20, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 631 Lorraine Road.

Background:

Applications for a Zoning By-law and Official Plan Amendment were submitted on February 1, 2024, and deemed complete on March 7, 2024.

The application for Official Plan Amendment is being requested to redesignate the lands from Agricultural to Rural to permit the severance of 3 lots for residential purposes. The lots are proposed to contain one single detached dwelling per lot.

The application for Zoning By-law Amendment proposes to change the zoning of the proposed residential lots from a special provision of the Agricultural Zone (A-11) to Rural Residential (RR). The zoning of the retained lot is proposed to be changed from A-11 to a special provision of the Rural zone (RU-XX). The proposed special provision will be the same as the existing special provision in the A-11 zone and will state, in addition to the uses permitted in the Rural (RU) zone, this land may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. The proposal is being requested to permit the severance of 3 residential lots containing one detached dwelling each and to maintain consistency with the proposed Official Plan Amendment.



Internal Consultations:

The application was circulated internally to applicable departments and agencies on March 13, 2024, and as of the date of this report, no formal comments have been received. Comments submitted by internal departments and outside agencies will be included when a recommendation is brought back to Council.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre (393.7-foot) radius of the subject lands as of March 13, 2024. As of the date of preparing this report, no comments from the public have been received.

Discussion:

These applications will be 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 Niagara Official Plan (2022), 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 “rural area” according to the PPS. According to the PPS, rural areas are important to the economic success of the province and urban areas and rural areas are interdependent in terms of markets, resources, and amenities. The PPS directs development in the rural area to be reviewed against Sections 1, 2 and 3 of the PPS.

The Growth Plan primarily focuses on directing development to designated settlement areas. However, development may be allowed in rural areas if they have the necessary Zoning and Official Plan designations. The subject parcel is located within a rural area, and as such, will be assessed against Section 2.2.9 of the Growth Plan.

The Niagara Official Plan (NOP) also designates the subject lands as “Rural Lands”. The predominant use of Rural Lands in the NOP is for agriculture, but some non-agricultural related development may be permitted including limited residential development. When a recommendation returns to Council, Sections 4.1.8 and 4.1.9 of the NOP will be used to assess the proposal.

City of Port Colborne Official Plan

According to Schedule F: City Wide Land Use, the City of Port Colborne Official Plan (OP) designates the subject property as Agricultural. Staff notes that, due to recent Provincial changes, the designation of the lands has been changed from Agricultural to Rural under the PPS, Growth Plan and NOP, however the City of Port Colborne has not updated its Official Plan to conform with the aforementioned plans. As the applicant is requesting a Rural designation for the subject lands, Staff will assess the application using Section 3.4 of the OP, when a recommendation is brought to Council.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject lands as a special provision of the Agricultural zone (A-11). The special provision states that, in addition to the uses permitted in the Agricultural zone, these lands may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. Much like the requested Official Plan designation, the rezoning is being requested to conform to the PPS, Growth Plan, NOP, and proposed OP designations.

The applicant is requesting two separate zoning regulations for the subject lands. The lands identified as Parcels 1, 2 and 3 on the attached sketch are proposed to be

rezoned to Rural Residential (RR), to facilitate the future development of single detached dwellings. The RR zone requires 45 m of lot frontage and 0.4 ha of lot area and as such, no special provisions are requested as Parcels 1, 2 and 3 all exceed these requirements. When the application returns to Council, Staff will assess the proposal using Section 10 of the Zoning By-law.

The applicant is requesting that Parcel 4 in the attached sketch be rezoned to a special provision of the Rural (RU) zone. The special provision will contain the same wording as the current special provision to permit the continued use of the existing golf course. The RU zone requires 30 m of lot frontage and 0.4 ha of lot area which are proposed to be exceeded and therefore require no further special provisions. When the application returns to Council, Staff will assess the proposal using Section 15 of the Zoning By-law.

Adjacent Zoning and Land Use

The lands surrounding the subject parcel are zoned Agricultural and Agricultural Residential and are primarily used for agricultural and residential purposes.

Financial Implications:

As this report is for information purposes, there are no financial implications at this time. However, staff would like to note that Council has 120 days to render a decision on combined Official Plan and Zoning By-law Amendment applications before application fees are required to be refunded to the applicant. For this application, the 120-day timeframe ends on July 5, 2024. As of the date of this Public Meeting (April 2, 2024), 26 days will have passed.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
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Conclusion:

Planning staff are not providing a recommendation on the proposed Zoning By-law and Official Plan Amendment at this time to allow all agency, public, and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

Appendices:

- a. Survey Sketch
- b. Planning Justification Report

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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.