



PORT COLBORNE

Subject: Public Meeting Report for Proposed Zoning By-law Amendment for Northland Estates

To: Council - Public Meeting

From: Development and Government Relations Department

Report Number: 2024-212

Meeting Date: November 12, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-212 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding a Zoning By-law Amendment Application submitted by Matt Kernahan of Garden City Development on behalf of the owner 2600261 Ontario Inc. for the Northland Estates Draft Plan of Subdivision.

Background:

The Northland Estates Draft Plan of Subdivision (D12-01-22) and corresponding Zoning By-law Amendment (D14-06-22) (hereinafter referenced as the “original applications”) were first presented to City Council at a Public Meeting on September 20, 2022. Following fulsome review from City, Regional, and NPCA staff, City Council approved the original applications for Draft Plan of Subdivision and Zoning By-law Amendment on September 26, 2023.

Following Council’s approval of the original applications on September 26, 2023, the City received a formal appeal to the Ontario Land Tribunal (OLT) of the original Zoning By-law Amendment Application. The reason for the appeal was predominantly related to sanitary servicing capacity. The appeal was dismissed on May 31, 2024, on the basis that the corresponding Draft Plan conditions approved by Council adequately addressed the servicing concerns raised in the appeal.

Since the approval of the original applications, the applicant has been working through their Draft Plan conditions. Due to changing conditions with the housing market, the applicant has decided to propose additional changes to the Draft Plan of Subdivision in order to respond to these changing market conditions. A concurrent redline revision (changes to the approved Draft Plan) has been submitted to the City which proposes to decrease the number of single-detached dwellings from 120 to 44, increase the number of townhouse dwellings from 46 to 189, and add four semi-detached dwellings. In order to implement this proposed redline revision to the Draft Plan, a Zoning By-law Amendment is required to refine the provisions of the originally approved Zoning By-law. The following changes to the previously approved Zoning By-law are provided below:

Zoning By-law Section	Provision	Required	Proposed
2.19.1	Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line	0.5 m	0.3 m
3.2	Minimum parking space width of parking space obstructed on two sides	3.5 m	3 m
37 (Special Provision: R3-73)	Minimum lot area for townhouses	180 m ²	160 m ²
7.8 (c)	Minimum front yard setback	6 m	7.5 m
7.8 (e)	Minimum corner side yard setback	4.5 m	3 m
2.19.1	Minimum corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line	4.5 m	1.5 m
7.8 (g)	Maximum dwelling height	11 m	12 m

These current applications have been submitted along with the following materials:

- Proposed redline revisions to Draft Plan
- Sample Townhouse Plans
- Sample Building Elevations
- Site Plan
- Updated Functional Servicing Report (FSR)
- Updated Traffic Impact Study (TIS)

These materials have been provided on the City's [Current Applications](#) webpage.

Discussion:

These applications 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 these applications returns to Council for their 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 “settlement area” according to the PPS.

Section 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including the development and introduction of new housing options within previously developed areas.

Section 2.3.1.1 provides that settlement areas shall be the focus of growth and development. Section 2.3.1.2 adds that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure.

Section 2.3.1.3 provides that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 2.3.1.5 provides that planning authorities are encouraged to establish density targets for designated growth areas based on local conditions.

Section 2.3.1.6 provides that planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary” and “Designated Greenfield Area”. Policies within the NOP generally encourage development within the Urban Area and Greenfield Areas provided the development builds a compact, mixed use, transit supportive, active transportation friendly community. A density target of 50 people and jobs per hectare is targeted for

Greenfield development. Chapter 2 of the NOP sets out specific policies for the above and will be used to assess the application when a recommendation report is brought forward at a future date.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan (OP) designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

Additionally, the land is located within the Designated Greenfield Area, based on Schedule A1. Policies within sections 2.4.4 and 3.2.1 of the Official Plan will be used to assess the application when a recommendation report is brought forward to a future meeting of council. The sections provide policy direction on lands within the greenfield areas as well as the general policies of the Urban Residential designation.

