



**Subject: Public Meeting Report for Proposed Zoning By-law
Amendment for 3077 Highway 3 – File D14-07-24**

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2024-202

Meeting Date: November 5, 2024

Recommendation:

That Development and Government Relations Department Report 2024-202 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding an application for a proposed Zoning By-law Amendment submitted by Thomas Lawrence for the lands legally known as Concession 1 Part of Lot 12, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 3077 Highway 3. The Zoning By-law Amendment is being requested to facilitate a future consent application.

Background:

Location

The subject lands are within the Hamlet Official Plan designation. They are in the Hamlet Development (HD) and Hamlet Residential (HR) zones of Zoning By-law 6575/30/18 and have an area of approximately 16.98 hectares. 3077 Highway 3 is currently being used for a residential and agricultural use.

The surrounding lands are zoned HR and a special provision of the Hamlet Commercial (HMC-23) to the north, HD to the east, Rural (RU) to the south, and HR, Hamlet Commercial (HMC), and a special provision of the Hamlet Commercial (HMC-22), to the west. The surrounding land uses consist primarily of single detached dwellings and commercial uses.

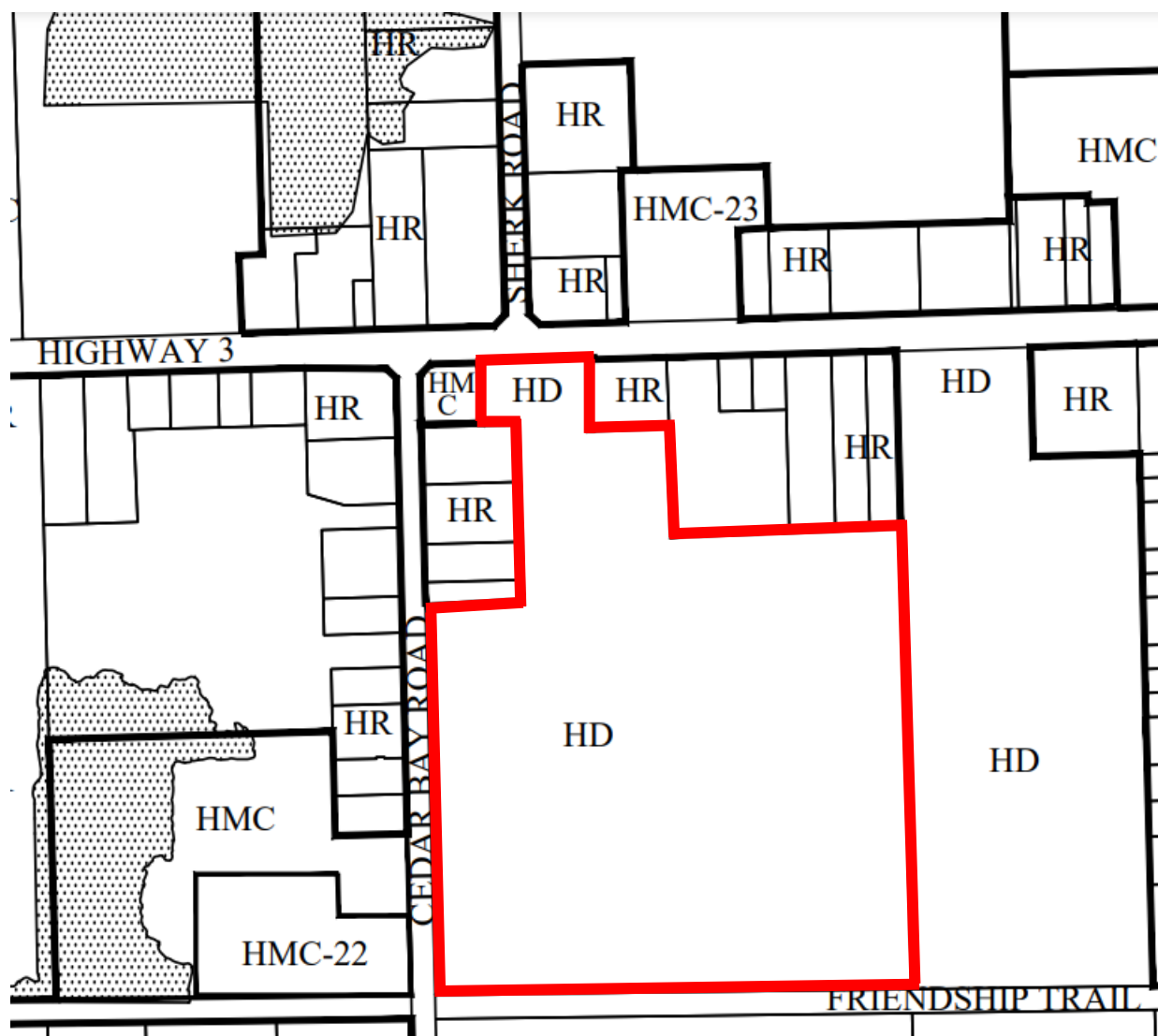


Figure 1: Current Zoning of Subject Lands (shown in red) from Schedule A4 of Zoning By-law 6575/30/18.

