

Appendix A: Discussion and Analysis

Discussion:

Planning Legislation

The applications and proposed development have been reviewed with consideration for the relevant planning documents including the *Planning Act*, R.S.O. 1990, as amended, the Provincial Planning Statement (2024), the Niagara Region Official Plan (2022), the City of Port Colborne Official Plan, and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

Planning Act

The Planning Act, R.S.O. 1990 (the "*Planning Act*"), Section 2, sets out the matters of provincial interest which the Minister, the council of a municipality, and the Tribunal shall have regard to when carrying out their responsibilities under the Act.

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*".

The following analysis evaluates if, and how the proposed development has regard for the applicable matters of provincial interest under Section 2 of the Act.

- a) *the protection of ecological systems, including natural areas, features and functions;*

As per the Ministry of Natural Resources mapping system, the Subject Lands are located immediately north of a "wooded area", that connects to Harry Dayboll Oakwood Park. As stated in the Planning Justification Report for the applications, "*The subject properties are not located within any identified natural or environmentally significant areas. Initially the Pre-consultation required a Restoration Plan due to the project's location related to a potential significant woodland. The Region of Niagara, however, advised that based on the extent of clearing undertaken by the Municipality within the adjacent unopened road allowance, Regional staff confirmed that environmental planning requirements are no longer applicable.*" The Regional Official Plan does not identify the remaining wooded area as an "Other Woodland" in its mapping.

- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

As stated in the Stage 1-2 Archaeological Assessment prepared by Detritus, the Stage 2 Assessment on the Subject Lands did not identify any archaeological resources. Therefore, no additional archaeological assessment of the Subject Lands was recommended.

- e) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

City Development Engineering and Regional staff have confirmed that the proposed development can be efficiently serviced with water and wastewater. Stormwater management and waste disposal will need to be addressed in detail through the site plan process. The Ministry of Transportation will also require an updated Traffic Impact Study to address intersection improvements related to the extension of Franklin Avenue.

- h) the orderly development of safe and healthy communities;*

- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*

The proposed development will facilitate the orderly redevelopment of lands located within the Urban Area Boundary of the City of Port Colborne, where existing municipal services and transportation infrastructure are available.

- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*

The Subject Lands are located near various community and recreational amenities, including parks, schools, and commercial plazas.

- j) the adequate provision of a full range of housing, including affordable housing;*

The proposed development includes 112 residential apartments, consisting of one- and two-bedroom units, that will diversify the housing options in the City of Port Colborne which, is predominantly characterized by low-rise residential dwellings.

- o) the protection of public health and safety;*

The proposed development incorporates the Ministry of Transportation's required 14.0 metre setback from Highway 58. As part of the ZBA, an amendment to the City's Zoning By-law is requested to reduce the setback from the Franklin Avenue road allowance from 7.5 m to 6.0 m.

p) the appropriate location of growth and development;

The Subject Lands are located within the Urban Area of the City of Port Colborne, which is intended to accommodate residential growth in the form of single-detached, townhouse, and apartment dwelling units. While the Subject Lands are not located within an intensification area, where intensification is specifically encouraged, the Subject Lands is underutilized and is positioned along a regional transit route and has access to a range of community amenities and services, making it well-suited to support the type of infill development being proposed.

q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The built form of the proposed development should incorporate several design changes through the site plan process to ensure it is well designed, provides for a strong public realm, and contains improved pedestrian access and resident amenities.

In summary, the proposed development, with the recommended additional considerations to be addressed through the site plan process, has regard for Section 2 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. As per the PPS, the Subject Lands are within a "Settlement Area" of the City of Port Colborne.

Section 2.1 of the PPS includes policies which state that planning authorities should support the achievement of complete communities by accommodating a range and mix of land uses, housing options, transportation options, employment opportunities, parks and open space, and institutional uses to meet the long-term needs of residents.

Section 2.2.1 of the PPS states that planning authorities shall provide 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 states that settlement areas shall be the focus of growth and development. 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. Planning authorities are to support general intensification and redevelopment that supports the creation of a complete community.

Section 3.1, General Policies for Infrastructure and Public Service Facilities, encourages new developments to utilize existing municipal infrastructure to ensure that sufficient services are in place to meet current and projected needs.

Section 3.2, Transportation Systems, states that transportation systems should be safe, energy efficient, and facilitate the movement of people and goods to address projected needs.

