



**Subject: Recommendation Report for Proposed Zoning By-law
Amendment on the Borden Avenue Road Allowance, File
D14-04-22**

To: Council

From: Development and Legislative Services Department

Report Number: 2022-153

Meeting Date: July 12, 2022

Recommendation:

That Development and Legislative Services Department – Planning Services Report 2022-153 be received; and

That the Zoning By-law Amendment attached as Appendix A be approved, amending the zoning of the subject lands to R1 (First Density Residential) and R1-69, being a special provision of the First Density Residential zone.

Purpose:

The purpose of this report is to provide Council with an update and recommendation regarding a Zoning By-law Amendment application initiated by the City of Port Colborne for the former Borden Avenue road allowance.

The Zoning By-law Amendment application proposes to add the R1 (First Density Residential) zoning category to the subject lands as a result of Council's decision to close a portion of the Borden Avenue road allowance through By-law 6990/28/22. Through the closing of the road allowance, Council also declared the lands surplus and directed Economic Development staff to work with adjacent property owners regarding encroachment concerns.

Through staff's ongoing discussions regarding this application, it has been determined that at least one single-detached building lot could be marketed, fronting on Knoll Street. The eastern portion of the subject lands is proposed to have a special zoning provision of R1-69 to allow for a reduced lot frontage from 15m to 12m. This could potentially permit an additional lot to be created on the Steele Street frontage should the encroachment concerns be adequately addressed. This special provision is being

added to keep the option open should Council desire to add an additional lot through the future land transfer process. In order for these potential lots to be considered “buildable”, the Zoning By-law Amendment is required as there is currently no zoning on the property. It is important to note that because the land was formerly a road allowance, no specific zoning category has ever been assigned to the land.

Background:

Location

The subject lands are located in between Knoll Street (to the west) and Steele Street (to the east). As mentioned, the lands are a former portion of a road allowance that was recently closed by Council.

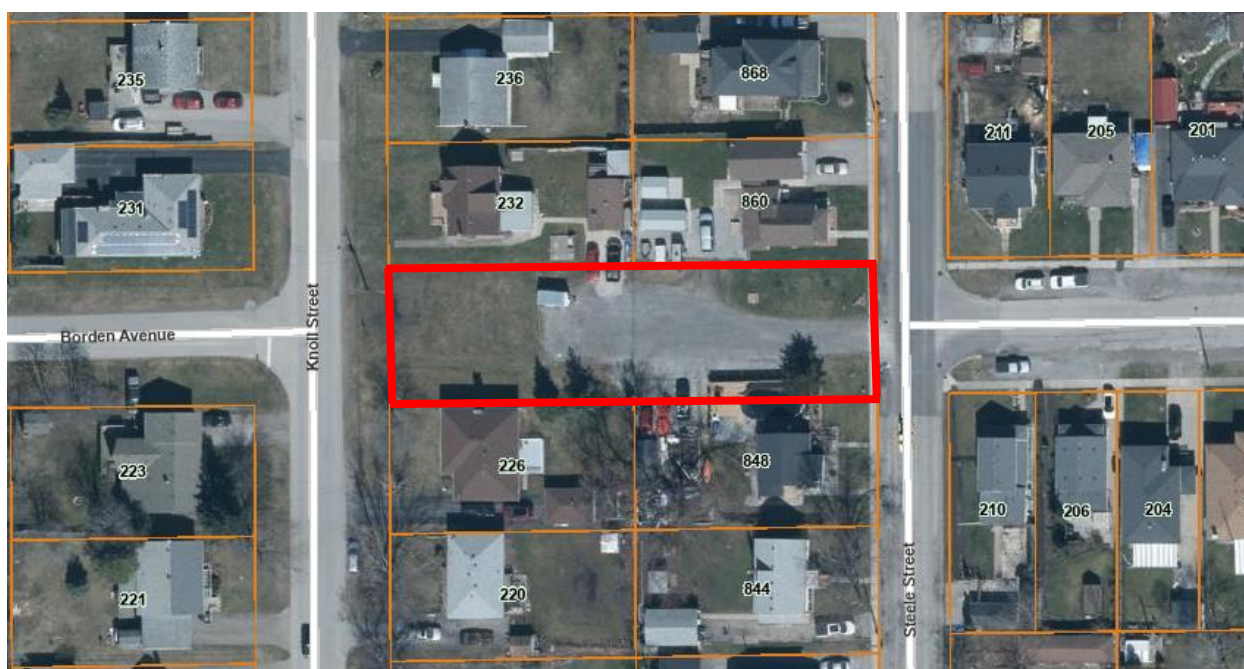


Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

Surrounding and Existing Land Uses

The subject lands are currently vacant. The lands surrounding the subject property in all directions are predominantly low-density residential, consisting of single-detached dwellings.