Proposal

An application for a Zoning By-law Amendment (ZBA) was submitted by Thomas Lawrence on September 30, 2024. The application for Zoning By-law Amendment proposes to change the zoning from Hamlet Development (HD) to Hamlet Residential (HR) to permit a severance for future residential purposes.

The application was deemed complete on October 15, 2024. A severance sketch was submitted as part of this application. The sketch is included as Appendix A to this report and is available on the City's [Current Applications webpage](#).

Internal Consultations:

The application was circulated to appropriate internal departments and to external agencies on October 16, 2024, and the following comments have been received as of the date of preparing this report:

Mississaugas of the Credit First Nation

- No objections to the proposed applications.

Enbridge

- No objections to the proposed applications.
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Public Engagement:

Public Notice of the proposal was provided in accordance with section 34 of the *Planning Act*. As of the date of preparing this report, no comments from the public have been received.

Discussion:

This application will be reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18. A further policy review will follow when the recommendation report for this application returns to Council for a decision.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “rural settlement area” according to the PPS.

Section 2.5.1 of the PPS states that healthy, integrated, and viable rural areas should be supported by building upon rural character and leveraging rural amenities and assets, accommodating an appropriate range and mix of housing in rural settlement areas, and using rural infrastructure and public service facilities efficiently.

Section 2.5.2 of the PPS provides that rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Accordingly, section 2.5.3 states that, when directing development in rural settlement areas, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) designates the subject lands as within the Rural Settlement of Gasline. The NOP recognizes that a limited amount of development will occur outside of urban area boundaries. Rural Settlements identified on Schedule B of the NOP shall be the focus of development outside of urban area boundaries.

Section 2.2.3.3 of the NOP states that developments in rural settlements should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area, ensure adequate amenities to serve the needs of rural residents, consider the inclusion of active transportation infrastructure, protect the Region's natural environment system in accordance with the policies of section 3.1 of the NOP, and encourage increased resilience to climate change in accordance with section 3.5 of the NOP. Rural settlements are to be serviced by sustainable private water and wastewater treatment systems in accordance with section 5.2 and must have at least 1 acre of useable area.

The subject lands are mapped as an Area of Archaeological Potential on Schedule K in the NOP. Section 6.4.2.6 states any development within an area of archaeological potential requires the submission of a Stage 1 Archaeological Assessment prepared by a licensed archaeologist. Accordingly, final approval of this amendment to the Zoning By-law will require a Stage 1 Archaeological Assessment (at minimum).

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of other wetlands near the south lot line. Section 3.1.9.7 requires the completion of an Environmental Impact Study (EIS) when development may negatively impact other wetlands. Accordingly, final approval of this amendment to the Zoning By-law Amendment will either require an EIS to be completed, or confirmation from Regional staff that the proposal will not negatively impact the wetland feature.

City of Port Colborne Official Plan, 2013

The subject lands are in the Hamlet of Gasline designation as per the mapping in Schedule A3 of the City of Port Colborne Official Plan (OP). Land uses in the Hamlet designation permit residential uses.

Section 2.2 (d) of the OP recognizes that a small amount of development may occur in the hamlet areas. Section 2.3.1 (b) further provides that the growth in hamlets areas will be limited, compact, on private servicing, as appropriate, and in keeping with applicable Provincial and Regional policies.

While no development has been proposed at this time beyond this zoning amendment and a future severance application, section 3.3 of the OP provides policy guidance for any development that may follow, should these applications be approved.

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

The subject lands currently have two different zones established: a portion to the northeast of the property is zoned HR, while the rest of the parcel is zoned HD. The ZBA application proposes to rezone the portion of the subject lands that are zoned HD to HR to permit a future application for consent to sever. The proposed ZBA can be found attached as Appendix B to this report.

Financial Implications:

There are no direct financial implications associated with this report.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
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Conclusion:

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

Appendices:

- a. Architectural Drawings
- b. Draft Zoning By-law Amendment

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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.