Section 3.6, Sewage, Water and Stormwater, provides planning policies for best practices for sewage and water services and stormwater management to accommodate the needs of forecasted growth.

Section 4.6, Cultural Heritage and Archaeology, states that Planning Authorities will not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.

The proposed development supports the efficient redevelopment of lands within the Settlement Area of the City of Port Colborne by introducing an 8-storey residential apartment that utilizes existing and planned municipal infrastructure. The proposed development will expand the range and mix of housing types in the existing neighbourhood that will contribute to the creation of a complete community. By offering a mix of one- and two-bedroom units, the apartment will support the City in meeting its housing and intensification targets for the urban area and diversify housing options in an area currently characterized by low-rise dwellings.

The applications are consistent with the PPS.

Niagara Official Plan (2022)

The Niagara Region Official Plan ("NOP") was adopted by Regional Council in June 2022 and was approved by the Province of Ontario with modifications, in November 2022. The NOP was subsequently amended by Bill 150, the *Planning Statute Law Amendment Act, 2023* and Bill 162, the *Get it Done Act, 2024*. The NOP serves as Niagara Region's long-term strategic planning framework for managing growth across the Region's twelve local municipalities including, the City of Port Colborne. The policies guide land use planning and development decisions until 2051 and beyond.

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, made changes to the *Planning Act* that removed planning responsibilities from select upper-tier municipalities including, Niagara Region. As of March 31, 2025, Niagara Region no longer has planning responsibilities, and as such, the NOP is considered a Local Plan for *Planning Act* applications, until such time that the City repeals the NOP.

The Subject Lands is designated as follows in the NOP:

- Schedule B, Regional Structure- Delineated Built-up Area
- Schedule C3, Key Hydrologic Areas Overlay- Highly Vulnerable Aquifer
- Schedule K, Areas of Archaeological Potential- Area of Archaeological Potential

Section 2.1.1 of the NOP provides population and employment forecasts that form the foundation of land use planning decisions to the year 2051. For the City of Port Colborne, the population is projected to increase to 23,230 residents, with employment reaching 7,550 jobs by 2031.

Section 2.2, Regional Structure, states that development in urban areas will integrate land use and infrastructure planning to manage forecasted growth. This approach supports the creation of a compact built form, a vibrant public realm, and a mix of land uses to foster complete communities. The Region promotes opportunities for gentle intensification and increased densities that diversify the range and mix of housing types, sizes, and densities, while respecting the character of established residential neighbourhoods. Specifically, the Region sets minimum residential intensification targets for each municipality. For the City of Port Colborne, this target is 690 new residential units by 2051, representing an intensification rate of 30%. While growth is encouraged throughout the built-up area, intensification efforts are to be focused within Strategic Growth Areas, local growth centres, and areas served by existing or planned public transit.

Policy 2.3.1 of the NOP states that a range and mix of densities, lot and unit sizes, and housing types should be planned throughout settlement areas to meet the housing needs of residents at all stages of life. New residential development and intensification are encouraged to be designed to mitigate and adapt to the impacts of climate change, through compact built form and low-impact development strategies.

Policy 3.1.10 states that development shall not be permitted in key hydrologic areas unless it can be demonstrated that there will be no negative impacts on these areas. This includes preserving the quality and quantity of water, the hydrologic function, and the interaction between hydrologic features. The detailed stormwater management report prepared as part of the site plan approval process should ensure the requirements for the vulnerable aquifer are addressed.

Section 6.2 of the NOP outlines Urban Design policies aimed at fostering excellence and

innovation in architecture, landscaping, streetscapes, and overall community design. Designated intensification areas including lands along existing transit corridors, shall be designed to be pedestrian-oriented, with vibrant mixed-use developments. The public realm shall be enhanced through urban design investments that create safe, attractive, and complete streets.

Policy 6.4.2 of the NOP states that development is not permitted on lands containing archaeological resources or areas of archaeological potential unless those resources have been conserved, or the lands have been assessed and cleared or mitigated, with appropriate clearance from the Province.