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

The current zoning of the subject lands is R3-73, MU-64, Public and Park (P), and Environmental Conservation (EC) in accordance with the previously approved original Zoning By-law Amendment 7141/83/23 (attached as Appendix A). As referenced previously, the specific amendments that are requested to the original by-law are provided below:

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2.19.1	Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line	0.5 m	0.3 m
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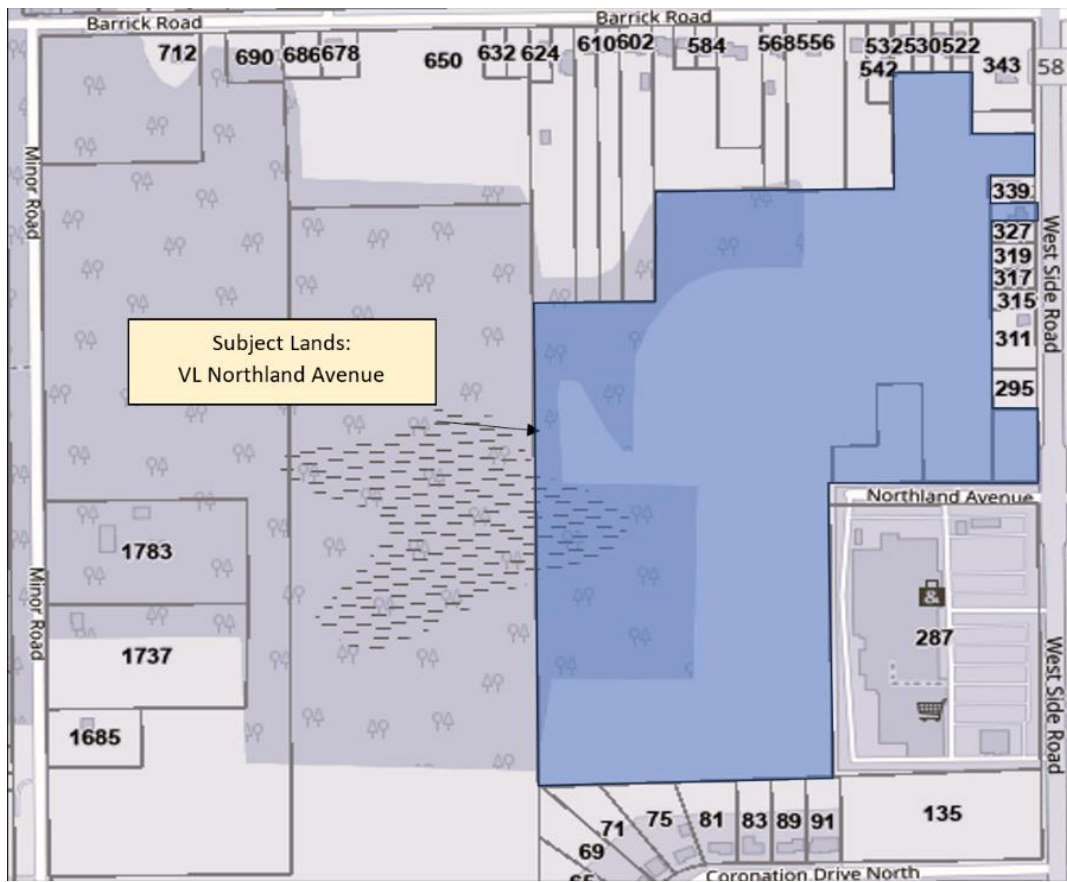
7.8 (g)	Maximum dwelling height	11 m	12 m
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Redline Revision to Draft Plan of Subdivision

The redline revision to the Draft Plan of Subdivision proposes to decrease the number of single-detached dwellings from 120 to 44, increase the number of townhouse dwellings from 46 to 189, and add four semi-detached dwellings. The application also seeks to refine the lot configuration. The proposed redline revision has been attached as Appendix B to this report.

Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned First Density Residential (R1) and Residential Development (RD) to the north; Institutional (I), Fourth Density Residential (R4), Commercial Plaza (CP), Third Density Residential (R3), and R1 to the east; R1 to the south; and Rural Residential (RR) with an Environmental Conservation (EC) overlay to the west. The surrounding land uses consist of residential, commercial, and institutional uses, and of vacant environmentally protected lands.



Internal Consultations:

The applications were circulated on October 23, 2024, and the following comments have been received as of the date of preparing this report:

Drainage Superintendent

No comments with respect to municipal drains.

Enbridge

No objections to the applications at this time, however they reserve the right to amend or remove development conditions.

Port Colborne Fire Department

No objection to the application. Concern with respect to the emergency access from Westside Road (to be addressed through the concurrent redline revision).

Financial Implications:

There are no direct financial implications with this report.

Public Engagement:

Notice of the Public Meeting was circulated 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.

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 or redline revision to the Draft Plan of Subdivision 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. Zoning By-law Amendment 7141/83/23
- b. Proposed Redline Revisions

Prepared and submitted by,

David Schulz, BURPI, MCIP, RPP
Manager of Planning
(905) 228-8117
david.schulz@portcolborne.ca

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.