



**Subject: Recommendation Report for Zoning By-law Amendment
D14-05-22, 409 Davis Street**

To: Council

From: Development and Legislative Services Department

Report Number: 2022-179

Meeting Date: August 9, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-179 be received;
and

That Council approves the Zoning By-law Amendment attached as Appendix A, to
amend the subject lands from Second Density Residential 'R2' Zone to Fourth Density
Residential 'R4-68' 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 applicant Steven
Rivers on behalf of the owner Jonathan Beam.

The application was received on June 15, 2022, and was deemed complete on June 23,
2022. The application is requesting to change the zoning from Second Density
Residential to Fourth Density Residential zone with a special provision. The requested
amendment is being sought to facilitate a fourplex within the existing structure. Special
provisions are being sought to address the deficiencies in the front yard, side yard, and
corner side yard setbacks. A site plan for the proposed fourplex has been attached as
Appendix B.

Background:

Location:

The subject lands are located on the east side of Davis Street and the north side of Bell Street. The legal description of the property is Part of Lot 9 on Plan 849, formerly in the



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

Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street (Figure 1).

Surrounding Land Uses and Zoning:

The surrounding properties are zoned Second Density Residential 'R2' to the north, south, and east, with R2 and Neighbourhood Commercial zones to the west. The existing uses consist of single detached dwellings to the north, south, and east with duplex dwellings and a neighbourhood commercial business to the west.

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 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 is satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes growth within a settlement area and proposes a fourplex that will result in a more diverse range of housing on Davis Street and a mix of uses in the surrounding area.

Growth Plan for the Greater Golden Horseshoe (2019):

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “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 meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports a range and mix of housing types by proposing additional diverse residential units.

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. Under policy 4.C.1.1 intensification includes all forms of development that occur within the Built-up Area and is generally encouraged.

Staff is satisfied that the proposed Zoning By-law Amendment conforms to the ROP. The proposal conforms to the definition of intensification in the ROP and the aforementioned growth policies.

City of Port Colborne Official Plan:

The subject property is located within the Urban Residential designation according to the City's Official Plan (OP) and, the predominant uses in this designation include residential uses. Section 2.4.3 (a) of the OP states that intensification will be accommodated within the Urban Area where development is compatible with the surrounding uses. Furthermore, section 3.2.3.3 (b) (ii) states that multiple-unit dwellings should consider form, massing, proportions, and the rhythm of major repetitive building elements and roof designs to create a street façade that is composed of a consistent and attractive variety of building elements.

Staff is satisfied that the proposed application conforms to the requirements of the OP. The application proposes intensification within the Urban Residential designation, where intensification is intended. Secondly, the proposed fourplex makes efficient use of an existing structure that comprises a consistent and attractive variety of building elements. The proposed dwelling is aligned parallel to the street, where the principal entrance is visible and accessible. The massing of the dwelling will provide a unique building shape in relation to the street and a second-floor addition will still meet the design guidelines of the OP.

Port Colborne Zoning By-law 6575/30/18

The subject property is currently zoned Second Density Residential 'R2'. A conversion holding provision was lifted from the property in 2021, allowing the permitted uses of the R2 zone to apply. The conversion holding provision was in place as the previous use of the site was commercial. In order for the property to be deemed suitable for residential use, a Record of Site Condition is required to ensure there are no negative environmental impacts on the property. A Record of Site condition was filled with the Ministry of the Environment, and as a result, the conversion holding provision was lifted.

The uses permitted in the R2 zone are detached, semi-detached, and duplex dwellings. The current application proposes to change the zoning from R2 to Fourth Density Residential 'R4-68'. The special provision is being sought to permit a front yard setback of 2.26m where 9m is required, a side yard setback of 0.69m where 1.2m is required and a corner side yard setback of 2.04m where 3m is required.

Planning Staff is of the opinion that the proposed application is appropriate and compatible with the surrounding area. The proposal adds to a mixture of housing types and makes efficient use of existing services. The proposal is also compatible with adjacent uses as residential lots surround the subject parcel. The reduction in the front yard, corner side yard, and interior side yard setbacks is justified as the building was

built in 1940, pre-dating any zoning requirements. The applicant has proposed a second-floor addition to the building that will match the existing height, however, the building footprint will remain unchanged.

Internal Consultations:

The Notice of Public Meeting was provided to internal departments and commenting agencies on June 28, 2022. As of the date of preparing this report, the following comments have been received.

Port Colborne Fire Department

Port Colborne Fire has no objection to the proposed Zoning By-law Amendment.

Drainage Superintendent:

There are no comments from Water/Wastewater regarding municipal drains as they do not apply to this parcel.

Financial Implications:

The current assessment of 409 Davis is \$120,000 which is approximately \$1,176 in municipal taxes. For comparison, older fourplexes in the City have a assessed value of approximately \$245,000, which provides approximately \$2,400 in municipal taxes. Newer fourplexes in the City can have an assessment of \$504,000 which results in \$4,900 in municipal taxes.

Public Engagement:

Notice of Public Meeting was circulated by mail to property owners within 120m of the subject property, as per Section 34 (13) of the Planning Act. A public notice sign was also posted on the property by June 28, 2022, and notices were posted on the City's website under "Current Applications". A public meeting was also held on July 19, 2022. 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:

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
 - People: Supporting and Investing in Human Capital
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Conclusion:

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

Appendices:

- a. Zoning By-law Amendment
- b. Site Plan

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Respectfully submitted,

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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.