



PORT COLBORNE

Subject: Recommendation for Zoning By-law Amendment and Redline Revision for Northland Estates

To: Council

From: Development and Government Relations Department

Report Number: 2024-227

Meeting Date: December 10, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-227 be received;

That the Zoning By-law Amendment attached as Appendix A to Planning Division Report 2024-227 be approved;

That the Redline Revision to the Draft Plan of Subdivision and associated Draft Plan Conditions attached as Appendix B to Planning Division Report 2024-227 be approved;

That Lot 44, and Blocks 47, 49 and 50 be authorized as a Class 4 designation in accordance with the Noise Study requirements; and

That the City Clerk be directed to issue the Notices of Approval in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding Zoning By-law Amendment and Redline Revision applications 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 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.

A Public Meeting for the proposed Zoning By-law Amendment and Redline Revision was held on November 12, 2024. Staff and the applicant provided an overview of the current applications to City Council.

Discussion:

Planning Legislation:

Planning staff reviewed these applications with consideration of several planning documents including the *Planning Act*, R.S.O, 1990, as amended, the *Provincial Planning Statement (2024)*, the *Niagara Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act, 1990:

Section 2 of the *Planning Act* (the "Act") outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 22 of the Act allows for the consideration of amendments to the City's Official Plan.

Section 34 of the Act allows for the consideration of amendments to the Zoning By-law.

Section 51 of the Act allows for the consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, and to:

- *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- *whether the proposed subdivision is premature or in the public interest;*
- *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- *the suitability of the land for the purposes for which it is to be subdivided;*
- *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- *the dimensions and shapes of the proposed lots;*
- *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- *conservation of natural resources and flood control;*
- *the adequacy of utilities and municipal services;*
- *the adequacy of school sites;*
- *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

Planning staff have analyzed the considerations as shown above and provide the following in response to each:

- *Effect of the development on matters of provincial interest*

Planning staff have reviewed applicable provincial plans to ensure the applications are consistent with the Provincial Planning Statement (PPS). These policies of the PPS will be further analyzed in this report. In the opinion of Planning staff, the proposal addresses all matters of Provincial interest as outlined in Section 2 of the Act.

- *Whether the proposal is premature in the public interest*

This proposal is not premature in the public interest. The development is contiguous with the existing built-up area of the city. The proposal builds on the current policies of the City's Official Plan and will contribute additional housing units within the City's Urban Area.

- *Whether the plan conforms to the Official Plan and adjacent plans of subdivision*

The proposal conforms to the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the north, should the adjacent lands develop in the future.

- *Suitability of the land for the purposes of which it is to be subdivided*

The proposal is located within the City's Designated Greenfield Area which has been long-planned for residential development. An Environmental Impact Study has been prepared to further delineate the on-site natural heritage features to ensure their long-term protection. The uses proposed are suitable for the land and conform to applicable Regional and City plans.

- *The number, width, location, proposed grades, elevations of highways, their adequacy, and the highways linking the highways in the proposed subdivision with the established highway system*

The subdivision will have two accesses from the existing Northland Avenue, together with an emergency access to West Side Road and future access points to the lands to the north and west. As designed, the subdivision will provide sufficient connectivity to the current streets in the area. Preliminary grading and servicing plans have been reviewed and verified at this stage, further review and approvals will be undertaken through conditions of draft plan approval.

- *Dimensions and shapes of proposed lots*

The subdivision proposes to have lot shapes and sizes that are generally in compliance with the City's Zoning By-law or have been adequately addressed through the current Zoning By-law Amendment. The proposed lots will provide adequate space for future dwellings and associated accessory uses.

- *Restrictions or proposed restrictions, if any, on the land proposed to be subdivided of the buildings and structures proposed to be erected on it and restrictions, if any, on adjoining land*

Adequate conditions of Draft Plan Approval have been included in Appendix B. These conditions include requirements from the Niagara Region and City to ensure Regional and City interests are addressed prior to construction.

- *Conservation of Natural Resources and Flood Control*

The proposal allows for the long-term protection of the natural features including wetlands and woodlands as well as appropriate measures for flood control and management. Applicable conditions regarding the above have been provided in the draft plan conditions. Preliminary stormwater management plans have been reviewed by Public Works with additional recommendations and design to follow as a draft plan condition.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. Appropriate draft plan conditions have been recommended with respect to the detailed design of the proposed services.

- *Adequacy of school sites*

The applications were circulated to local school boards and no comments have been received with respect to schools being inadequate for the development.