The proposed OPA and ZBA applications will facilitate the development of 112 residential apartment units, supporting the City of Port Colborne in achieving its regional residential intensification targets within the Built-Up Area. The development will provide a mix of one- and two-bedroom units, enhancing housing diversity by introducing higher-density residential options in a neighbourhood currently characterized by low-rise dwellings. As part of the OPA, a site-specific amendment is being requested to permit a residential density of 198 units per net hectare. Given the Subject Lands' location along a Regional Transit Route—an area where higher-density redevelopment is encouraged to support transit use—the proposed height and density are considered appropriate for the Subject Lands.

While the proposed density and height are generally supported and conform to the policies of the NOP, the design and transition of the building should further address compatibility with the surrounding residential uses through appropriate setbacks, fencing, and landscaping. The submitted shadow study identifies minimal shadow impacts to the surrounding properties.

Port Colborne Official Plan

The City of Port Colborne Official Plan ("OP") is a long-term, planning document designed to support the health, safety, convenience and welfare of the present and future residents of Port Colborne.

The Subject Lands are designated as follows in the OP:

- Schedule A, City-Wide Land Use- Urban Residential
- Schedule A1, Greenfields- Built Boundary, within the Urban Area Boundary
- Schedule B3, Vulnerable Aquifer Areas- Highly Vulnerable Aquifer
- Schedule C, Mineral Aggregate and Petroleum Resources- Petroleum Resource Areas
- Schedule D, Transportation- frontage along a Provincial Road

General Principles

The OP's general planning principles are 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.*

The proposed development aligns with the general planning principles of the Official Plan by promoting the efficient and cost-effective redevelopment of lands within the City's Urban Area that will broaden the range and mix of uses and the housing options in the City. As noted previously, some design modifications should be considered to support a compact built form that enhances walkability, fosters a strong sense of place, and appropriately transitions to the surrounding community.

Growth Management Strategy & Strategic Directions

Section 2.2, Growth Management Strategy of the Official Plan states that the City will direct growth to lands that fall within the designated urban area boundary, that are serviced by municipal water and sanitary services. The City will support infill and intensification in the Urban Residential designation that supports compact and transit-supportive development.

Section 2.3 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)*

The proposed development supports the City's Growth Management Strategy through providing a compact, transit-supportive development within the Urban Area boundary that will operate on existing municipal water and sanitary services.

The first of the City's Strategic Directions applies to the Subject Lands. The proposed development will support the quality of life of future residents through providing a compact 8-storey development that will expand the range and mix of housing types and units, in proximity to existing and planned transportation, servicing, and community infrastructure that support higher-density housing forms.

Housing & Intensification

Section 2.4.2, Housing of the OP states that the City will promote the development of an appropriate mix of housing types and densities to meet the diverse needs of Port Colborne's population. New housing development should be located within the Urban Area, in proximity to open spaces, parks, and recreational facilities. Housing forms and design features should also consider the needs of an aging population, including options such as at-grade housing and medium-density apartments.

Section 2.4.3, Intensification and Infill outlines policies to help the municipality achieve its intensification target of 15% through compact, mixed-use, and transit-supportive infill development. Intensification will be directed to the built-up area where development is compatible with surrounding land uses. Intensification is particularly encouraged within designated local intensification areas, including the Downtown and Main Street West areas. Infill and intensification projects should complement the established building character of adjacent properties.

According to the Official Plan, intensification is encouraged throughout the built-up area, with particular emphasis on designated intensification areas. Although the Subject Lands are not located within one of these designated areas, they are situated within the urban boundary, along an existing Regional Transit route, and in proximity to a range of community amenities, including schools, parks, and commercial plazas. As such, the Subject Lands are well-positioned to accommodate appropriate infill development that promotes transit usage, diversifies the housing stock, and supports the City in achieving its housing and intensification targets.

The Planning Justification Report submitted in support of the application identifies the proposed apartment building as a suitable housing option for seniors and empty nesters seeking to downsize while remaining within the community.

Land Use Policies- Urban Residential Designation

The City OP designates the Subject Lands as "Urban Residential". Land uses permitted in the Urban Residential designation include residential, neighborhood commercial, community facilities, and institutional uses.