Discussion:

Planning Documents

Planning staff reviewed this application with consideration of several planning documents including the *Planning Act*, R.S.O, 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For an application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act

Section 2 of the *Planning 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 34 of the Act allows for the consideration of a zoning by-law amendment.

Provincial Policy Statement (2020)

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 “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff are satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes to make use of existing infrastructure and efficiently use surplus lands in the city. A future owner of the subject lands would be eligible to add an accessory dwelling unit, should they desire, allowing for an additional dwelling unit and a gentle increase in density to be accommodated.

Growth Plan for the Greater Golden Horseshoe (2019)

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan policies support the achievement of complete communities that are designed to support healthy and active living and meeting people’s needs for daily living throughout their lifetime.

Staff are satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports the priorities of the Growth Plan through gentle intensification.

Regional Official Plan

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara's future growth should be directed to the Built-up Area through intensification. Intensification includes all forms of development that occur within the Built-up Area and is generally encouraged. Staff are satisfied that the proposed Zoning By-law Amendment conforms to the ROP.

City of Port Colborne Official Plan

The subject property is located within the Urban Residential designation according to the City's Official Plan (OP). Residential uses are permitted within the Urban Residential designation with proposed developments being evaluated based on policies within Section 3.2.1. The addition of one or two residential building lots in this area would be an example of a Low Density Residential development and more specifically evaluated under Section 3.2.1 a) which states low density development will: be developed at a density of 12 to 20 units per hectare. Staff have completed a calculation of the proposed building lots and can confirm that the density achieved will be roughly 16 units per hectare for the western lot, and roughly 20 units per hectare for the eastern lot. The number will vary slightly depending on the property sizes established through a future land sale, however staff are confident the density would still be achieved.

Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the Official Plan.

Port Colborne Zoning By-law 6575/30/18

The subject property currently has no zoning according to Zoning By-law 6575/30/18, as it is a former portion of the Borden Avenue road allowance. This amendment is being sought to add the R1 (First Density Residential) zoning to the subject lands. The R1 zone will allow for one single detached dwelling to be constructed on one lot. Additionally, the R1-69 zone, being a special provision of the First Density Residential zone allowing a reduced minimum lot frontage of 12m, is being sought for the eastern portion of the land. Due to some encroachment concerns raised by the City, Economic Development staff will be working with abutting property owners on the Steele Street side to reach an agreement regarding lands that could potentially be merged with their properties. Additionally, staff have recognized that while working out these encroachment concerns, there may be an opportunity to create one or two residential building lots. Planning staff are confident that the proposed R1 zoning will fit in with the

existing neighbourhood both with any future building lots and any lands that may be added to adjacent properties.

Internal Consultations:

Notice of Public Meeting was circulated on April 28, 2022, to internal departments and agencies and the following comments have been received as of the time this report was prepared.

Port Colborne Fire Department

No objection to the proposed application.

Drainage Superintendent

No objection to the proposed application.

Niagara Peninsula Conservation Authority

No objection to the proposed application.

Financial Implications:

There are no financial implications associated with this report.

Public Engagement:

Notice of Public Meeting was circulated via regular mail to property owners within 120m of the subject property in accordance with the *Planning Act* and Ontario Regulation 545/06 on April 27, 2022, and also provided on the City's website under "Current Applications". A Public Meeting was also held on May 17, 2022. As of the date of preparing this report, no comments from the public have been received. Additionally, no members of the public attended the Public Meeting to provide oral submissions.

Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- Governance: Communications, Engagement, and Decision-Making

Conclusion:

Based on the review of the application and applicable Provincial, Regional and City planning policies, Planning staff are of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan and Regional Official Plan and represents good planning. Staff recommend that the Zoning By-law Amendment attached as Appendix A be approved.

Appendices:

- a. Zoning By-law Amendment
- b. Aerial Image of Subject Lands

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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.