- *Area of land, if any, within the proposed subdivision that, exclusive of highway, is to be conveyed or dedicated for public purposes*

The development proposes to convey a Block of land to the City for park purposes. Applicable conditions have been included in the draft plan conditions to ensure the quantity of land and/or cash-in-lieu is collected.

- *The extent to which the plan's design optimizes the available supply, efficient use and conservation of energy*

The proposal optimizes the available land and will efficiently make use of existing services in the vicinity.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area under Subsection 41(2) of the Act*

The proposed single-detached lots proposed will not be subject to site plan control. The lands proposed for mixed-use residential and commercial will be subject to site plan control in the future.

Given the above, Planning staff are confident that the proposed applications have regard for the provisions of the Planning Act.

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.

Based on staff's review of the applications against the policies of the PPS, Planning staff find that the applications are consistent with the PPS.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) provides a policy framework for planning matters under the Region's purview. The NOP sets out growth management objectives for the Niagara Region.

In alignment with NOP policy 2.3.1.1, it is encouraged that developments provide a range and mix of densities. Lot and unit sizes and housing throughout the urban area in order to meet the housing needs of people at all stages of life.

Planning staff are of the opinion that the applications conform to policies of the NOP. The Niagara Region has also reviewed the applications with consideration of applicable Provincial and Regional policy. The Region has confirmed the proposal is consistent with, and conforms with applicable Provincial and Regional policies, subject to their requested conditions.

Port Colborne Official Plan

The City of Port Colborne Official Plan (OP) is a long-term, planning document designed to secure the health, safety, convenience and welfare of the present and future residents of Port Colborne. The OP's general planning principles as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and*

critical environmental areas;

- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development*

decisions.

Section 2 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the city including:

- 1. Enhancing Quality of Life (2.3.1)*
- 2. Developing and Economic Gateway Centre (2.3.2)*
- 3. Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
- 4. Enhancing Public Areas (2.3.4)*
- 5. Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
- 6. Taking Advantage of Underutilized lands. (2.3.6)*

In the case of this application, items one and three above apply. As referenced previously, a compact urban form, quality urban design, mix of housing typologies and land uses, efficient use of infrastructure, among others, all contribute to the enhancement of one's quality of life. Item three encourages the protection and enhancement of the City's natural, cultural and heritage resources. An Environmental Impact Study was completed to adequately delineate the extent of the environmental features on the site. The study has recommended mitigation measures, for example: ensuring lighting is not encroaching into the features; that fuel not be stored within 30m of a watercourse or provincially significant wetland (PSW) boundary; and that fencing be put in place during construction.

The City OP designates the land as "Urban Residential" and "Designated Greenfield Area". Land uses permitted in the Urban Residential designation include residential, neighbourhood commercial, community facilities and institutional uses.

Policy 3.1.1.2 provides direction on how Greenfield lands should be developed as follows:

- a) Promote compact, mixed use and transit supportive development.*
- b) Promote higher densities and a greater mix of housing types.*
- c) Improve connections between greenfield areas and the built-up area.*
- d) Enhance the physical design of new neighbourhoods.*

e) *Support the Regional greenfield density target of 50 people and jobs per gross hectare by:*

- i) Adopting minimum and maximum densities for residential development;*
- ii) Designating portions of the Greenfield area for low, medium and high density development;*
- iii) Providing separate housing mix targets; and*
- iv) Encouraging and allowing for mixed use development in greenfield areas.*

f) *Support phasing greenfield development over time to ensure a balance of intensification and development.*

Staff are of the opinion that the proposal supports the above-noted policies by providing a compact, efficient development that is well-connected to adjacent lands and nearby commercial areas.

Policy 3.2.3.1(a) of the OP provides direction on how residential communities shall be designed as follows:

a) *New residential communities shall be limited in size, have a clearly defined character and edges:*

- i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.*
- ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.*
- iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.*

Policy 3.2.3.2(a) requires the layout of streets and blocks to enhance the connectivity and appearance of new neighbourhoods:

- i) New streets and blocks should be consistent with and extend from the existing grid pattern.*
- ii) The street and block pattern should fit into the existing built and natural environments and accentuate the presence of features including watercourses, heritage elements and topographic features.*

- iii) *The road network should be designed with frequent cross streets to maintain the grid pattern of the Port Colborne community.*
- iv) *Blocks and streets should be designed to enhance views, or to achieve a distinctive character around a neighbourhood focus through deliberate variations in the street alignment.*
- v) *Block lengths should not exceed 200 metres.*

Staff find that the proposal meets the above-noted policies. The design of the subdivision is generally linear and grid-like. Future detailed design review will further build on the above.