Policy 3.2.1c states that High Density Residential development will:

- i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*
- ii) Have frontage on an arterial or collector road;*
- iii) Have commercial or ground-oriented residential uses on the main floor;*
- iv) Be oriented on the site to minimize shadows on adjacent low and medium density residential development;*
- v) Be encouraged to be developed in proximity to public transit and active transportation routes; and*
- vi) Be subject to Site Plan Control*

The proposed development consists of an 8-storey residential apartment that is permitted in the Urban Residential designation. As part of the OPA, site-specific amendments have been requested to the Urban Residential designation to: (1) amend Policy 3.2.1 c)i) to increase the maximum permitted density for an apartment building from 100 units per hectare to 198 units per hectare. This increase in units is reasonable given the size and mix of the units which will provide for increased housing options for the area. The proposed development is located along a Provincial Road (Highway 58) that is an arterial road within the City but is defined as a Provincial Highway. To ensure the proposed development conforms to this policy, an additional exception is provided to Policy 3.2.1 c)ii to recognize the Subject Lands' location at Highway 58 and Franklin Avenue. The OPA also includes an exception to amend Policy 3.2.1 c)iii to allow for parking on the main floor of an apartment building whereas commercial and ground-oriented residential uses are required. The proposed development has been oriented to minimize shadows and is served by an existing transit route.

Land Use Policies- Urban Design

Policy 3.2.3.3 includes policies on different types of housing forms including, single-

detached, semi-detached, townhouses, and multi-unit housing. Multi-unit housing should:

- i) *Be aligned parallel to the street from which the principal entrance should be visible and accessible;*
- ii) *Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements; and*
- iii) *Be consistent with the placement and character of the surrounding built form where an infill development.*

As shown on the Site Plan, the proposed apartment building is oriented parallel to the Franklin Avenue road allowance and includes two pedestrian entrances along the north façade (facing Franklin Avenue) and one entrance on the south side of the building. As the ground floor consists solely of at-grade parking, additional design consideration should be given to how pedestrians will safely navigate the parking area, connect to the street, and access the building entrances. Revisions to the building design are recommended to address the building's orientation to the street for public access and to improve the transition from the building to the surrounding built form. Additional considerations related to functional design should be considered to ensure the ground floor waste areas are sufficient, and to address the provision of residential amenities for the building including a mail and delivery area, storage area(s) and additional indoor and outdoor amenity spaces.

The building is appropriately setback from Highway 58 to the west and the Franklin Avenue right-of-way.

As part of the ZBA included with this application, relief is requested to reduce the required setback along the eastern property line, as well as to decrease the landscape buffer adjacent to the residential uses to the south. Given the proximity of the existing single detached dwellings to the south and east of the Subject Lands, the development should be revised to ensure appropriate and compatible transition through an adequate setback and buffering including, landscaping. Landscaping and fencing to the south should be addressed through the site plan control process.

Archaeological Resources

Section 7.3 of the OP provides policies for the protection of Archaeological Resources. A minimum of a Stage 1 Archaeological Assessment is required to be submitted to the Ministry of Tourism, Culture, and Sport for approval where development is proposed on lands which have archaeological potential. 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 provided.

Servicing

Section 8.1 of the OP outlines servicing requirements for new developments within the urban area. New development in the urban area is required to be on full municipal water and sanitary services. The applicant has submitted a Functional Servicing Report prepared by Quartek Group Inc. to demonstrate the servicing strategy for the Subject Lands and to confirm that there is sufficient capacity for water and wastewater to service the proposed development.

The proposed servicing strategy has been reviewed by the Niagara Region and City Engineering staff and provides for sufficient servicing to accommodate the proposed development.

Transportation

Section 9.1 of the Official Plan outlines policies for the development of the transportation system in the City of Port Colborne. The City supports the development of complete streets that are designed to ensure the safety of drivers, cyclists, transit users, and pedestrians of all ages and abilities. The Plan also includes specific policies for roads under the City's jurisdiction.

The Subject Lands have frontage along, and propose two access driveways from, the future extension of Franklin Avenue, which is classified as a local road with a planned ROW width of 20.0 metres. Any required local road widening dedications will be completed in accordance with the City's Road Widening Dedication By-law and applicable policies. New roads are expected to align with the existing grid network and should incorporate features such as street trees, sidewalks, and potentially, street furniture to support a complete streets approach.

The Applicant submitted a detailed Transportation Impact Study which concluded that the anticipated traffic volumes would not cause capacity, delay or queuing concerns, and that the existing transportation system has sufficient capacity to accommodate the anticipated traffic generation from the proposed development. Additional review by the Ministry of Transportation will be required through the site plan process which will identify further intersection improvements, the construction of the extension of Franklin Avenue, and the potential requirement for daylight triangles at the intersections of Franklin Avenue with West Side Road and Parkwood Street.

Port Colborne Zoning By-law 6575/30/18

As per the City of Port Colborne Zoning By-Law 6575/30/18, the western portion of the Subject Lands is zoned as "First Density Residential (R1)" and the eastern portion of the Subject Lands is zoned as "Third Density Residential (R3)". The proposed ZBA proposes to re-zone the Subject Lands to a site-specific "Fourth Density Residential (R4-XX)" Zone.

The current ZBA proposes to change the specific requirements for the R4 Zone in accordance with the chart below:

Zoning By-law Section	Provision	Required	Proposed
8.7 b)	Minimum Lot Area per Unit	125 m ²	50.6 m ²
8.7 e)	Minimum Corner Side Yard	7.5 m	6.0 m
8.7 f)	Minimum Rear Yard	6.0 m	3.8 m
8.7 h)	Maximum Height	20.0 m	31.0 m
3.1.1	Minimum parking spaces for an apartment building	1.25 spaces per unit (140 spaces)	1.0 spaces per unit (116 spaces)
3.2	Standard Parking Space Obstructed on Two Sides	3.5 m x 5.2 m	3.0 m x 5.2 m
3.2	Two Accessible Spaces Side by Side	2.6 m x 5.2 m, with a 2.6 m common space between spaces	2.5 m x 5.2 m
3.7 b)	Width of a two-way driveway to a parking area	7.5 m	6.3 m
3.10 d)	Minimum dimensions of a loading space	3.5 m x 9 m, with a minimum clearance height of 4 metres	None provided.
3.11.1 a)	Minimum landscape buffer between a lot line abutting a public road, for a parking area of greater than 100 spaces	6.0 m	3.0 m
3.11.1 a)	Minimum landscape buffer between a lot line abutting a residential zone, for a parking	4.0 m	3.0 m

	area of greater than 100 spaces		
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Based on the design and site context, the proposed ZBA is appropriate to implement the redevelopment. The proposed height and massing are pushed to the front of the Subject Lands along the future Franklin Avenue and there is some transition to the south and east through setbacks and landscaping. Some additional landscaping and fencing should be addressed through the site plan process to further reduce impacts to the existing residential development to the south. Impacts from shadows from the buildings have also been addressed and there are no adverse impacts identified.

The Applicant has provided a parking analysis within the Planning Justification Report to justify the reduced parking proposed for the development and has identified that the reductions are in keeping with best practices from other municipalities, specifically with respect to development proposed for seniors.

Additional impacts from noise have been further addressed through a Detailed Noise Control Study submitted by the Applicant. Recommendations from the Study will be further implemented through the site plan process and site plan agreement.

A Holding Provision has been added to the Zoning By-law Amendment to ensure several matters are addressed through the site plan process (see recommendations on functional design considerations) and that an agreement is provided for the construction of Franklin Avenue.

City of Port Colborne Affordable Housing Strategy

The City's Affordable Housing Strategy was approved in August of 2022 and recognizes the importance of access to affordable housing across the entire housing spectrum. The Affordable Housing Strategy highlights municipal policies, planning tools, advocacy, and outreach activities the City can implement to support more affordable housing options for residents.

Four high level goals were established for the Affordable Housing Strategy:

- 1. Increase diversity of built form and tenure to provide more housing options for residents.*
- 2. Promote greater intensification and density to leverage existing physical and social infrastructure.*
- 3. Protect and expand purpose-built rental supply including affordable rental housing.*
- 4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.*

The proposed development contains one- and two-bedroom units ranging in size from 51 to 80 square metres. Several of the units include outdoor amenity space in the form of balconies. The Applicant has identified that the one-bedroom units will likely be within the price range for market affordable units.

City of Port Colborne Housing Accelerator Fund

In March of 2025 the City entered into an agreement with the Federal Government to accelerate the construction of several new homes over the next three years. The City committed to updating the Official Plan and Zoning By-law to encourage the development of more medium and higher density housing and permitting four units as of right across the City. The City also agreed to update policies related to infill development to enhance density and diversity within the City's urban areas as well as looking at reduced parking for new residential development.

The proposed OPA and ZBA and development align with the directions from the recent Housing Accelerator Fund agreement.