Policy 3.2.3.2 (b) encourages residential blocks to have a positive interface with environmental areas, parks and public open spaces and roads. Staff find that the proposed layout provides a positive interface with the environmental areas and parks. The environmental areas will be fenced in accordance with the recommendations of the Environmental Impact Study (EIS).

Policies under 3.13 provide direction for parks and open space. The park provided within the subdivision designed to be used by the neighbourhood within a 0.8km radius. The 0.8km radius is achieved and the entirety of the development is captured within this buffer. The park is linked to the stormwater management pond and the environmental blocks in the south end of the subdivision.

Section 4 of the Official Plan provides policy direction on natural heritage features. The goal is to promote the long-term protection and enhancement of the features. Section 4.1.2 requires the submission of an EIS prior to development on or near these lands to demonstrate the extent of the feature and ensure the development does not negatively impact the features. The boundaries of the environmental conservation features on site may be refined through the EIS process.

The Region, NPCA and City peer-review staff reviewed all EIS materials through the previous applications. Sufficient Draft Plan Conditions have been previously included in the Draft Approval. These current applications will not change any of the environmental conditions previously included.

Section 7 of the OP provides policies for the protection of Cultural Heritage. A Stage 1-2 Archaeological Assessment was submitted with the application to demonstrate the potential for archaeological discovery. No archaeological resources were encountered through the assessment. The Region has provided standard draft plan conditions with respect to archaeological potential to be included in any draft plan approval.

Section 8 of the OP outlines servicing requirements for new developments within the urban area. The applicant has submitted a revised Functional Servicing Report and Stormwater Management Report prepared by Upper Canada Consultants (UCC) to demonstrate the site's servicing strategy. The proposed servicing strategy has been

reviewed by the Niagara Region and City Engineering staff and adequate conditions have been included in the Draft Plan Conditions previously.

Port Colborne Zoning By-law 6575/30/18

As mentioned, the property was subject to a previous Zoning By-law Amendment application which passed By-law 7141/83/23 and rezoned the subject lands to R3-73 (site-specific Third Density Residential) and MU-74 (site-specific Mixed Use). A portion of the lands are also zoned as Public and Park (P) and Environmental Conservation (EC).

The current Zoning By-law Amendment proposes to change the specific requirements for the R3-73 zone in accordance with the chart 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

Planning staff find that the proposed Zoning By-law changes are reasonable for the development of the site. The amendments will contribute to a more compact development making efficient use of the land and proposed services in the subdivision.

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:

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 detailed design stage of the subdivision).

Niagara Region

Regional staff have reviewed the proposed Modification of Draft Plan of Subdivision application and offer updated conditions of draft plan approval. These conditions are necessary to address and fulfill Provincial and Regional interests.

From a land use compatibility perspective, Regional staff note that the proposed Class 4 noise designation must be formally authorized by City Council. Before authorizing the Class 4 designation, City staff should be satisfied that a Class 4 area designation is appropriate for the proposed development through meeting any local requirements and provisions. If the Class 4 designation is not authorized by Council, the applicant should be required to submit an updated noise study which concludes the proposed development will comply with the applicable noise limits prior to approval of the proposed modified draft plan, as this may necessitate changes to the development concept to ensure potential adverse noise impacts are addressed in accordance with Provincial noise guidelines.

City Planning staff recommend that Council authorize the Class 4 designation in accordance with the Noise Study recommendations for Lot 44, and Blocks 47, 49 and 50. This designation will recognize that these lots may be subject to increased stationary noise levels from the Port Colborne Mall.

Engineering Development Services

- In accordance with the City requirements for stormwater, 80% TSS removal is required for this development.
 - A capacity analysis will be required for the City sanitary system from the Steele Pumping Station and Omer Pumping Station as part of the detailed design of the subdivision.
 - Adequate draft plan conditions have been included in order to reflect this.
-

Financial Implications:

There are no immediate financial implications with the report. However, the recommendation, if approved, will result in new assessment and new water and wastewater users, in time.

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
-

Conclusion:

It is the opinion of Planning staff that the proposed Zoning By-law Amendment and Redline Revision to the Draft Plan of Subdivision applications are consistent with the PPS, conform to Provincial, Regional, and City policies and requirements, are

appropriate for the subject lands and are compatible with the surrounding area, subject to the recommended Draft Plan conditions.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

Appendices:

- a. Zoning By-law Amendment
- b. Redline Revision and Updated Draft Plan Conditions

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.